



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

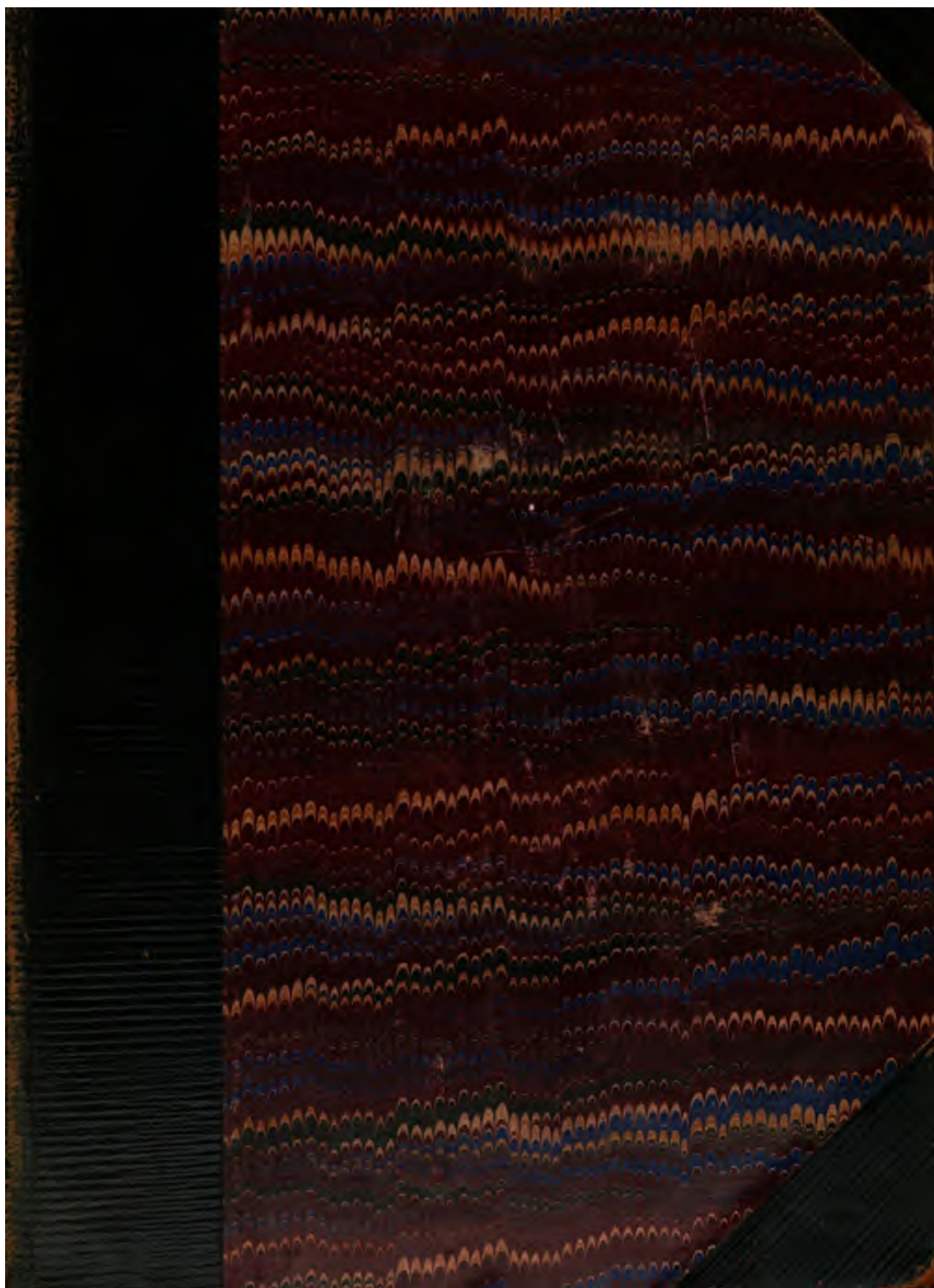
Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>





Oct Dec 512.5









COMMONWEALTH OF AUSTRALIA.

---

PARLIAMENTARY DEBATES.

SESSION 1904.

(FIRST SESSION OF THE SECOND PARLIAMENT.)

---

VOL. XIX.

*(Comprising the period from 21st April to 17th June, 1904.)*

---

---

SENATE AND HOUSE OF REPRESENTATIVES.

---

---

*Printed and Published for the GOVERNMENT of the COMMONWEALTH of AUSTRALIA by  
ROBT. S. BRAIN, Government Printer for the State of Victoria.*

Oct Dec <sup>Δ</sup> 512.5  
✓



the Bill can be extended to railway employes, because they are employed in an industrial department, but not to public servants generally. It is, therefore, my intention to vote against the amendment now before the Committee, but I shall support an amendment, subsequently to be moved, to extend the Bill to the railway employés of the States. I favour the general extension of the principle of conciliation and arbitration to all persons, but I am not one of those who are prepared to vote for a provision which I believe to be unconstitutional. I was among those who opposed the Commonwealth Bill. I disapproved of several of its provisions, and did my best to induce the people of Tasmania to reject it. At the time of the Federal referendum, I was rather disposed to favour the principle of unification, but I resent the assertion made by the Prime Minister, that those who vote for the extension of this Bill to the railway employés of the States will cast a vote for unification. In my opinion, we have the power to extend the Bill to the railway servants of the States, and should give effect to it. If we desire to bring about unification, or to secure any other amendment of the Constitution, there is a constitutional means by which we may seek to give effect to our wishes, and we should not attempt, by a mere side wind, to secure any departure from the Constitution under which we live. It has been adopted by the people, and until it is amended I, for one, shall endeavour to the best of my ability, to carry out every provision which it contains. I should regret very much to see the present Ministry defeated. It has been said by some honorable members that if this amendment be carried it will be tantamount to a vote of want of confidence in the Government, but in my opinion that assertion is incorrect. I believe in the ability of the Government to properly direct the affairs of the Commonwealth, and I should be sorry by any vote of mine to assist to put them out of office.

I have, nevertheless, a public duty to perform, and I intend to discharge it. Many honorable members have emphasized the privileges of the State as compared with those of private individuals. I could understand their attitude if it were considered that we should infringe the rights of a British subject by declaring what wages should be paid to public servants in Australia. But whilst I believe in Government control over any class of employment,

and consider that it would be a good thing for Australia if we had more industrial regulations, I fail to see why a State as an employer of labour should occupy a position different from that of a private individual or company. We are told that a Government always deals justly with its servants; that public servants can always appeal to the High Court of Parliament for justice. We know, however, that if an official is placed in charge of a Railway Department, a Defence Department, or some other branch of a State service, he from time to time advises the responsible Minister, and that in most cases his advice or recommendation is accepted. In this way the head of a department has full control of the persons under his charge. It is said that it is to the advantage of a private employer to oppress his servants, and the same remark will apply to a Commissioner of Railways or to the head of any other department. I know of cases in which the salaries of railway commissioners have been increased because they have succeeded in reducing the cost of the railway system controlled by them. They have brought about that result by cutting down the wages of the workmen, by increasing the general charges, and, in short, by making the public pay; but they have, nevertheless, obtained the credit of reducing the cost of the system, and as the result of their efforts have secured increases of salary. It will thus be seen that if, as has been asserted, it is to the advantage of a private employer to reduce the pay of his workmen, and so to compel them to suffer hardships, it is equally to the advantage of a Railway Commissioner to do so. I did not speak on the second-reading debate, and I may, therefore, be permitted to state that I am in favour of the principle of arbitration, and that while I approve of nearly all the provisions in this Bill, there are some which I do not favour. I voted for the motion that the Bill be read a second time, and refrained from speaking at that stage because I saw that there was practically no opposition to the motion, and that the measure could be dealt with in Committee. It seems to me that the Government should have taken up the position that if the Labour Party, or any other section of the Committee desired that the Bill should be amended it was unnecessary to make the question a party one. The Government might very well give way, so far as the proposal to extend the Bill to railway employés is concerned, even although they insist that it shall not extend to all classes



of public servants. It is true that the Prime Minister raises a constitutional objection to the amendment now before us, as well as to the proposal to extend the Bill to railway servants, but if we, as a House, believe that we possess the power to extend the Bill to railway employes—and I feel convinced that we do—we should give effect to that power, leaving it to the States if they feel aggrieved to appeal to the High Court. The States Parliaments, as a whole, are as reasonable as is the Parliament of the Commonwealth, and I think that they would abide by the decision of the Court. It has been said that by extending the operation of the Bill to railway servants we shall inflict a hardship on the States—that rates will be increased, and a heavy burden imposed upon the States Governments. But if the States deal honestly with their railway employes—if they pay them a fair day's wage for a fair day's work—there will be no occasion for any increase of pay. On the other hand, if they are not doing so, we have surely a right to declare that it is time for the Public Service of Australia to receive full justice. I trust that some way out of the difficulty, so far as the political situation is concerned, will be found, for I should be sorry to see the Government go out of office. If we make a change the position will not be improved. As a matter of fact we shall be in a worse position than at present, because I believe that many honorable members who will vote against the Government on this amendment are not sincere in their support of the party which has pressed it forward. I am not a member of the Labour Party, and I am a supporter of the Government only so far as I feel that I am justified in giving them my assistance. That is the position which I told my constituents I should take up. I feel, however, that the Labour Party will be in danger if there is an amalgamation of other parties in the House with a view to defeat them. In the future they may find that they will not be able to obtain concessions, such as they have hitherto secured, as the result of having in power a Government imbued with democratic ideas. I am exceedingly sorry that the personal element has been imported into a discussion of this character. I like to credit others with being equally sincere with myself, and therefore I regret that motives have been imputed to some honorable members. We should recollect that we are here in the capacity of representatives of Australia, and that in speaking disrespectfully of one another

*Mr. Storer.*

we are reflecting upon the people of the Commonwealth, whose servants we are. I shall support the Ministry upon the first division, but upon the second I shall vote for the inclusion of the State railway servants within the four corners of this Bill.

Mr. FISHER (Wide Bay).—I do not intend to detain the Committee more than a few minutes. I concur entirely in the sympathetic references which have been made to the absence of the right honorable and learned member for Adelaide, who was certainly the father of legislation for the settlement of industrial disputes by means of arbitration in Australia. He was the first to attempt to give full effect to a measure of this character, and consequently we all very much regret the cause of his unavoidable absence. I have no desire to traverse all the arguments which have been advanced during the course of this debate. It has been urged, however, that the framers of our Constitution never contemplated the application of sub-section xxxv. of section 51 to the public servants of the States. But the fact remains that we must abide by the Constitution. In this connexion I would point out that upon other matters, those who were responsible for the drafting of that instrument of government did not clearly express their intentions. For example, the States were led to believe that they were entitled to the return of three-fourths of the customs and excise revenue collected within their borders. After the establishment of the Federation, however, it was discovered that the Federal Treasurer was only bound to return to them their proportion of three-fourths of the Customs revenue collected by the Commonwealth, which is quite a different matter. As a result, two of the States did not receive the full amount to which they thought they were entitled. I merely mention this matter as one bearing upon the legal interpretation which is to be placed upon the Constitution. My own idea is that a Bill of this kind should contain no restrictions whatever. The limitation which is contained in clause 4 is one to which I particularly object. I hold that we ought not to insert any restriction which will have the effect of preventing the public servants of the Commonwealth and the States from coming under its operation. Perhaps I may be permitted to dwell for a moment upon my own attitude in regard to this matter. It has been stated that grievances exist between the public servants of Victoria and the Parliament of this State, and that this condition of affairs has

influenced the action of the Labour Party upon the present occasion. That is not so. Certainly it has not influenced me. I entertained the views which I am now expressing long before the strike of railway engine-drivers occurred in Victoria. Nevertheless, I freely admit that that strike had the effect of bringing many honorable members into line with us upon this proposal, and no one can blame them for their action. They are all welcome. Every party which honestly believes in its principles is glad of new recruits, provided that they share its views. But on behalf of the Labour Party I desire to say that we do not desire recruits who will vote with us to-day and desert us to-morrow.

Mr. CROUCH. — Surely the honorable member does not regard those who will vote with him as recruits?

Mr. FISHER. — The honorable and learned member, being a military man, has taken my remark in a more literal sense than I had intended it should be taken. In the Queensland Parliament I know that a large number of old parliamentarians complain of the power of the Civil Service. For years they have been urging that the public servants of that State should be granted separate representation, in order that the Legislature might be prevented from granting them more than their rights. Have honorable members in other States Parliaments had no experience of a similar character? In the Queensland Parliament the contention was that its servants should have separate representation to prevent them dominating the State Legislature. I desire to protect the States Parliaments against the civil servants, by transferring the powers which are at present vested in them to a judicial body which will have ample opportunity to investigate every grievance which may come before it. Believing, as I do, in State socialism, and holding that the general welfare of the people should be our first consideration, I am bound to embrace every opportunity to advance those views. If it be true, as some legal members of the House contend, that a railway dispute cannot extend beyond the limits of one State, it seems to me idle to introduce a measure of this character. If it does not apply to a railway dispute, how can it possibly apply to any other dispute? If that contention be correct, apparently, the only case to which it can apply is that of an industrial dispute with a squatter who owns a piece of land on both sides of the boundary line between two States. I appeal to honorable members to take a broader view of the

matter. If strikes are disastrous both to the strikers and to the community generally, a wise democratic Parliament will seek to apply the powers which it possesses in the interests of the whole people. I submit, respectfully, to the Committee, that the logical and straightforward course to adopt is to make no exemption whatever in this Bill. It is illogical to include the railway servants within its provisions, and to exclude from its operation the employés in printing offices, the wharf labourers, the dock labourers, and others. Let us include the whole of them. Let us wipe away all restrictions, and allow the High Court to determine whether or not our action is constitutional. Should it prove to be illegal, those who think with me will then be able to seek to remedy the evil, by endeavouring to secure an amendment of the Constitution by means of a referendum.

Question—That the words proposed to be left out stand part of the clause—put. The Committee divided.

Ayes ...	...	...	...	29
Noes ...	...	...	...	38
Majority ...				9

AYES.

Bonython, Sir J. L.	McColl, J. H.
Chapman, A.	McLean, A.
Deakin, A.	McWilliams, W. J.
Edwards, R.	Phillips, P.
Ewing, T. T.	Quick, Sir J.
Forrest, Sir J.	Reid, G. H.
Fysh, Sir P. O.	Robinson, A.
Gibb, J.	Storrer, D.
Glynn, P. McM.	Thomson, D.
Harper, R.	Wilkinson, J.
Isaacs, I. A.	Wilson, J. G.

Tellers:

Cook, J. H.
Groom, L. E.

NOES.

Bamford, F. W.	Mauger, S.
Batchelor, E. L.	McDonald, C.
Brown, T.	O'Malley, K.
Cameron, D. N.	Page, J.
Carpenter, W. H.	Poynton, A.
Conroy, A. H.	Ronald, J. B.
Cook, J.	Smith, S.
Crouch, R. A.	Spence, W. G.
Culpin, M.	Thomas, J.
Edwards, G. B.	Thomson, D. A.
Fowler, J. M.	Tudor, F. G.
Frazer, C. E.	Watkins, D.
Hughes, W. M.	Watson, J. C.
Hutchison, J.	Webster, W.
Johnson, W. E.	Wilks, W. H.
Lee, H. W.	Willis, H.
Liddell, F.	
Lonsdale, E.	
Mahon, H.	
Maloney, W. R. N.	

Tellers:

Fisher, A.
Fuller, G. W.

## PAIRS.

Skene, T. Higgins, H. B.  
Turner, Sir G. Kingston, C. C

Question so resolved in the negative.  
Progress reported.

Motion (by Mr. DEAKIN) proposed—

That the Committee have leave to sit again on Wednesday next.

Mr. CONROY (Werriwa).—I presume that in view of circumstances which have occurred—

Mr. WATKINS.—Oh, decency!

Mr. CONROY.—There is no use in fixing a day for the resumption of the proceedings in Committee when we know that it will not meet again.

Question resolved in the affirmative.

## SPECIAL ADJOURNMENT.

Motion (by Mr. DEAKIN) agreed to—

That the House, at its rising, adjourn until Wednesday next.

## PAPER.

Mr. DEAKIN laid upon the table—

British New Guinea Report, year ended 30th June, 1903.

## ADJOURNMENT.

## POSITION OF MINISTRY.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—I move—

That the House do now adjourn.

In making this motion, in order that the Government may take the action called for by the decision of the Committee, I desire, in ceasing to discharge the duties of Prime Minister, among the most onerous and arduous of which, and among the most honorable, is the leadership of this House, to thank honorable members from my heart for the assistance I have received from every quarter of this House in endeavouring to maintain standards worthy of the Parliament of Australia.

HONORABLE MEMBERS.—Hear, hear.

Question resolved in the affirmative.

House adjourned at 11.8 p.m.

## Senate.

Wednesday, 27 April, 1904.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

## PRIVILEGE.

## SELECT COMMITTEE.

Senator DAWSON (Queensland—Minister for Defence).—By permission of the Senate, and before the business of the day is proceeded with, I beg to move—

That Senator Dawson and Senator McGregor be discharged from attending the Select Committee on privilege—Case of Senator Neild.

Senator MCGREGOR (South Australia—Vice-President of the Executive Council).—I beg to second the motion.

The PRESIDENT.—I will put this motion without notice having been given, because under standing order 61 any Minister of the Crown—and I presume that Senator Dawson is a Minister of the Crown, although I have no official notice of the fact at present—may move any motion in connexion with the business of the Senate without notice.

Question resolved in the affirmative.

The PRESIDENT.—It will now be necessary to nominate or ballot for two senators to fill the places of Senator Dawson and Senator McGregor.

Senator Lt.-Col. NEILD (New South Wales).—I understood from Ministers that this course was to be adopted. I have ascertained that Senator Higgs and Senator Best—

The PRESIDENT.—Unless a Minister of the Crown submits the motion, notice ought to be given under standing order 61.

Senator Lt.-Col. NEILD.—I suppose that we shall have an adjournment for two or three weeks, and, with your permission, sir, I would point out that as the Select Committee is now reduced to five members, and a quorum is four, it will be practically impossible to hold meetings. Therefore, I was going to ask the leave of the Senate to propose that Senator Best and Senator Higgs be appointed to the Select Committee. But perhaps it will be more convenient for a Minister to move the motion.

The PRESIDENT.—It will be more in order if a Minister moves the motion.

Senator DAWSON.—I have no objection to the proposed course. I move—

That two senators be appointed by ballot to the Select Committee on privilege in place of Senators Dawson and McGregor, discharged.

Senator MCGREGOR.—I beg to second the motion.

Question resolved in the affirmative.

The PRESIDENT.—I wish to call the attention of honorable senators to the standing order with reference to procedure



on ballot. Every senator will be given a list containing the names of all the members of the Senate, and will strike out two names, and two only. That is the shortest and speediest way of proceeding with the business.

Senator TRENWITH.—Is it needful for any member of the Senate to be asked if he is willing to sit on the Committee?

The PRESIDENT.—The parliamentary rule is that it is not a privilege to serve on a Committee, but a duty, and that unless excused by the Senate or by a standing order any senator appointed must serve.

Senator PLAYFORD (South Australia).—Under present circumstances, should we not receive a formal announcement from Ministers as to the constitution of the new Administration? You have already stated, sir, that you have no official knowledge that the two honorable senators, whose names have been mentioned, are Ministers. It appears to me that the proper course to have pursued would have been for one of the new Ministers to make an announcement. Then, the Senate having ascertained that they were Ministers, they could have said that, having been appointed members of the Government, they would like to be relieved from attendance on the Committee on Privilege. That appears to be the natural order in which the business should have been conducted.

Senator MCGREGOR.—I might state that I am prepared to make an announcement, but we took the present course on very good advice, and to suit the convenience of the Senate. If it is the wish of the Senate that an announcement should be made before the ballot is taken, I am prepared to make it.

The PRESIDENT.—I do not think it can be made now.

Senator MCGREGOR.—We have gone so far in the matter of the ballot, that I think it would be wise to allow it to continue.

*A ballot having been taken,*

The PRESIDENT.—Senator Best and Senator Higgs have been appointed to fill the vacancies on the Committee.

#### RESIGNATION OF THE DEAKIN MINISTRY: NEW ADMINISTRATION.

Senator MCGREGOR (South Australia)—Vice-President of the Executive Council).—With the permission of the Senate, I wish to submit a motion for the purpose of enabling me to make a statement with respect

to what has transpired within the last few days. I move—

That the Senate at its rising adjourn until Wednesday, 18th May.

Honorable senators will recollect that, last week, in consequence of a vote taken in another place, the Government of which Mr. Deakin was Prime Minister, resigned office. On Saturday Mr. Watson was sent for by His Excellency the Governor-General, and was requested to form a new Administration. I have, to-day, to announce that he has been successful in doing so. The names of the new Ministers, and the positions which they occupy, are as follow:—

Prime Minister and Treasurer—The Honorable J. C. Watson.

Minister for External Affairs—The Honorable W. M. Hughes.

Attorney-General—The Honorable H. B. Higgins.

Minister for Home Affairs—The Honorable E. L. Batchelor.

Minister for Trade and Customs—The Honorable A. Fisher.

Minister for Defence—The Honorable Senator A. Dawson.

Postmaster-General—The Honorable H. Mahon.

Vice-President of the Executive Council—The Honorable Senator G. McGregor.

In moving that the Senate adjourn until the 18th May, I think that honorable senators will acknowledge that, on account of the length of the present session, and the many difficulties that naturally face a new Ministry—many of the members of which have had very little Ministerial experience in the past, whilst some have had none whatever—they are really entitled to a little consideration. I am almost certain that every member of the Senate will be magnanimous enough to grant to the new Ministry the length of time asked for. Without going into any statement of policy—which would really be injudicious, and which, in fact, I should be unable to do at present—I may state that in due course the Government will put their policy before Parliament, and will await the approval of both Houses. I therefore submit the motion which I have already indicated.

Senator DAWSON (Queensland—Minister for Defence).—I beg to second the motion.

Senator DRAKE (Queensland).—It is, of course, natural that the incoming Ministry should ask for some time to prepare their policy. Those who have been in office—and there are many honorable senators who

have been in that position—recognise the difficulties that face the Government. We in the Senate shall, I hope, be in the future, as we have been hitherto, critics, but I trust that we shall always be fair critics. We recognise that in order that a new Ministry may have absolutely fair play it is necessary that they should have sufficient time to prepare their Bills and to bring them down to Parliament. When we do meet again I hope that the Government will have their Bills ready, and that we shall be able to go on with the work of the session. I have therefore no objection whatever to the motion moved by my honorable friend the Vice-President of the Executive Council.

Question resolved in the affirmative.

#### LEAVE OF ABSENCE.

Motion (by Senator MCGREGOR) proposed—

That one month's leave of absence be granted to Senator Lt.-Col. Gould on account of urgent private business.

The PRESIDENT.—It must be understood that it would be a very objectionable practice if motions which may involve principles should as a rule be moved without notice. As the motion which the Vice-President of the Executive Council has just moved is connected with the leave of absence of an honorable senator, and as under the peculiar circumstances at present existing an unexpected adjournment of the Senate for three weeks is about to take place, I feel that I am justified in putting the motion without notice.

Question resolved in the affirmative.

Motion (by Senator MCGREGOR) agreed to—

That one month's leave of absence be granted to Senator Stewart on account of urgent private business.

#### NAVIGATION BILL.

Motion (by Senator MCGREGOR) agreed to—

That the Order of the Day for the second reading of this Bill be read and discharged.

Question resolved in the affirmative.

#### MERCHANDISE MARKS BILL.

Motion (by Senator MCGREGOR) agreed to—

That the Order of the Day for the second reading of this Bill be read and discharged.

Question resolved in the affirmative.

#### ADJOURNMENT.

##### TASMANIAN DEFENCE FORCE.

Motion (by Senator MCGREGOR) proposed—

That the Senate do now adjourn.

Senator MULCAHY (Tasmania).—I ask the consideration of honorable senators for a few moments that I may correct a mistake which affects others as well as myself. During the course of the speech made by Senator O'Keefe in the debate on the Address-in-Reply, by way of interjection, I took, on behalf of the late Government of Tasmania, a certain amount of responsibility, in fact, the principal responsibility in connexion with the position which had arisen between the Defence Department and the Military Forces in Tasmania. At the time believing that the late Tasmanian Government were, to some extent, to blame for the members of the Defence Force in Tasmania being paid at a lower rate than those in other parts of the Commonwealth, I made the interjection to which I have referred. I did so in a spirit of fairness to the present Tasmanian Government. In justice to my late colleagues in the Government of Tasmania, as well as to myself, I now desire to make an explanation. I have to say that my attention has been called to the matter by the late Premier of Tasmania; Sir Elliot Lewis, and the late Treasurer of Tasmania, Mr. Bird, and both those gentlemen have assured me that my statement was erroneous. The late Premier of Tasmania, I find, made no request whatever to the Defence Department of the Commonwealth to have the Military Forces in Tasmania placed upon a footing in any way different to the Military Forces in the other States. As a matter of fact, in justice to the late Premier of Tasmania, I should state that his policy was to leave entirely to the Commonwealth Government and the Tasmanian representatives in the Federal Parliament the conduct of all matters connected with the Commonwealth Departments. Sir Elliot Lewis has called my attention to the matter because my statement has been made use of in the Parliament of Tasmania. I make the correction at the earliest possible moment, and I have now to say that any action taken as between the State Government of Tasmania and the Commonwealth Government in connexion with the Defence Force in that State originated entirely with the present Tasmanian Government.

Question resolved in the affirmative.

Senate adjourned at 2.57 p.m.

## House of Representatives.

*Wednesday, 27 April, 1904.*

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

### RESIGNATION OF DEAKIN MINISTRY: NEW ADMINISTRATION.

Mr. WATSON (Bland—Treasurer).—I have to announce to the House that, on Saturday last, I was sent for by His Excellency the Governor-General, and invited by him to undertake the formation of an Administration. I asked until to-day for the completion of the task, and my request was allowed; but I was able to put before His Excellency yesterday evening the names of those whom I have asked to assist me. His Excellency was good enough to approve of the names submitted for the administration of the various Departments, and I will read from to-day's *Gazette* the list of the members of the new Administration, with the office allotted to each:—

The Honorable John Christian Watson, Treasurer and Prime Minister;

The Honorable William Morris Hughes, Minister of State for External Affairs;

The Honorable Henry Bournes Higgins, K.C., Attorney-General;

The Honorable Egerton Lee Batchelor, Minister of State for Home Affairs;

The Honorable Andrew Fisher, Minister of State for Trade and Customs;

The Honorable Anderson Dawson, Minister of State for Defence;

The Honorable Hugh Mahon, Postmaster-General.

In addition to the names mentioned, the Honorable Gregor McGregor has been called to the Executive Council as Vice-President of that body. I wish to add, on behalf of my colleagues and of those members with whom I have been so nearly associated, that we deeply deplore the fact that, owing to the severe illness of the right honorable member for Adelaide—an illness in which I know he has the sympathy of every member of the House—we have been deprived, unfortunately for Australia as well as for ourselves, of the ripe experience, statesmanship, and patriotism which he might otherwise have brought to the councils of the Ministry. I personally, and, I am sure, every member with whom I am associated, would have been extremely glad if it had been possible to avail ourselves of his services in the performance of the important duties which we have undertaken. We

recognise that we are in a large measure destitute of the experience which is so necessary for the proper carrying on of the affairs of a great Commonwealth such as this; but we are determined to apply to the task, in the interests of the whole people, whatever ability we may be possessed of. Our first proposition will be a motion for a short adjournment, to enable us to prepare measures for submission to the House for consideration during the remainder of the session. I cannot at this stage say what those measures will be; but our programme will certainly include the pushing on of the Conciliation and Arbitration Bill. Action in regard to other measures must await the consideration of the Cabinet. I think that we are justified, in view of the circumstance that we have taken office practically without notice, in asking for an adjournment of three weeks from to-day, to give us an opportunity to formulate a policy to lay before the House. I therefore move—

That the House, at its rising, adjourn until Wednesday, 18th May.

Mr. DEAKIN (Ballarat).—I presume, Mr. Speaker, that in discussing this motion to-day more latitude will be allowed than is usually given; and, in the first place, I wish to thank the right honorable member for East Sydney for having proposed an arrangement which removes the possibility of any personal clash between us in addressing the House this afternoon. At his suggestion, I shall speak as the head of the late Government, while he is to speak as the head of the Opposition which he has so long led. I hope that, before the House resumes again, the novel questions which have arisen out of the distribution of power here, and the existence of two parties in opposition to the Government, will be solved so far as they affect matters of precedence. It is a happy augury that, however much we may differ on points of policy, we are able to avoid those interchanges of personal combat which, though made on behalf of a party, must appear in some measure due to personal ambitions. I take advantage of the opportunity extended to me to sincerely congratulate the Prime Minister upon the success which has attended his efforts to form an Administration. The task which the Ministry is about to essay is one of which he has exhibited a proper appreciation based upon his present knowledge, but his appreciation will be greater three weeks hence, and still greater within three months. He will feel that the work



in which he and his colleagues are engaged must—as it does—appeal to the sympathy of those who have been so recently relieved of it. We at least are conscious that, in addition to the great privileges with which office is surrounded, there are attached responsibilities, incessant, grave, sufficient to impress and to depress those who bear them. I wish the Ministry well through the process through which they must pass before they will feel that they have fully assumed the control of the many agencies which belong to the Commonwealth Government. Those agencies are not supposed to be numerous, but their area of operation is immense. They touch the continent in every part. They affect and are affected by every change in the circumstances of its population. Sleepless vigilance is demanded in the administration of the powers we have already assumed. The greatest possible care must be exercised in the application of legislation to a country which, by its mere size, presents so many difficulties and so many contrasts. Consequently, when I wish the Ministry well through their task, I do so in all good faith, and particularly wish them well through that part of it alluded to by the Prime Minister when he spoke of the promulgation of their policy. Of course, we are yet to hear defined exactly what that means. The Prime Minister and his colleagues are already associated with a policy of a very precise and far-reaching character. They must recognise, as every thoughtful man recognises, that in their policy they have looked very far ahead, perhaps beyond the regions of the possible. When they speak of promulgating a policy I do not understand them to mean an intention to replace that programme or part of it, but simply an intimation of how far they think it possible for them to go during this session. I hope that they will also tell us how far they propose to go during this Parliament. They will equip us then as we are not equipped now for considering the general relation in which the House should stand to them, quite irrespective of any particular decision at which they may arrive. Speaking for those whom I have had the honour of consulting to-day and who, I should inform you, sir, have paid me the honour of electing me their leader, I am charged to extend to the Government the assurance that the Opposition propose to extend to them the utmost fair play. We feel that the tasks which they have shouldered merit forbearance, and we hope

*Mr. Deakin.*

that they will receive it. We await with anxiety the statement of the proposals they intend to submit. When they are submitted, of course, the imperative duty of an Opposition—not necessarily to oppose, but to criticise and examine—will be fearlessly exercised. It has been the practice to speak of an Opposition as His Majesty's, in order to remind us of the official part it plays in all the transactions of Parliament. It is always a large and an important part. One needs only to look at this Opposition in order to see how exceptionally large and important it bids fair to be in this Parliament. It is some time since I ventured to call attention to the parliamentary prospects in the Commonwealth, where three parties, practically equal, confront each other, called upon to conduct a system of government, the very root principle of which is rule by a majority. The obvious and sensible fact which stares us in the face when we look at these benches, and which stares the country in the face, is that honorable members opposite have no such majority. The two parties who hold opinions differing from them and from each other are necessarily by the circumstances of the situation ranked on this side of the House in overwhelming numbers. The position of instability which existed when I spoke two or three months ago exists to-day in an emphasized manner. While the late Ministry lived, it was possible for honorable members to group themselves upon a question which took honorable members opposite outside their own direct programme, outside their strict party union. The disappearance of the fiscal question from the arena, at present, has recast the main issue, and brought about the transformation which we witness to-day. I am sure that the country will see in this grouping of honorable members—necessitated by the very circumstances of the case—no indication of any individual changes of opinion, but unmistakable signs of a new development. The situation was bound to develop, the situation could not remain as it was, and I venture to think cannot remain long as it is. It is for my honorable friends who now hold the reins of government to realize, as I believe they soon must, that there rests upon them to-day, with clearer perception than perhaps most of them have hitherto enjoyed, a conviction of the necessity for the constitutional rule of a majority in this House, and the necessity of acquiring that majority, if they are to do justice to them-

selves and the measures of legislation which they propose to introduce. At the present moment the part numerically played by the Opposition or Oppositions in the business of the country will be actually greater than the part played by the Government. I do not think that any one will suppose that such a condition of things can be maintained. I think that we must all agree that it can only be maintained even temporarily by that honorable granting of fair play to which I have already alluded, by that extension of consideration from one side of the House to the other which enables us to discharge our common duties to the public. I take it that the one talisman which we possess, and on which we must rely in order to lead us out of the unconstitutional position in which we at present find ourselves, is the recollection that, though we are three parties at the present time, the electors of Australia thought fit to return three parties on three distinct programmes. They returned those three parties with the obligation of conducting parliamentary government as best we can according to the practice followed for many years, and left to us the task of working out that new problem, so that it might result in practical advantage to the people. So long, therefore, as honorable members opposite, led by their Government, are moderate enough to afford us an opportunity of joining with them in that task, I take it that our duty to the electors will require us to lend them every assistance. When the practical sequence of the situation proves irresistible; when the measures of legislation which the public look for are not forthcoming; when the Administration shall cease to possess that force and energy which it requires, then, and only then, will the facts of the case bring us, whether we like it or not, face to face with a new situation. The Government take up the thread of work where we laid it down, at a time when, because of our three parties, it had become extremely onerous. They will be confronted by problems with which they must cope, but with which it would be most unfair to ask them to attempt to cope all at once. I feel confident that the same tact and moderation which characterized the Prime Minister while he led his party on the opposite benches will be continued, that he will lay before this Chamber no chimerical or impossible schemes of work, but that he will invite us to join him in carrying out

the policies on which we were both returned, and thus enable us to fulfil our duties to the people of this country.

Mr. WATSON.—Hear, hear.

Mr. DEAKIN.—In that work I believe he will receive the earnest co-operation of honorable members in every part of the House. For my own part, sir, I view, as I think the whole community has viewed, the entrance of the honorable gentleman and his party into power without the slightest vestige of alarm. I still entertain the belief that I have always entertained—that the sobering responsibilities of office will enable them to quell any elements associated with them that may not be easily subject to restraint by bringing them to an appreciation of considerations of practical wisdom in meeting the demands of every day. I have every confidence that they will receive from those behind them a reasonable support which will enable them to do the work in hand, without seeking to grasp at shadows. I also feel that the community outside, while entertaining no apprehensions as to the course which they are likely to take, will be strengthened in that confidence when it realizes that with those who sit on this side of the Chamber, after all, will lie the controlling voice in legislation and administration. I am reminded that one formal intimation should be conveyed to the House, which perhaps devolved upon the Prime Minister at an earlier stage, and that is to inform the House that the Administration of which I had the honour to be head has resigned, and that its resignation has been accepted by His Excellency the Governor-General. That was a comparatively trifling preliminary which, under existing conditions, had to take place; but it has occurred, I venture to say, without any feeling of bitterness on the part of those who have been released from their labours. We wish our successors well, and we wish those who support them well, too, because, after all, upon the maintenance of the dignity and independence, and, above all, of the high responsibilities of this Parliament depends its political future and achievements. Here we have common interests, from which none of us will seek to sever ourselves. In the session which is about to be re-opened, after an interregnum which appears none too long, taking into account the circumstances under which Ministers have taken office, we shall meet as heartily determined to devote ourselves to the policy to which we are pledged,

and to the work of this country, as we were when we sat on the benches which we have just vacated.

Mr. REID (East Sydney).—Perhaps there may be some few individuals in Australia who will feel disappointed that the somewhat unprecedented circumstances in which we stand to-day have not furnished an opportunity for some more or less seemly or unseemly assertion of personal claim on the part either of my honorable friend the late Prime Minister or myself. I am happy to say that nothing of the sort has occurred. The position is a novel one, and it has been my melancholy duty to insist upon retaining the somewhat forlorn position which I have occupied for three years past. In the ordinary course of events in Parliaments of the British Empire, the retirement of the Ministers means simply an exchange of seats with honorable members sitting upon the other side of the House. Under such circumstances there is no very keen rush for the honour of leading His Majesty's Opposition, the members of which are perfectly satisfied with the outcome of the situation, there being nothing they wish less than to remain in the old seats to which they were accustomed. Unfortunately, on this occasion—and whether it is for good or evil will be a matter for subsequent consideration—a very novel situation has arisen. The late Prime Minister, upon a somewhat interesting occasion some months ago, described the parliamentary situation as one in which three elevens were playing a game of cricket. Well, as matters have turned out, my honorable friend the Prime Minister has courageously engaged to play any other twenty-two, and that is the contest to which he is committed. I indorse the statements made by the late Prime Minister to a very large extent. But I think that perfect frankness is infinitely better than polite assurances. Whilst personally I have real esteem for the new Ministry, both collectively and individually, and whilst I can never forget the generous support extended to me in New South Wales by two of its leading members, we all know that in the performance of our public duties we have to keep ourselves as free as possible from personal considerations. It would have been a calamity if in the present difficult state of public affairs any desire had been exhibited to use mere force in order to inflict humiliation upon honorable men who have chosen to take up an honorable task. I am very happy to know that there is no such dispo-

sition on this side, and that the request which the Prime Minister has most reasonably made will be at once acceded to. The Prime Minister would be a much less sensible man than he is if he did not fully realize the responsibility which he has undertaken. It was not his fault that he was charged with the task of forming a Ministry. He was placed in that position entirely without self-seeking, or any sort of intrigue on his part. Therefore, when he was sent for by His Excellency the Governor-General, his position was such that he was bound, at any rate, to consider the position which has been solved in the manner now evident to us to-day. But the Prime Minister is too sensible not to know that the present state of affairs is, if anything, worse, from a constitutional stand-point, than the unhappy condition of things which existed when the recent Government was in power, because during the reign of the Ministry which has just left office, they could with reason claim that, although their own party by itself was not strong enough to fulfil the conditions of our system of government in this Chamber, they were practically supported throughout their career by another party. Therefore there was really an alliance of two parties, one in office and another acting a friendly part as general supporters against the Opposition. That was substantially the parliamentary situation during the past three years. The Government in itself was not strong enough to justify its position, but was made so by the general support of another party in the House. I do not, of course, speak for any member of the party led by my honorable friend the late Prime Minister, but, so far as the Opposition are concerned, our position remains exactly as it was. We have most clearly perceived, and have even lamented, the unsound condition of affairs in this House. The Prime Minister made a remark which shows how even gentlemen professing the most radical views, when assuming a position of power, insensibly employ the language of despots. I believe that all the despots who ever ruled the world in ancient times claimed that they did so in the interests of the whole people. I have heard that phrase to-day from the Prime Minister. I think that there never was any person in a position of power, either inside or outside the Parliament, who was not profoundly convinced that he was ordained by Providence to exercise his authority for the benefit of the people over whom he ruled.

Mr. WATSON.—I think I said that we should endeavour to carry on the Government for the benefit of the whole of the people.

Mr. REID.—No one will suspect my honorable friend of any desire to do otherwise. But it was the phrase that caught my attention as one which has sanctified the exercise of authority in all ages and under all conditions. The main question, however, under our system of government, is not the pious, well-meaning desires of persons who happen to be in positions of power, but whether they have been placed in their positions by the evolution of the will of the people of Australia as reflected by their representatives. That is the vital question. In the course of time my honorable friend may be able to justify his position by the grandest of all titles—the clear warrant and mandate of a majority of the electors of Australia. But I think he will admit—since we must at present be guided by the outcome of the appeal which was recently made to the people—that the result of the elections showed that a majority of the people of Australia did not wish for, and did not vote for, the establishment of an Administration such as is the present one. I cannot by any polite phrases disguise the seriousness of the existing position. I have spoken very strongly in reference to the position of the late Government, which was very much stronger than are the members of the present Administration, not in their own selves, but because of the support which they received from honorable members in other parts of the House. If the party and the Government which have taken up this responsibility are able to acquire from honorable members outside their own ranks the same measure of support which the late Government secured, the situation will still be an unsatisfactory one, but the position of my honorable friend as Prime Minister will be absolutely justifiable. Having assumed an office of responsibility and trust, it is his bounden duty to exert his utmost energies to continue in that position and to accomplish all the good that he can. There is no element of personal ambition, or personal feeling. I am happy to say, in the present situation. There is no desire to expose any member of the Ministry to anything which will even seem to suggest humiliation. They have taken up a plucky attitude; they have filled the gap which existed, under circumstances which imply the possession of a desperate

courage, and with a lack of official experience which is no reproach to them, because every man must begin at that stage. I level no reproach at my honorable friends because they have not had any large measure of official experience. The greatest statesman in the world began precisely at that point. That is not an element in the view which I take of the present situation. My idea is that matters have not been improved by the recent evolution, that all the objections which I entertained to the state of things which previously existed have been intensified by the condition of affairs which obtains to-day. I wish, therefore, to be absolutely frank in my statement to honorable members opposite. They are in office, and if they can command the support of a majority of honorable members, they are entitled to remain there; but, if after a careful view of the situation, honorable members conclude that they cannot support the present Administration, the reign of politeness must end. We must have an honest reflection of the actual convictions of honorable members in their political attitudes in this House. My friends opposite are cast in too frank a mould to fear any such development. However one may question their wisdom in undertaking this task without a sufficient degree of additional strength to make their position a more tolerable one, I feel sure that their good intentions, their honesty of purpose, and their high character in their public offices, will be equal to anything that has been shown by their predecessors.

Sir JOHN FORREST (Swan). — I should like to congratulate my honorable friends opposite upon their accession to power, and I feel sure they will devote all their energies and abilities to the administration of the public service. I should not have spoken upon this occasion, but that I wish to add one word to what has been said by the right honorable member for East Sydney concerning the constitutionality of the position occupied by honorable members opposite. I do not suppose there have been many instances in British countries in which the members of a party have exhibited so much bravery as have those of the present Government. I do not think there is any instance upon record in which a minority in Parliament have formed a Government without first assuring themselves that they could command a fair measure of support from one section or another in the House.

Mr. WATKINS.—What about the position of the recent Government?

Sir JOHN FORREST.—I will reply to the question of the honorable member, notwithstanding that it has already been answered by the right honorable member for East Sydney. The position of the present Administration is very different from that which was occupied by the late Government. That Ministry assumed office before Parliament had been called into existence, and its members continued to administer the affairs of this country as best they could from that time until a day or two ago, getting support, as the right honorable member for East Sydney said, "from one section of the House or the other."

Mr. JOSEPH COOK.—Is not the right honorable member satisfied with the statement of his leader?

Sir JOHN FORREST.—When a person is requested by the representative of the Sovereign to form an Administration, and undertakes that important and responsible duty, it is usual for him to assure the representative of His Majesty that he has promises of support which will enable him to carry on the work of government. He should be able to assure His Excellency that he has a fair chance of securing a working majority. Should he fail in obtaining promises of sufficient support, it is customary for him to return the commission to the representative of the Sovereign and to suggest that some one else should be sent for.

Mr. HUTCHISON.—The right honorable member is using the exact words of a letter that appeared in the *Argus*.

Mr. PAGE.—Why does not the right honorable member take his gruel kindly?

Sir JOHN FORREST.—I have never heard or read of a case in which the head of a party accepted Ministerial office without having first assured himself, and the representative of the Sovereign, that he had reasonable grounds for believing that he could command the support of a majority.

Mr. JOSEPH COOK.—I rise to a point of order. I have no objection to the right honorable member for Swan delivering a lecture upon constitutional practice, at the conclusion of the remarks which have been made by the late Prime Minister and the right honorable member for East Sydney. My point of order is that the observations of the right honorable member are not relevant to the motion that is before the House. I raise this question for the purpose of ascertaining whether honorable

members generally will be at liberty to discuss the constitutionality of the question when the right honorable member has resumed his seat. It is delightful to listen to the lecture; but I wish to know whether we all are to be placed on the same footing.

Mr. SPEAKER.—It was open to the Prime Minister to make his statement as to his present position as a matter of privilege, and had he availed himself of that right a general discussion could not have taken place. I take it, however, that the honorable gentleman adopted the course of making the statement on the motion for the adjournment in order to permit such honorable members as desired to do so to address themselves to the subject. Holding that view, I have raised no objection to the remarks made by the right honorable member for Swan, who is entitled to speak. Other honorable members have an equal right, should they choose to exercise it.

Mr. JOSEPH COOK.—I am quite satisfied.

Sir JOHN FORREST.—The honorable member for Parramatta is continually interrupting. I am drawing attention to the present position of the Ministry, not from any desire to unnecessarily find fault, but as a matter of duty. I think I may say that the Prime Minister has not received any promise of support from any section of the House save that of which he is the leader, and therefore I consider that he occupies a unique position. It is unique to find an honorable member forming a Government, submitting the names of the members of that Government for the approval of the Governor-General, taking office, meeting this House and asking for an adjournment of three weeks—to which, by the way, I do not propose to object—when he has not secured any promise to assure him that he will have a majority to support his Administration.

Mr. WEBSTER.—He had a majority on the vital question which led to the defeat of the late Government.

Sir JOHN FORREST.—Even if my argument does not appeal to the honorable member for Gwydir, I feel satisfied that its force will be recognised by every honorable member who has a knowledge of constitutional usage. Is it in future to be the practice to allow any one who may be sent for by the Governor-General to form an Administration to submit the names of the members of his Government for the approval of the Governor-General, to take over the Departments, and then to ask Parliament for as long an adjournment as possible without

assuring the representative of the Crown that he has reasonable grounds for the belief that he has a majority behind him?

Mr. WEBSTER. — He has reasonable grounds.

Sir JOHN FORREST.—After surveying the position of parties in the House to-day, I fail to see where the Government majority is.

Mr. REID.—Did not the right honorable gentleman recommend that the honorable member for Bland should be sent for by the Governor-General?

Sir JOHN FORREST.—I did not. Have we ever experienced such an incident as this? Have we ever known of a Ministry, after being sworn in and assuming control of the Departments, meeting the House and asking for an adjournment when they and their supporters number only about twenty-five, as against forty-eight members sitting in opposition. Was there ever such a case as this?

Mr. HIGGINS.—Yes.

Sir JOHN FORREST.—I have never heard of such a position.

Mr. McDONALD.—It has been the position in this House ever since the first meeting of the Parliament.

Sir JOHN FORREST.—I can only say that if the procedure adopted by the Government is to be recognised as a constitutional one, we shall never hear again of any one who has been invited to form an Administration returning his Commission to the Governor-General without having had at least a month's experience of office.

Mr. MALONEY.—The right honorable member should follow the example of his leader.

Sir JOHN FORREST.—The honorable member should mind his own business, and not interrupt. The Government should have a reasonable opportunity to prepare their policy, although we know that it is a cut-and-dried one. It has been printed months ago, and therefore a lengthy adjournment is unnecessary to enable them to formulate their policy.

Mr. WEBSTER.—The right honorable member is wrong again.

Sir JOHN FORREST.—I think they will be more particularly engaged during the adjournment in seeking that support which by constitutional usage they should have possessed before taking office. Honorable members are not justified in taking office unless they have received promises on which they could satisfy the Governor-General that they have reasonable grounds

to believe that they will have sufficient support to enable them to give effect to their policy, and in this case I have reason to know they have received no such promises. I protest against any Government being formed, taking over the administration of the Departments, and obtaining an adjournment of Parliament, unless they have been able to satisfy the Governor-General that they have reasonable grounds for the belief that they will be able to carry on the conduct of public affairs. In the absence of any such reasonable grounds, their plain duty is to return their Commission. I have only to say, in conclusion, that although I shall probably not be one of their supporters, I trust that the Government will not find in me an unreasonable opponent.

Mr. WATSON (Bland—Treasurer).—I have to frankly acknowledge, on behalf of every member of the Ministry, the kind references made by the honorable gentlemen at the head of His Majesty's Oppositions, and especially the generous reception, so far as we are individually concerned, which has been accorded us by the House. I acknowledge that we have nothing whatever of which to complain in that respect, nor in regard to the criticism which so far has been launched against us. But I think that there is some justification for my pointing out that there is another side to the existing position as put before us a few moments ago. In the first place, we were told by the right honorable member for Swan that we had no warrant for assuming office in face of the fact that we have not the assurance of the support of a majority of this House. Then we were told by the right honorable member for East Sydney that the result of the last election went to show that the people of Australia were not agreeable to the assumption of office by an Administration consisting of members of the party to which I belong. I would remind the House, however, that at the last elections an almost equal number of honorable members belonging to each of the three parties in this Chamber was returned, and that, therefore, we have as great a right to assume office as has any other party. If we make an analysis of the voting on that occasion, I think we shall see that the success of the Labour Party, so far as the number of members returned is concerned, compares favorably with the record of either of the leaders of the other two parties who then appealed to the electors.

Sir JOHN FORREST.—I will reply to the question of the honorable member, notwithstanding that it has already been answered by the right honorable member for East Sydney. The position of the present Administration is very different from that which was occupied by the late Government. That Ministry assumed office before Parliament had been called into existence, and its members continued to administer the affairs of this country as best they could from that time until a day or two ago, getting support, as the right honorable member for East Sydney said, "from one section of the House or the other."

Mr. JOSEPH COOK.—Is not the right honorable member satisfied with the statement of his leader?

Sir JOHN FORREST.—When a person is requested by the representative of the Sovereign to form an Administration, and undertakes that important and responsible duty, it is usual for him to assure the representative of His Majesty that he has promises of support which will enable him to carry on the work of government. He should be able to assure His Excellency that he has a fair chance of securing a working majority. Should he fail in obtaining promises of sufficient support, it is customary for him to return the commission to the representative of the Sovereign and to suggest that some one else should be sent for.

Mr. HUTCHISON.—The right honorable member is using the exact words of a letter that appeared in the *Argus*.

Mr. PAGE.—Why does not the right honorable member take his gruel kindly?

Sir JOHN FORREST.—I have never heard or read of a case in which the head of a party accepted Ministerial office without having first assured himself, and the representative of the Sovereign, that he had reasonable grounds for believing that he could command the support of a majority.

Mr. JOSEPH COOK.—I rise to a point of order. I have no objection to the right honorable member for Swan delivering a lecture upon constitutional practice, at the conclusion of the remarks which have been made by the late Prime Minister and the right honorable member for East Sydney. My point of order is that the observations of the right honorable member are not relevant to the motion that is before the Chair. I raise this question for the purpose of ascertaining whether honorable

members generally will be at liberty to discuss the constitutionality of the question when the right honorable member has resumed his seat. It is delightful to listen to the lecture; but I wish to know whether we all are to be placed on the same footing.

Mr. SPEAKER.—It was open to the Prime Minister to make his statement as to his present position as a matter of privilege, and had he availed himself of that right a general discussion could not have taken place. I take it, however, that the honorable gentleman adopted the course of making the statement on the motion for the adjournment in order to permit such honorable members as desired to do so to address themselves to the subject. Holding that view, I have raised no objection to the remarks made by the right honorable member for Swan, who is entitled to speak. Other honorable members have an equal right, should they choose to exercise it.

Mr. JOSEPH COOK.—I am quite satisfied.

Sir JOHN FORREST.—The honorable member for Parramatta is continually interrupting. I am drawing attention to the present position of the Ministry, not from any desire to unnecessarily find fault, but as a matter of duty. I think I may say that the Prime Minister has not received any promise of support from any section of the House save that of which he is the leader, and therefore I consider that he occupies a unique position. It is unique to find an honorable member forming a Government, submitting the names of the members of that Government for the approval of the Governor-General, taking office, meeting this House and asking for an adjournment of three weeks—to which, by the way, I do not propose to object—when he has not secured any promise to assure him that he will have a majority to support his Administration.

Mr. WEBSTER.—He had a majority on the vital question which led to the defeat of the late Government.

Sir JOHN FORREST.—Even if my argument does not appeal to the honorable member for Gwydir, I feel satisfied that its force will be recognised by every honorable member who has a knowledge of constitutional usage. Is it in future to be the practice to allow any one who may be sent for by the Governor-General to form an Administration to submit the names of the members of his Government for the approval of the Governor-General, to take over the Departments, and then to ask Parliament for as long an adjournment as possible without

assuring the representative of the Crown that he has reasonable grounds for the belief that he has a majority behind him?

Mr. WEBSTER. — He has reasonable grounds.

Sir JOHN FORREST.—After surveying the position of parties in the House to-day, I fail to see where the Government majority is.

Mr. REID.—Did not the right honorable gentleman recommend that the honorable member for Bland should be sent for by the Governor-General?

Sir JOHN FORREST.—I did not. Have we ever experienced such an incident as this? Have we ever known of a Ministry, after being sworn in and assuming control of the Departments, meeting the House and asking for an adjournment when they and their supporters number only about twenty-five, as against forty-eight members sitting in opposition. Was there ever such a case as this?

Mr. HIGGINS.—Yes.

Sir JOHN FORREST.—I have never heard of such a position.

Mr. McDONALD.—It has been the position in this House ever since the first meeting of the Parliament.

Sir JOHN FORREST.—I can only say that if the procedure adopted by the Government is to be recognised as a constitutional one, we shall never hear again of any one who has been invited to form an Administration returning his Commission to the Governor-General without having had at least a month's experience of office.

Mr. MALONEY.—The right honorable member should follow the example of his leader.

Sir JOHN FORREST.—The honorable member should mind his own business, and not interrupt. The Government should have a reasonable opportunity to prepare their policy, although we know that it is a cut-and-dried one. It has been printed months ago, and therefore a lengthy adjournment is unnecessary to enable them to formulate their policy.

Mr. WEBSTER.—The right honorable member is wrong again.

Sir JOHN FORREST.—I think they will be more particularly engaged during the adjournment in seeking that support which by constitutional usage they should have possessed before taking office. Honorable members are not justified in taking office unless they have received promises on which they could satisfy the Governor-General that they have reasonable grounds

to believe that they will have sufficient support to enable them to give effect to their policy, and in this case I have reason to know they have received no such promises. I protest against any Government being formed, taking over the administration of the Departments, and obtaining an adjournment of Parliament, unless they have been able to satisfy the Governor-General that they have reasonable grounds for the belief that they will be able to carry on the conduct of public affairs. In the absence of any such reasonable grounds, their plain duty is to return their Commission. I have only to say, in conclusion, that although I shall probably not be one of their supporters, I trust that the Government will not find in me an unreasonable opponent.

Mr. WATSON (Bland—Treasurer).—I have to frankly acknowledge, on behalf of every member of the Ministry, the kind references made by the honorable gentlemen at the head of His Majesty's Oppositions, and especially the generous reception, so far as we are individually concerned, which has been accorded us by the House. I acknowledge that we have nothing whatever of which to complain in that respect, nor in regard to the criticism which so far has been launched against us. But I think that there is some justification for my pointing out that there is another side to the existing position as put before us a few moments ago. In the first place, we were told by the right honorable member for Swan that we had no warrant for assuming office in face of the fact that we have not the assurance of the support of a majority of this House. Then we were told by the right honorable member for East Sydney that the result of the last election went to show that the people of Australia were not agreeable to the assumption of office by an Administration consisting of members of the party to which I belong. I would remind the House, however, that at the last elections an almost equal number of honorable members belonging to each of the three parties in this Chamber was returned, and that, therefore, we have as great a right to assume office as has any other party. If we make an analysis of the voting on that occasion, I think we shall see that the success of the Labour Party, so far as the number of members returned is concerned, compares favorably with the record of either of the leaders of the other two parties who then appealed to the electors.



Mr. JOHNSON.—But still the Labour Party is in a minority.

Mr. WATSON.—I am quite prepared to admit that that is so. Unfortunately we are not in a position to say that there is any party in this House which commands a majority of members on all questions of policy. That is the point. On the question of policy which is immediately at issue—the question of compulsory conciliation and arbitration, and the general details of the measure before Parliament—I claim to represent more nearly and accurately the opinion of the majority of members of this House than do any of the other gentlemen who are in the position of leaders of parties. So far as concerns any declaration of this House on the momentous matters which have so far affected the existence of the Government in the present Parliament, I claim we have a right to assume that we have a majority of honorable members behind us. We, of course, regret as much as any one that there are three parties in the House; but we hope before very long to increase our numbers in such a way that there may be only two parties. In reference to the remarks of the honorable gentleman who has lately resigned the office I now occupy, it seems to me only proper that honorable members, before coming to a decision as to the degree of generosity with which they will treat us, or the degree of confidence they will extend to us, have a right to know the immediate policy we intend to place before the country. I am hopeful—indeed, I can assure the House—that honorable members will be made fully aware of our intentions in this regard when this Chamber re-assembles. I only desire to say that personally I have the fullest possible appreciation of the great difficulties which attach to the position I have had the temerity to assume, and which have been alluded to by the late Prime Minister. I, too, quite understand that in attempting the work of the Treasury, after so able and trusted an administrator as the late Treasurer, the right honorable member for Balaclava, I am faced with a doubly difficult task. But I feel it important that the Treasurer should have a little power in regard to the direction of expenditure; and in making an alteration in what has hitherto been regarded as the practice of the Commonwealth Government, I am following the example of various States Premiers, who have in the past also the administration of the Treas-

ury. I again thank the House for the generous treatment which has been accorded to the Government so far; and I can assure honorable members that we shall be able to place before them a policy when we next re-assemble for the immediate work of Parliament.

Question resolved in the affirmative.

## PAPERS.

MINISTERS laid upon the table the following papers:—

Recommendations of Major-General Sir Edward Hutton about sending an Australian Rifle Team to Bisley.

Minute by the Right Honorable Sir John Forrest upon the Tumut and Southern Monaro Federal Capital Sites.

## ELECTION PETITION.

CAMERON *v.* FYSH.

The CLERK announced the receipt from the District Registrar at Hobart of the High Court of Australia, under section 202 of the Commonwealth Electoral Act, of a letter informing him that the petition against the return of Sir P. O. Fysh as member for the electoral division of Denison, in the State of Tasmania, was, on the 18th inst., dismissed, with costs, and that it was improbable that an order in the matter would be taken out.

## ADJOURNMENT.

FEDERAL CAPITAL SITES: DEFENCE DEPARTMENT CORRESPONDENCE: TITLE OF "HONORABLE."

Motion (by Mr. WATSON) proposed—

That the House do now adjourn.

Mr. CHAPMAN (Eden-Monaro).—I desire to ask the Minister for Home Affairs if he will lay on the table a report prepared by his predecessor in connexion with the Federal Capital Sites.

Mr. BATCHELOR (Boothby—Minister for Home Affairs).—I shall do so with pleasure. I may add, however, that I have not had an opportunity of reading the report, and, therefore, I do not necessarily indorse the opinions contained therein.

Mr. CROUCH (Corio).—The Minister for Defence is not in the Chamber, and I presume I must address my remarks to the Prime Minister, in reference to a matter to which I intended to call attention on the motion for adjournment last Wednesday, but which was lost sight of in the excitement following the defeat of the Ministry. I have in my hand two forms of

enlistment, as previously used in the Commonwealth, and also the form of enlistment issued by the Defence Department last Wednesday. The only difference between the previous forms and the new form is that in the latter, which applies to volunteers and members of the militia forces only, there is a question, the answer to which has to be sworn to—"What is your religion?" This is a most unfortunate question to ask in connexion with the volunteers, militia, and senior cadets of the Commonwealth. It is a question which on no account should be sanctioned, and I do not know how it escaped the attention of the late Minister for Defence. I shall hand the forms of enlistment to the Prime Minister, and trust that he will hand them to the Minister for Defence, and see that sectarian bitterness is not introduced into the military forces, where it has previously been absolutely non-existent. Might I also ask the Prime Minister to see whether he cannot induce the Defence Department to give earlier answers to letters? This is a matter in which I should like the new Minister for Defence to show some vigour. In January last a letter was addressed to the Defence Department in reference to payments due and promised to certain sergeants; and the military branch were at the time notified by the civil branch, and requested to send a report. No report has yet come to hand; and it would appear to be the custom of the civil branch to hand over all communications to the military branch, which is the graveyard for the correspondence to which the Defence Department does not like to reply. The new Government, if they are to succeed, must succeed in vigorous administration; and I ask the Prime Minister to see that reports asked for are supplied within a reasonable time.

Mr. BAMFORD (Herbert).—Is the Prime Minister able to say at whose instigation the title "honorable" has been conferred on certain members of this Parliament? If not, will the Prime Minister endeavour to obtain the information at the earliest opportunity?

Mr. WATSON (Bland—Treasurer).—In reply to the honorable and learned member for Corio, I have to say that I naturally have no knowledge of the military regulation to which he refers; but I shall bring the matter under the attention of my colleague the Minister for Defence. I shall also give attention to the expedition of replies to military corres-

pondence. As to the question of the honorable member for Herbert, I have not had time to see any papers connected with the matter. I have merely seen, what I presume the honorable member himself has seen, the announcement in the newspapers.

Mr. DEAKIN.—The conferring of the title was recommended by me.

Mr. WATSON.—I dare say that if any honorable member does not desire to retain the title he is not compelled to do so; but the action of the late Prime Minister seems to me only a graceful recognition of the services of the first Commonwealth Parliament.

Question resolved in the affirmative.

House adjourned at 3.29 p.m.

## Senate.

Wednesday, 18 May, 1904.

The PRESIDENT took the Chair at 2.30 p.m., and read prayers.

### POST AND TELEGRAPH DEPARTMENT.

Senator PEARCE.—I wish to ask the Vice-President of the Executive Council, without notice, if he will lay on the table all papers relating to the retirement of Mr. Sholl from the position of Deputy Postmaster-General of Western Australia, and the proposed transfer of Mr. Woodrow, postmaster at Bunbury, to the position of postmaster at Fremantle, Western Australia?

Senator MCGREGOR.—I shall have no objection to lay these papers on the table at a later stage of the sitting if they are procurable.

### RIFLE TEAM: BISLEY.

Senator KEATING.—I desire to ask the Minister for Defence, without notice, if it is the intention of the Government to assist monetarily towards the despatch of an Australian rifle team to Bisley this year?

Senator DAWSON.—I think that honorable senators who intend to ask questions, as a matter of urgency, should send copies of them to the Department in order that answers might be prepared. In this particular case we are ready to reply to the question, and the answer is—"No."

Mr. JOHNSON.—But still the Labour Party is in a minority.

Mr. WATSON.—I am quite prepared to admit that that is so. Unfortunately we are not in a position to say that there is any party in this House which commands a majority of members on all questions of policy. That is the point. On the question of policy which is immediately at issue—the question of compulsory conciliation and arbitration, and the general details of the measure before Parliament—I claim to represent more nearly and accurately the opinion of the majority of members of this House than do any of the other gentlemen who are in the position of leaders of parties. So far as concerns any declaration of this House on the momentous matters which have so far affected the existence of the Government in the present Parliament, I claim we have a right to assume that we have a majority of honorable members behind us. We, of course, regret as much as any one that there are three parties in the House; but we hope before very long to increase our numbers in such a way that there may be only two parties. In reference to the remarks of the honorable gentleman who has lately resigned the office I now occupy, it seems to me only proper that honorable members, before coming to a decision as to the degree of generosity with which they will treat us, or the degree of confidence they will extend to us, have a right to know the immediate policy we intend to place before the country. I am hopeful—indeed, I can assure the House—that honorable members will be made fully aware of our intentions in this regard when this Chamber re-assembles. I only desire to say that personally I have the fullest possible appreciation of the great difficulties which attach to the position I have had the temerity to assume, and which have been alluded to by the late Prime Minister. I, too, quite understand that in attempting the work of the Treasury, after so able and trusted an administrator as the late Treasurer, the right honorable member for Balaclava, I am faced with a doubly difficult task. But I feel it important that the Treasurer should have a little power in regard to the direction of expenditure; and in making an alteration in what has hitherto been regarded as the practice of the Commonwealth Government, I am following the example of various States Premiers, who have in the past also undertaken the administration of the Treas-

ury. I again thank the House for the generous treatment which has been accorded to the Government so far; and I can assure honorable members that we shall be able to place before them a policy when we next re-assemble for the immediate work of Parliament.

Question resolved in the affirmative.

### PAPERS.

MINISTERS laid upon the table the following papers:—

Recommendations of Major-General Sir Edward Hutton about sending an Australian Rifle Team to Bisley.

Minute by the Right Honorable Sir John Forrest upon the Tumut and Southern Monaro Federal Capital Sites.

### ELECTION PETITION.

CAMERON *v.* FYSH.

The CLERK announced the receipt from the District Registrar at Hobart of the High Court of Australia, under section 202 of the Commonwealth Electoral Act, of a letter informing him that the petition against the return of Sir P. O. Fysh as member for the electoral division of Denison, in the State of Tasmania, was, on the 18th inst., dismissed, with costs, and that it was improbable that an order in the matter would be taken out.

### ADJOURNMENT.

FEDERAL CAPITAL SITES: DEFENCE DEPARTMENT CORRESPONDENCE: TITLE OF "HONORABLE."

Motion (by Mr. WATSON) proposed—  
That the House do now adjourn.

Mr. CHAPMAN (Eden-Monaro).—I desire to ask the Minister for Home Affairs if he will lay on the table a report prepared by his predecessor in connexion with the Federal Capital Sites.

Mr. BATCHELOR (Boothby—Minister for Home Affairs).—I shall do so with pleasure. I may add, however, that I have not had an opportunity of reading the report, and, therefore, I do not necessarily indorse the opinions contained therein.

Mr. CROUCH (Corio).—The Minister for Defence is not in the Chamber, and I presume I must address my remarks to the Prime Minister, in reference to a matter to which I intended to call attention on the motion for adjournment last Wednesday, but which was lost sight of in the excitement following the defeat of the Ministry. I have in my hand two forms of

enlistment, as previously used in the Commonwealth, and also the form of enlistment issued by the Defence Department last Wednesday. The only difference between the previous forms and the new form is that in the latter, which applies to volunteers and members of the militia forces only, there is a question, the answer to which has to be sworn to—"What is your religion?" This is a most unfortunate question to ask in connexion with the volunteers, militia, and senior cadets of the Commonwealth. It is a question which on no account should be sanctioned, and I do not know how it escaped the attention of the late Minister for Defence. I shall hand the forms of enlistment to the Prime Minister, and trust that he will hand them to the Minister for Defence, and see that sectarian bitterness is not introduced into the military forces, where it has previously been absolutely non-existent. Might I also ask the Prime Minister to see whether he cannot induce the Defence Department to give earlier answers to letters? This is a matter in which I should like the new Minister for Defence to show some vigour. In January last a letter was addressed to the Defence Department in reference to payments due and promised to certain sergeants; and the military branch were at the time notified by the civil branch, and requested to send a report. No report has yet come to hand; and it would appear to be the custom of the civil branch to hand over all communications to the military branch, which is the graveyard for the correspondence to which the Defence Department does not like to reply. The new Government, if they are to succeed, must succeed in vigorous administration; and I ask the Prime Minister to see that reports asked for are supplied within a reasonable time.

Mr. BAMFORD (Herbert).—Is the Prime Minister able to say at whose instigation the title "honorable" has been conferred on certain members of this Parliament? If not, will the Prime Minister endeavour to obtain the information at the earliest opportunity?

Mr. WATSON (Bland—Treasurer).—In reply to the honorable and learned member for Corio, I have to say that I naturally have no knowledge of the military regulation to which he refers; but I shall bring the matter under the attention of my colleague the Minister for Defence. I shall also give attention to the expedition of replies to military corres-

pondence. As to the question of the honorable member for Herbert, I have not had time to see any papers connected with the matter. I have merely seen, what I presume the honorable member himself has seen, the announcement in the newspapers.

Mr. DEAKIN.—The conferring of the title was recommended by me.

Mr. WATSON.—I dare say that if any honorable member does not desire to retain the title he is not compelled to do so; but the action of the late Prime Minister seems to me only a graceful recognition of the services of the first Commonwealth Parliament.

Question resolved in the affirmative.

House adjourned at 3.29 p.m.

## Senate.

Wednesday, 18 May, 1904.

The PRESIDENT took the Chair at 2.30 p.m., and read prayers.

### POST AND TELEGRAPH DEPARTMENT.

Senator PEARCE.—I wish to ask the Vice-President of the Executive Council, without notice, if he will lay on the table all papers relating to the retirement of Mr. Sholl from the position of Deputy Postmaster-General of Western Australia, and the proposed transfer of Mr. Woodrow, postmaster at Bunbury, to the position of postmaster at Fremantle, Western Australia?

Senator MCGREGOR.—I shall have no objection to lay these papers on the table at a later stage of the sitting if they are procurable.

### RIFLE TEAM: BISLEY.

Senator KEATING.—I desire to ask the Minister for Defence, without notice, if it is the intention of the Government to assist monetarily towards the despatch of an Australian rifle team to Bisley this year?

Senator DAWSON.—I think that honorable senators who intend to ask questions, as a matter of urgency, should send copies of them to the Department in order that answers might be prepared. In this particular case we are ready to reply to the question, and the answer is—"No."

## MAIL SERVICE: TASMANIA.

Senator KEATING asked the Vice-President of the Executive Council, *upon notice* :—

1. Is the Tasmanian Government Railway Department under contract to the Postmaster-General to carry mails according to the schedule of times set forth in the Inland Mail Table published in the Tasmanian *Postal Guide*?

2. Is the said Railway Department at liberty to deviate from the times referred to; and, if so, under what circumstances?

3. Is the Honorable the Postmaster-General aware that when race meetings and other gatherings are held in Launceston on Saturday and other afternoons, the departure of the Launceston-Deloraine train is postponed beyond 5 p.m., and, in consequence, the mails for towns along the line are on such occasions not delivered until the morning of the next Monday, or of the following postal day?

4. Has this practice the sanction of the Post and Telegraph Department?

5. Will the Honorable the Postmaster-General take steps to insure, in the future, the evening delivery of mails on such occasions, in accordance with the regular schedule of times therefor?

Senator MCGREGOR.—The answers to the honorable senator's questions are as follow :—

1. No. As in the case of the Railways of the other States, a fixed sum is paid for the carriage of the mails, but the Postmaster-General's Department has no control over the time-tables of the Railway Departments.

2. Yes, at its pleasure, as it is not bound by contract or agreement to any fixed times.

3. The Postmaster-General is aware that under the existing arrangements, the Railway authorities can alter their time-tables as they please, and that the running of the trains is frequently altered for Deloraine, and also for other places.

4. No, but such sanction is not necessary.

5. Under present arrangements, the Postmaster-General cannot insure adherence to any schedule of times, as such schedules in all States can be made and altered without reference to his Department. The matter will be considered when any fresh arrangements are made with the Railway authorities.

## IMMIGRATION RESTRICTION ACT.

Senator STANFORTH SMITH asked the Vice-President of the Executive Council, *upon notice* :—

1. Has the attention of Ministers been directed to the large and increasing influx of Italians into Western Australia?

2. Is the Ministry aware that these immigrants are principally employed in the mines and at wood-cutting, and that in the former occupation their total ignorance of the English language is a serious menace to the lives of those working underground with them?

3. Is the Government aware that directly these men arrive, they are entrained to the mines or the wood-cutting localities, and given immediate employment, while hundreds of experienced Australian miners are unable to obtain work?

4. Is not this fact strong circumstantial evidence that they are brought out under contract, contrary to the provisions of the Alien Immigration Act?

5. Will the Government at once institute another inquiry of a searching character into the questions of the importation of Italians into Western Australia under contract?

6. If the evidence obtained points to the strong probability that these men are being brought out under contract, will they issue instructions that the education test shall be imposed in all such cases?

Senator MCGREGOR.—The answers to the honorable senator's questions are as follow :—

1. Yes.

2. and 3. The Government are aware that it has been so stated.

4. These facts may be so considered, but they are not inconsistent with the men having come entirely free of any obligation to work for anybody.

5. Instructions have been given for close examination to be made regarding Italian Immigration. Should the result of such examination show that further and fuller inquiry is necessary, such inquiry will be directed.

6. What will be done in the future depends on the result of the inquiries now being made.

Senator PEARCE asked the Vice-President of the Executive Council, *upon notice* :—

1. Will the Government give early consideration to the question of the large influx of Austrians and Italians into Western Australia?

2. Are the Government aware that these immigrants are going straight to the gold-fields, and immediately obtaining work on the mines, to the exclusion of British workers?

3. Will the Government issue such instructions to the officers charged with the administration of the Immigration Restriction Act, as will insure the effective carrying out of the provisions prohibiting the landing of immigrants under contract to perform labour?

Senator MCGREGOR.—The answers to the honorable senator's questions are as follow :—

1. The matter has already received the attention of the Government.

2. Statements to that effect have been made.

3. Such instructions have already been given.

## HANNAH v. DRAKE.

Senator MILLEN (for Senator Lt.-Col. NEILD) asked the Vice-President of the Executive Council, *upon notice* :—

1. What sum was paid—

(a) by way of verdict;

(b) by way of costs;

to the plaintiff in the case of *Hannah v. The Commonwealth, v. Drake*, or otherwise?

2. What sum was paid by way of costs on behalf of the defence?

Senator MCGREGOR.—The answers to the honorable senator's questions are as follow :—

1. (a) £200. (b) £567 7s. 1d.
2. £503 13s. 7d.

#### PAPERS.

Senator MCGREGOR laid on the table the following papers :—

Transfers (two papers) approved by the Governor-General under the Appropriation Act.

Correspondence relating to the appointment of Mr. B. Wallach as Examiner in Electricity, Patents Office.

Regulation under the Customs Act as to drawback on sugar, and provisional regulation under the Patents Act.

Copy of a letter from the Right Honorable the Secretary of State for the Colonies to His Excellency the Governor-General, dated 23rd March, 1904, regarding the use of the title of "Honorable" by members of the first Parliament of the Commonwealth of Australia.

The CLERK laid on the table the following papers :—

Returns to orders of the Senate of 14th April as to rent payable by Commonwealth Departments, Melbourne, and as to parade states, reviews, Sydney.

#### MINISTERIAL STATEMENT.

Senator MCGREGOR (South Australia—Vice-President of the Executive Council).—I beg to lay upon the table by command the following paper :—

Capital Sites.—Minute by the Right Honorable Sir John Forrest on the localities in the Tumut and Southern Monaro districts of New South Wales.

I move—

That the document be printed.

I submit this motion for the purpose of enabling me to make a statement on behalf of the Government. I wish, in the interests of both the Senate and myself to make that statement as brief as possible. It will be recollected that the Government were allowed a period of three weeks in which to formulate their policy. With the assistance of their officers and a little energy on their own part, they have succeeded in doing so. So far as the House of Representatives is concerned, the first measure to be taken in hand there will be the Conciliation and Arbitration Bill. This will be taken up at the stage at which it was dropped on account of the resignation of the previous Government, but a considerable number of amendments have been circulated amongst the members of that House. I do not think it is necessary to indicate the nature of all those amendments, but they

have been framed for the purpose of simplifying the working of the measure. For instance, the Bill, as it was originally drawn, provided that a permanent Board should be appointed. Under the amendments which have been drafted by the Government, a Judge of the Supreme Court will be appointed as chairman of the Board. If a dispute should arise, and both parties to the dispute should be agreeable, the Judge will have power to settle it, and consequently save an enormous amount of expense and trouble. If either party should so desire associates or assessors will be appointed, one representing each party, to sit with the Judge. And if the Judge should consider that he is not in a position to give an intelligent decision, he can call for the appointment of these associates or assessors.

Senator MILLEN.—Are the assessors to be appointed by the Government or elected by the parties to the dispute?

Senator MCGREGOR.—They will be elected by the parties to the dispute and formally appointed by the Executive; the necessary machinery for that purpose will be provided in the measure. Many minor amendments have been drafted for the purpose of simplifying its operation, and the Government believe that they will meet with the general approval of the members of another place. With respect to the Senate the first Bill that the Government have decided to ask leave to introduce, as honorable senators will have learned from the notice of motion I have given, is a Bill for an Act for the selection of a site for the seat of government of the Commonwealth. This measure has been before the Senate on a previous occasion, and I am sure that when it is again submitted every honorable senator will have made himself acquainted with all the reports and other documents bearing on this important question. If any of the new members of the Senate have not received copies of those reports the Government will give them every facility for informing themselves on the subject.

Senator HIGGS.—They will get a van and two horses, I suppose?

Senator MCGREGOR.—I do not think that honorable senators will be so anxious to go through the pile of literary matter available that the use of even a wheelbarrow will be required. Where they think that information is necessary, the Government intend to give them every facility to obtain it.

Senator CLEMONS.—Do the Government intend to name a site?

Senator MCGREGOR.—No; the Government intend, so far as this Bill is concerned, to follow the practice of their predecessors. The Bill will be circulated immediately among honorable senators, and when they come to discuss the question of its second reading they will have ample opportunities of signifying their approval or indicating their objections. The next Bill to be introduced into the Senate will be a Fraudulent Marks Bill. It was introduced here before under the title of the Merchandise Marks Bill, but the Government think that the other is a more appropriate title. I do not intend to discuss the provisions of any of these Bills to-day. I only wish to make a plain statement so that honorable senators may be prepared to deal with them when they are submitted. Besides the Bills I have mentioned, the Government intend to introduce a Trade Marks Bill, a High Commissioner Bill, and a Papua Bill—old friends with which honorable senators are acquainted. We intend to introduce a Bill to amend the Post and Telegraph Act, and, so far as present appearances go, a Bill to provide for a survey of the proposed transcontinental railway to Western Australia.

Senator STYLES.—No, no.

Senator MCGREGOR.—The Government have decided to do so, and I hope that they will be in a position to keep their promise.

Senator GUTHRIE.—What does the phrase "present appearances" mean?

Senator MCGREGOR.—The Government have also decided to introduce a Bill to amend the Electoral Act. It will contain provisions for curing many of the anomalies which have been referred to on various occasions by honorable senators.

Senator DOBSON.—Do the Government intend to make voting compulsory?

Senator MCGREGOR.—To tell the honorable and learned senator all that is to be contained in each measure I have indicated it would take me a week. I have already explained that I am only giving an outline of the measures which we propose to submit. There may be other Bills which it may be thought advisable to bring before the present Parliament.

Senator HIGGS.—Do the Government intend to bring a Divorce Bill before us?

Senator MCGREGOR.—No; there is no one in the Senate who requires a ; they are all quite satisfied.

Senator FINDLEY.—The Opposition want an alliance though.

Senator MCGREGOR.—There may be other Bills which it may be thought necessary to introduce. It is not absolutely essential that all the Bills I have mentioned should be introduced in the House of Representatives. If, in the immediate future, we should require work to do in addition to the Capital Sites Bill, as it has been called, and the Fraudulent Marks Bill, it will be quite possible to introduce some of the other Bills here. I also wish to make a statement with respect to our future policy, although I intend to leave the full announcement of it to the Prime Minister. But there are one or two matters which have already been before the Senate, and it is only fair that the Senate should be made aware of the attitude of the Government in regard to them. For instance, the Navigation Bill has already been discussed in this Chamber. A good deal of adverse opinion has been expressed concerning that measure. Honorable senators appear to differ to a material extent as to what a Bill of that character should provide for. The Government have come to the decision that the best thing they can do is to appoint a small Royal Commission to consider the question. I do not suppose that the Government will agree to appoint more than five members of that Commission, whose duty it will be to make inquiries, and to obtain evidence as to the conditions that exist at the present time, and as to what legislation would be in the best interests of every section of the community. The interests affected by a Navigation Bill are so diversified, there are so many parties to be considered in framing a measure of that description, that a great deal of information is required; and the Government hope that the appointment of a Commission of this description will lead to the obtaining of that information. In the past, where a measure containing so many hundreds of clauses has been concerned, it has always been recommended, and partially formulated, by a Royal Commission. That remark applies both to the old country and to New Zealand. The Bill that has already been before the Senate was unsatisfactory to almost everybody who dealt with it. It is for that reason that the Government wish to submit the question to a Royal Commission, and I think that they will have the approval of honorable mem-

bers in taking that course. Legislation is also required in connexion with the Quarantine of the Commonwealth. We know that Quarantine is in a very unsatisfactory state at the present time. Even the people from the city of the beautiful harbor must realize that bubonic plague and many other diseases are encouraged—I might almost say propagated—by the unsatisfactory conditions that exist in that and similar places. The Government have entered into communication with the different States for the purpose of getting the Quarantine authorities in those States to come together. I refer to those who have the control and management of Quarantine operations in the different States. We desire that they shall hold a Conference, and make recommendations in respect to legislation in that direction. New South Wales has already signified her willingness to fall in with that suggestion, and we expect very shortly to get replies from the other States. Now, sir, I think I have very shortly, and as clearly as I possibly could, stated the intentions of the Government with respect to their present policy, and as to those measures which the Senate has already discussed. Those who wish to know what the Government intend to do in the future have only to read the report of the pronouncement of the Prime Minister himself. They will then see the attitude which the Government assume with respect to future legislation. I have submitted my motion on the printing of the paper which I have laid before the Senate, so as to give other honorable senators who are inclined to do so an opportunity to discuss what I have put before the Senate. Therefore, I will satisfy myself by leaving the matter entirely in the hands of honorable senators.

Senator DAWSON (Queensland—Minister for Defence).—I beg to second the motion.

Senator DRAKE (Queensland).—We are indebted to the Vice-President of the Executive Council for the clear and concise statement which he has made as to the policy of the present Government. The most important, and, perhaps, the most interesting part of that policy is that which he has not told us, the part that he has said we shall learn to-morrow from the newspapers—that is, that which relates to the future intentions of the Government.

Senator HIGGS.—Tell us the future policy of the Opposition?

Senator DRAKE.—The statement which we have had from the Vice-President of the Executive Council is particularly interesting to us in the Senate, as indicating the business that is likely to be brought before us during this session. The principal feature clearly is that, instead of having the Navigation Bill to discuss, we shall be mainly engaged, I presume, in considering the question of the Capital site.

Senator MCGREGOR.—That is a very pleasant subject.

Senator DRAKE.—I have no doubt that it will be a very pleasant subject to discuss when we get fairly into it, and I hope that the debate will be productive of more fruit than has hitherto been the case. With regard to the Navigation Bill, it will be remembered that at the commencement of the present session the Government brought forward the Conciliation and Arbitration Bill in the House of Representatives, and the Navigation Bill in this Chamber. It was recognised that both of those measures were pieces of first-class legislation, which would engage the attention of Parliament for a long time. Therefore, by taking those two Bills concurrently in the two Houses there was afforded matter for useful discussion in both branches of the Legislature. I am afraid that the question of the Capital site will not fill the place of the Navigation Bill. The Navigation Bill was introduced because there was a feeling that it was very urgently demanded. It was represented as a measure that should be introduced without any delay. The late Government were not able to bring it in at the end of last session, but they gave a promise—I think an absolute promise—that it should be brought forward at an early stage in the present Parliament, and that its consideration should be pushed on to a completion. They fulfilled that promise. They believed, and believe now, that the passing of a navigation law for the Commonwealth is a matter of very great importance, if not of urgent necessity. I am not prepared to say at this moment that good may not come out of relegating that Bill to the deliberations of a Royal Commission. Perhaps it may. But the same thing might be said of sending almost any Bill of a similar character to a Royal Commission. It is admitted that a Royal Commission is proposed for the purpose of getting information on the subject, which perhaps the Committee



of the whole House in Parliament assembled would not be likely to get. But then, on the other hand, a considerable amount of delay has to be faced. If the Navigation Bill is sent to a Royal Commission I suppose there will be no member of this Chamber who will entertain any hope that the measure can be passed into law during the present session of Parliament. The proposed course, therefore, necessarily means delay. I apprehend that there will be very little business for this Chamber to go on with until such time as the Conciliation and Arbitration Bill, which is to be introduced in the House of Representatives, is transmitted to the Senate. I have no doubt that the amendments which are to be proposed in the other Chamber will at all events furnish a great deal of matter for discussion. Whether they will be improvements upon the Bill as it was introduced by the late Government I cannot say. It is impossible for us to form any opinion from the very brief outline given to us by the Vice-President of the Executive Council. In regard to the other measures mentioned, I think that, with the exception of that relating to Quarantine, they are all measures which have already been promised in the Governor-General's speech. Some of them, I think—indeed, I know—were nearly ready for introduction at the time the change of Government took place. I have no objection whatever to the alteration of the title of the Merchandise Marks Act to "Fraudulent Marks Act," so long as the Bill is the same as that with which I am somewhat familiar. As to Quarantine, I gather from the Vice-President of the Executive Council that a Bill is to be introduced, but that previous to its introduction there is to be a Conference of the authorities on the subject. Well, that will probably mean that the Bill will not be ready for discussion, at all events during this session. If there is to be a Conference, and the report of the Conference is to be considered and to become the foundation for the Bill, we can hardly look to that measure as likely to afford material for us to proceed to work upon. However, I am not going to anticipate that there will not be work, and plenty of work, for the Senate to do. I think there will be; and my hope is that the change of Government which has taken place will not have the effect of delaying the really necessary and useful legislation which up

*Senator Drake.*

to the present time has been continuously introduced and passed into law ever since the Federation was established.

Senator MILLEN (New South Wales).—There was one remark made by the Vice-President of the Executive Council in his speech which afforded me some measure of surprise. It was his statement that a considerable amount of energy had been required on the part of the Government, to enable them to present their policy to Parliament to-day. I admit that until I learned the details of their policy I was surprised. I should have thought that there was no party which would require less effort to put forward a policy than that now in possession of the Ministerial benches. We have for years past heard the programme of this party put forward and espoused in season and out of season, both in this House and on the platform. Its programme has been so placarded throughout Australia that it is astonishing to learn that this vast expenditure of energy was required in order to bring the policy of the party before Parliament. But when the Vice-President of the Executive Council came to unfold the details of the programme of the Government I found the explanation. This enormous expenditure of energy was evidently required, not in order to determine what to put before Parliament, but what to keep from it; because the pronouncement of the Vice-President of the Executive Council was to the effect that the Government are not prepared to proceed with the programme which they have hitherto espoused and fought for. There is as much difference between their programme and their policy as between chalk and cheese. It shows that the sobering influence of office has been at work upon the members of the Ministry, and that their policy has been one of discretion, not of valour. The members of the Government are not quite so advanced as they were three weeks ago. I wish to draw attention to this fact, so that the supporters of the Government, both inside and outside of Parliament, may know that there is a vast difference between the members of a party when occupying seats in opposition, and when they are called on to give legislative effect to their principles. There is one other matter to which I desire to direct attention. On one—I think on two—occasions, this Senate has affirmed the desirability of there being

greater Ministerial representation in the Senate than has hitherto been accorded to it. I think I am correct in stating that when the principle was affirmed, both the Vice-President of the Executive Council and the Minister for Defence, as well as the members of the party which they lead, voted in favour of it. I think, therefore, that I am justified in expressing the view—and I believe I may do so on behalf of the Senate generally—that I have experienced a keen sense of disappointment that the Government have not observed the principle by giving practical effect to a resolution, which they supported when the matter was brought before the Senate.

Senator DAWSON.—By resolution.

Senator MILLEN.—Yes, by resolution, affirming that the Senate was entitled to larger Ministerial representation than had hitherto been accorded to it.

Senator DAWSON.—Does the honorable senator want us to jump the hurdle before we are sure of our seat in the saddle.

Senator MILLEN.—All I ask the Government to do, is to give effect, when they are in office, to the principles which they supported when they were in opposition. The honorable senator knows that his party have no other opportunity of doing so, except at a time when a new Ministry is being created. I wish to say in regard to this point, that my remarks on the subject would have been made in the same spirit, and with the same emphasis, if any other Ministry had been formed, because I recognise that this is now the third occasion when the position has arisen; and every time a Cabinet is formed, and only two Ministers are appointed in the Senate, the tendency to limit us to that number is strengthened. I again express my extreme regret that this Ministry has not seized the opportunity which was within its grasp, of giving effect to a resolution which its own members supported.

Question resolved in the affirmative.

## ACTS INTERPRETATION BILL.

*In Committee* (Consideration of House of Representatives' amendments):

Clause 2—

This Act shall apply to all Acts of the Parliament passed after the commencement of this Act.

*House of Representatives' Amendment.*—Omit this clause.

Senator MCGREGOR (South Australia—Vice-President of the Executive Council).—I move—

That the amendment be agreed to.

When this clause was reached in the discussion upon the Bill, it was considered to be very drastic, and objections were urged against its adoption. I think it was pointed out that although it might be quite proper to insert such clause in a Crimes Act, or even in a Customs Act, or any measure of that kind, yet in a Bill of this description, it was inappropriate. It is here provided that if by act or omission any one is concerned in the commission of an offence against any Act, he shall be liable: that is, a man may fail to do something about which he had never thought, and thus be made liable. What a person may do indirectly or innocently, will, I think, be recognised by every one; and I believe honorable senators will see the wisdom of agreeing with the amendment made in another place. I have great pleasure, on the first occasion on which Senator Higgs has taken his seat as Chairman of Committees, in complimenting him on the honour paid to him, and expressing the hope that he may have a very successful official career.

Senator DRAKE (Queensland).—I join with the Vice-President of the Executive Council in congratulating you, Mr. Chairman, on the attainment of your present position; and I am quite sure, from what we have seen of you in the past, that you will perform the duties of your office in a dignified manner. I agree with the motion submitted, but, at the same time, I think that the Vice-President of the Executive Council was rather "out" in his remarks. The honorable senator seemed to think that because this clause appears in this particular Bill, it is intended to apply only under certain circumstances. But the clause refers the commission of an offence under any Act, and, of course, it would apply in all cases where a criminal offence was created by any future Statute. This is an Acts Interpretation Bill, which makes a general provision for offences under any Act—I have not the clause before me, and must speak from memory—and any person in the position of an accomplice would be held to be guilty of the offence. The object of putting this clause in an Acts Interpretation Bill is to prevent the necessity of enacting it every time we have before us a Bill by which criminal

offences are created. When this Bill was before the Senate previously, I quoted from one or two of our present Statutes, in which an identical provision appears, and there will be nothing to prevent us in the future from passing such a clause in each case. But the object of placing the clause in an Acts Interpretation Bill is to prevent the necessity of enacting it in separate Bills, as they come before us—in order that certain things, which we desire shall be uniform throughout our legislation, may be provided for in one Act, instead of in each separate Act. However, there is nothing to fight about in the matter, and if the other House does not want this clause, I am willing that it should be omitted. The only effect will be that when we have before us a Bill creating a criminal offence, we may, and probably shall, insert in that Bill an identical clause.

Senator MCGREGOR (South Australia—Vice-President of the Executive Council).—I must thank Senator Drake for the very mild way in which he has criticised this amendment. I think, however, that honorable senators will admit that it is better to have a clause of this description in any Bill, from which drastic results may follow, than to have the provision in another measure, where it may not be seen by the individuals affected, and will afford no opportunity to those people of realizing the position in which they place themselves. It is our duty, I think, to place this provision in the measures under which it will be really operative.

Motion agreed to.

Clause 11—

But if either House of the Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

*House of Representatives' Amendment*.—After "resolution" insert "of which notice has been given."

Senator MCGREGOR (South Australia—Vice-President of the Executive Council).—I move—

That the amendment be agreed to.

I think it much better in a case of this kind that notice should be given, because, when that is done the object of the clause is fulfilled. When notice is given within fifteen days, that has the same effect as if the motion were submitted at the time. Members of another place, and gentlemen belonging to the legal profession, are of opinion that

the best course is to accept this amendment, which is very simple, and will, in my opinion, improve the measure.

Motion agreed to.

Resolutions reported; report adopted.

### STANDING ORDERS.

Senator MCGREGOR (South Australia—Vice-President of the Executive Council).—I move—

That the first report of the Standing Orders Committee be adopted.

There is no necessity, I think, for any debate on this report, the adoption of which will tend greatly to the harmonious conduct of the business of this Chamber, in view of the very kind assistance given by you, sir, to the Standing Orders Committee in the past. Under the circumstances I simply move that the motion be adopted.

Senator PLAYFORD (South Australia).—This motion opens up a question which is perhaps bigger than the Vice-President of the Executive Council imagines. If the report be adopted it will enable the Senate to be continually altering the Standing Orders.

The PRESIDENT.—The Senate may do so now.

Senator PLAYFORD.—The motion will enable the Senate at any time to alter any of the Standing Orders which may "appear insufficient or manifestly inconvenient." It will only be necessary to point out that a particular standing order is inconvenient in order to have it quietly altered, very possibly without any notice; and that appears to me to be a very dangerous policy.

Senator GUTHRIE.—Not if in the opinion of the majority of honorable senators there is good reason for the alteration.

Senator PLAYFORD.—If the majority think that a standing order is inconvenient, would it not be better to have the question carefully considered by the Standing Orders Committee before the Senate is asked to express an opinion?

Senator CLEMONS.—The Standing Orders Committee have considered the matter.

Senator PLAYFORD.—No.

Senator CLEMONS.—The report states that the Committee have done so.

Senator PLAYFORD.—The words used in the first resolution of the Standing Orders Committee are—

That in any case which may arise which has not been provided for by the rules, or in which the rules appear insufficient or manifestly inconvenient, the President should state to the Senate

(after mature consideration, if possible) what, in his opinion, is the best procedure to adopt; . . .

It will be seen that the matter is not referred to the Standing Orders Committee. Our Standing Orders were, in the first place, framed by that Committee; in the second place, they were adopted by a Committee of the Senate; and, in the third place, they were accepted by the Senate itself. It is now proposed that, because on some particular occasion a standing order may appear inconvenient, there is to be power, on the spur of the moment, to vary that standing order.

Senator Sir WILLIAM ZEAL. — Why should the Senate not have that power?

Senator PLAYFORD. — We had better adopt a proper course. We made a mistake at the very start in regard to our Standing Orders. We ought to have adopted a standing order, which finds a place amongst those of every Parliament in Australia, to the effect that where we have not by our Standing Orders provided for a particular case, we should adopt the practice of the House of Commons.

Senator GUTHRIE. — Why adopt the procedure of the House of Commons when we can make our own procedure?

Senator PLAYFORD. — I know that the honorable senator does not like precedents—that he does not think the old ways are good ways. Senator Guthrie is not of opinion that the practice of centuries, adopted after mature consideration and deliberation by generations of legislators, is the practice that ought to be followed.

Senator FINDLEY. — We do not always follow our great grandfathers.

Senator PLAYFORD. — Possibly not; we may move in other directions, and make new, and, perhaps, better rules. At the same time, it appears to me that it would be advisable to refer such matters to the Standing Orders Committee in the first instance, in order that they may gather evidence and go into the questions very carefully. It will be noticed that within brackets there appear the words "after consideration, if possible." It is there provided that if consideration is not possible, or if we choose to say that consideration is not possible, for the time being, the question is to be given no consideration whatever.

Senator KEATING. — Those words refer to the President only.

Senator PLAYFORD. — The President is to give his ruling, and, if no objection be

raised by the Senate, the procedure has to be according to that ruling "until altered by the Senate." It may be that the Senate will have little or no opportunity of thoroughly going into the question at the time, and ascertaining whether the ruling laid down is wise. I rose principally to say that it would be far better for us to adopt the course followed in Canada and in British Legislatures in other parts of the world, that where there is no provision to meet a particular case, the practice of the House of Commons shall be adopted.

Senator PEARCE (Western Australia). — Senator Playford is somewhat late in the day in raising the point as to our adopting the procedure of the House of Commons. If the honorable senator will cast his mind back he will remember that there was a standing order which embodied the suggestion he now makes, and that the standing order, after mature consideration by the Senate, was rejected.

Senator PLAYFORD. — In that we made a mistake.

Senator PEARCE. — The Senate decided, and, I think, decided rightly, that under our Standing Orders we ought to build up a practice of our own.

Senator GUTHRIE. — Make our own procedure.

Senator PEARCE. — Exactly. And all that the motion before us does is to give the President, as the official who has to make the precedents, an opportunity, in the first place, to do so.

Senator DAWSON. — Under the control of the Senate.

Senator PEARCE. — Of course. Honorable senators may remember the proceedings which led up to the recommendation of the Standing Orders Committee. There was a standing order which left the President no option but to call on the honorable senator who rose first.

Senator MCGREGOR. — Whom the President saw first.

Senator PEARCE. — I am not quoting the exact words, but simply stating their effect. We all know that there are parties in Parliament, and the standing order left the President absolutely no freedom—he had to call on the senator who rose first, whether that senator was or was not the leader of a party. There are occasions—for instance, those on which a Ministerial statement is made—when it is advisable to have statements from the various leaders

of parties in the House, and it has been found convenient in the House of Commons—

Senator PLAYFORD.—In the House of Commons there is a similar standing order to that now referred to by the honorable senator.

Senator PEARCE.—Excuse me; there is not a similar standing order. The standing order of the House of Commons is different in its wording from ours, the former providing that the Speaker shall call on the member who, “in his opinion,” rose first.

Senator PLAYFORD.—That must be the member who did rise first.

Senator PEARCE.—Not necessarily.

Senator PLAYFORD.—Then the “opinion” of the Speaker must be a false one.

Senator PEARCE.—Let me point out to the honorable senator that under the standing order the Speaker of the House of Commons can make up his mind that he will see a certain senator rise first, and no other. As a matter of fact, under the House of Commons procedure, that is what happens; no matter who rises first, when a Ministerial statement has been made, the Speaker sees the leader of the Opposition, and no other.

Senator CLEMONS.—Does the honorable senator think that the Speaker is enabled to do so by reason of the words “in his opinion”?

Senator PEARCE.—I say that those words give the Speaker of the House of Commons that choice, whereas our standing order gives no such choice.

Senator CLEMONS.—Those words do not give the Speaker of the House of Commons the choice.

Senator PEARCE.—That is only one illustration of the working of such a standing order; and the effect of the example has been seen in the Senate. The Standing Orders Committee were asked by the Senate to bring up a report dealing with the matter; and if we look at the resolution arrived at by the Standing Orders Committee we see that, so far as freedom of speech and the order of the debate are concerned, the rights of the Senate as a deliberative body are fully conserved. The first resolution of the Standing Orders Committee commences—

That in any case which may arise which has not been provided for by the rules—

and there must be a good many cases not provided for by the rules—

or in which the rules appear insufficient or manifestly inconvenient, the President should state to the Senate (after mature consideration, if possible) what, in his opinion, is the best procedure to adopt.

That is to say, suppose some point arises not provided for in the rules, the President, not having the practice of the House of Commons to fall back on, may say—

“I am not prepared to say at present what is the best course, but to-morrow, or on some other day, I shall make a statement.” The President then considers what is the best practice to adopt, and, according to promise, makes a statement embodying his opinion.

Senator PLAYFORD.—The President will generally adopt the practice of the House of Commons.

Senator PEARCE.—He may or may not do so. At any rate, the recommendation of the Standing Orders Committee gives the President and the Senate the power to follow the House of Commons practice if it be the best, or if he thinks such practice is inconvenient, as not adapted to our Constitution, to create a practice for ourselves. In any case, the President comes forward with his proposal, and it is then for the Senate to say whether it shall be adopted. If any objection be felt to the ruling of the President, that objection can be stated; and the will of the Senate will make the practice of the Senate, because the resolution of the Standing Orders Committee goes on to say—

In the event of no objection being taken by the Senate, this shall be the procedure until altered by the Senate.

Surely there can be no objection to such a recommendation. In order that the practice therein laid down shall be followed—in other words, in order that we may have our own *May*, and a constitutional practice of our own—the second resolution of the Standing Orders Committee goes on to say—

That at the commencement of each Session the President shall present to the Standing Orders Committee a paper formulating and tabulating all the decisions arrived at during the last Session, giving reasons (if it should be necessary to do so), why, in his opinion, any of his own decisions were incorrect, or any of the decisions of the Senate would lead to inconvenient results.

It will be observed that that resolution deals not only with the practice or unwritten Standing Orders, but also with the interpretation of the Standing Orders. As the President has pointed out to the Standing Orders Committee, there are many

occasions, both in the Senate and in Committee, when most important questions are raised, as to the interpretation of the Standing Orders. These questions are raised on the spur of the moment, and, without taking any time for consideration, the President has to give his ruling. On mature consideration, however, after having looked over his ruling, and consulted authorities, the President may come to the conclusion that his decision is incorrect; and the recommendation of the Standing Orders Committee, if adopted, will give an opportunity at the end of the session of making a correction, which, if deemed a proper one by the Committee, is recommended. In that manner we shall first of all build up our practice by the will of the Senate, and, secondly, settle the meaning of the Standing Orders as interpreted by the will of the Senate. I consider that the course recommended by the Standing Orders Committee will be in the best interests of debate here, and, seeing that we have finally rejected the practice of the House of Commons, that is the only safe way to adopt in building up our own practice, and the interpretation of our Standing Orders. I hope that the resolutions will be adopted by the Senate.

Senator CLEMONS (Tasmania).—If I thought that these resolutions were intended to operate as a justification, or as a cover for an incident which is fresh in the memories of all of us, I should certainly oppose their adoption, but I am quite convinced that it was unnecessary for Senator Pearce to make any reference to that incident. I do not see in the resolutions any such intention as he has implied, but I cannot agree with Senator Playford. We decided, rightly or wrongly, that a standing order, which incorporated the practice of the House of Commons, should not find a place in our code. I happened to be in the minority in the division on that occasion; but I intend—and I trust that I always shall maintain that attitude—to respect the decision which was given by a majority of the Senate. I regard these resolutions as being an absolutely necessary corollary to that decision. I expressed at that time the hope that we should gradually form our own procedure. I certainly think that the resolutions are well and carefully worded, with one exception, which I shall mention. I think it is desirable that the President should state to the Senate, after mature consideration, if possible, what he thinks is the best thing to be done. With regard to Senator

Playford's criticism about mature consideration, I would point out to him that the intention of this wording is obviously that if the President has time to give mature consideration he will of course do so, but if on the other hand no such time is allowed, and a statement by the President at once is necessary, then he will not hesitate to make that statement. The explanation seems to me to be perfectly simple, but I do not quite follow the intention of these words in the last sentence of the first resolution—

in the event of no objection being taken by the Senate.

I should like to hear what is meant by an objection? We know that if one honorable senator objects in certain cases nothing can be done, but I presume that that is not the intention here.

Senator MCGREGOR.—Oh, yes, it must be discussed then.

Senator DAWSON.—It will not be fatal because one senator objects.

Senator CLEMONS.—These words are frequently used; but I take it that in this resolution they are not used with that meaning. I suppose what is meant is that unless the Senate, by a vote, objects to the procedure suggested by the President, it will be adopted.

Senator DAWSON.—If the honorable and learned senator will read on, he will find that it is not an objection by a senator, but an objection by the Senate.

Senator CLEMONS.—Yes; but my honorable friend will allow me to point out that the words "objection by the Senate" have occasionally a technical meaning. My contention is that the words are here intended to mean an objection insisted on by the Senate by a vote.

Senator DAWSON.—Exactly.

Senator TRENWITH.—That is the only way in which the Senate can object.

Senator CLEMONS.—Practically it is; but I think that the intention might have been made a little clearer than it is. However, so long as we understand that that is exactly what is meant I have no objection. I join with Senator Pearce in saying that the sooner we begin to form our own procedure the better. The second resolution from the Standing Orders Committee meets with my hearty approval. In the interest of the conduct of business, it is very desirable that the President should, as often as possible, certainly at the commencement of each session, give to honorable senators such a paper as is therein described, so that we

may all be cognisant with the latest decisions respecting Standing Orders, and, in fact, may have our code up to date. I intend to support the motion.

Senator TRENWITH (Victoria).—I am rather surprised that there should be any objection to this motion on the ground urged by Senator Playford. This provision gives exactly the elasticity which he seemed to desire. He urged that in all, or nearly all, other British Parliaments, there is a provision that in cases not provided for the House shall have recourse to the rules of the House of Commons. That precedent, as I understand, was deliberately departed from, and for a reason I assume. The fact that the rules of the House of Commons have grown up through centuries is an extremely important consideration, but another extremely important consideration is that they have grown up in connexion with a Parliament which, in most of its attributes, is very dissimilar from this Parliament. Therefore it is desirable that there should grow up a code of rules, not made without experience, but arising out of experience. In order that that may be done, we must be left in the initial stage with comparatively few standing orders. As the intricacies of parliamentary work are very great, cases will necessarily arise which our infant Standing Orders will not meet, and this provision will empower the President—who, of course, will always be a gentleman of considerable parliamentary knowledge and experience—to at once suggest such an expedient as may seem to him wise, taking his suggestion from whatever information may be at his disposal, and the rules of the House of Commons will always be at his disposal. So that in this provision we shall have the power to do that which Senator Playford suggests should always be done, but with which I do not quite agree. I do not think it should necessarily be always done, because it might quite easily happen that there were no rules of the House of Commons that would meet the contingencies which might present themselves to us. It might happen, and I think frequently would happen, that there were many provisions in the Standing Orders of the House of Commons which would be found expedient for us to use from time to time; but, if not, we should not be bound—and this is the important point, I think—by rules that have grown up with an institution which, in so many respects, is dissimilar from ours.

Senator DRAKE (Queensland).—The resolutions of the Standing Orders Committee seem to me to be clear and unobjectionable. We have adopted a certain code of rules for the transaction of our business. I take it, sir, that if a question should arise which is governed by our present Standing Orders, you will rule accordingly, and that if a question should arise which is not governed by our present Standing Orders, you will give your ruling—after mature consideration if possible—and that, if it is not dissented from by the Senate, it will become a precedent. Afterwards, on any similar occasion, you will rule in the same way, and your ruling will become part of the unwritten rules to govern our deliberations.

Question resolved in the affirmative.

## ADJOURNMENT.

### JUDGMENTS OF HIGH COURT.

Motion (by Senator MCGREGOR) proposed—

That the Senate do now adjourn.

Senator DRAKE (Queensland).—I wish to say a few words about a question which I have given notice of, in order to explain to the Vice-President of the Executive Council what I desire to obtain. In my question I am asking, on behalf of members of Parliament generally, for the production of copies of the judgments of the High Court in the cases of *D'Emden v. Pedder* and the *Municipal Council of Sydney v. the Commonwealth*. These decisions have an important bearing on the interpretation of the Constitution, and I think it is desirable that all members of this Parliament shall be furnished with the text of the judgments. Almost the last thing I did before leaving office was to give an instruction to obtain verbatim copies of the judgments. Whether they have been obtained yet or not I do not know, but I am asking the Government—and I hope that they will be able to give me a favorable answer—if, when the judgments are received, and now if they have been received, they will have them printed and circulated amongst members of both Houses.

Senator MCGREGOR (South Australia—Vice-President of the Executive Council).—I shall see that the matter is laid before the Attorney-General, and do everything I can to comply with the request of the honorable and learned senator.

Question resolved in the affirmative.

Senate adjourned at 3.41 p.m.

## House of Representatives.

Wednesday, 18 May, 1904.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

### MINISTERIAL STATEMENT: PAPER.

Mr. WATSON (Bland—Treasurer).—I desire to lay upon the table the following paper:—

Copy of a letter from the Right Honorable the Secretary of State for the Colonies to His Excellency the Governor-General, dated 23rd March, 1904, regarding the use of the title of "Honorable" by members of the first Parliament of the Commonwealth of Australia.

I move—

That the document be printed.

I make this motion as a cover for a general statement of the intentions of the Government in regard to matters of policy, and, with your permission, Mr. Speaker, to provide an opportunity for a full discussion by honorable members of the statement I am about to make. Honorable gentlemen will easily understand that as Ministers are all new to office, and have had at their disposal a time all too short in which to consider the important matters with which they have had to deal—though I admit we had no right to ask the House for a longer adjournment—it has been impossible to prepare for consideration this session any large general measures of policy. There is now a comparatively short time remaining of the session which began in March last; but before Parliament is prorogued it will be necessary to consider the Budget, and, therefore, it seems impossible to deal with more than a short programme if the Ministry are at the end of the session to have the credit of having accomplished work, rather than of having submitted for discussion a long and impossible series of measures. The view we take is that we should submit a practical programme—a list of measures which we have a reasonable expectation of passing during the time at our disposal. I will therefore briefly indicate a few of the matters in regard to which we hope to introduce legislation—providing, of course, that political exigencies allow us to do so. For immediate work we propose to resume the discussion upon the Conciliation and Arbitration Bill at the

point at which it was dropped by the last Administration a few weeks back. We are in agreement with the members of the last Administration so far as the general principle involved in the measure is concerned; that is, we believe in a measure providing for compulsory arbitration, as distinguished from any substitute put forward in either State or Federal politics for voluntary arbitration. As we are in agreement upon that point, and are anxious to get through business in the shortest time possible consistent with effective consideration, we intend to take up the Bill at the point at which it was dropped, and we propose to fill the blank created by the carrying of the amendment of the present Minister for Trade and Customs by inserting, first, a provision to apply the Bill to railway servants, and, secondly, a provision extending its operation to those employed in industries carried on by or under the control of the Commonwealth, or of a State, or of any public authority constituted under the Commonwealth or under a State. Guided by the opinion of our learned Attorney-General, we take the view that this Parliament is empowered by the Constitution to include within the scope of the Bill all industrial servants of the Commonwealth or of a State. Beyond that we feel, according to our reading of the Constitution, that we are not entitled to go.

Mr. CROUCH.—Then the Government have abandoned the public servants?

Mr. WATSON.—We have not abandoned the public servants. Personally, I have never asserted that we are bound to include the clerical employes of the Governments of the Commonwealth and the States other than those who may be incidentally connected with industrial concerns carried on by those Governments. The honorable and learned member for Darling Downs brought the subject prominently before the House in September last, and, in answer to an interjection made by him while I was speaking, I said that I entertained considerable doubt as to our right to bring within the scope of the Bill public servants other than those engaged in industrial enterprises carried on by the Governments of the Commonwealth and the States. We propose to bring within the scope of the Bill, first, the railway servants of the States, and, secondly, all other servants of the Commonwealth or of the States who are engaged in industrial enterprises carried on by those Governments.



Mr. WILLIS.—Will the carrying of that proposal be regarded as of vital importance?

Mr. WATSON.—That will be a matter for the Government to consider when the occasion arises. I have never made the matter one of vital importance, though I shall have excellent examples in the conduct of honorable gentlemen opposite of longer experience in politics, to justify any stand I may take in the matter. So far as that part of the Bill is concerned, honorable members may be sure that we shall show a proper appreciation of our constitutional position. At the same time I do not think it is a proper thing to attempt to coerce the House by making threats as to our attitude on a question of this sort.

Mr. REID.—Much better leave it to the caucus.

Mr. BATCHELOR.—Which caucus?

Mr. WATSON.—I have protested time and again against a position of that kind being taken by Ministers, and in September last, when the Bill introduced last session was dropped by the late Administration, I took the stand that they had no right to make a matter of detail a Government question. At the same time, I will not now say what attitude Ministers will assume if the measure is not amended in the direction they propose.

Mr. DEAKIN.—To the members of the late Administration the matter was one, not of detail, but of principle.

Mr. WATSON.—I admit that the honorable and learned gentleman had the right to distinguish between details and principles. For my own part, I expressed the view as far back as six or seven months ago that the matter was one of detail, and, therefore, if occasion arises, I shall be free to take any course without going back upon principles already enunciated. Another alteration of considerable importance which we propose to make in the Bill is in providing for the appointment of only one permanent member of the Court, the Justice of the High Court, who will preside. We propose to eliminate those provisions of the Bill which make the two assessors permanent members of the Court. There are various reasons for this change, though I shall not now more than briefly outline them. In the first place, we must be guided to some extent by the experience of other Governments who have similar legislation to administer; and we are aware that grave dissatisfaction exists amongst a large proportion of those affected by the decisions of

the New South Wales Arbitration Court because the cases brought before it are adjudicated upon by assessors who know nothing whatever of the technical details of the industries in regard to which the disputes arise. That dissatisfaction has, in many instances, culminated in the expression of lack of confidence in the constitution of the Court. We, therefore, think it desirable to appoint additional members of the Court, or assessors as they may be more properly termed, selected for each dispute by the parties concerned; but if both parties are satisfied to abide by the direction or decision of the Judge alone, no assessors will be appointed. Another aspect of the question to which attention may be directed is that the measure has been framed for the prevention rather than the cure of industrial disputes. We hope that the existence of the Court will obviate the need for large expenditure to bring its machinery into active operation, and, if we are justified in that assumption, it will be unwise to provide for an elaborate tribunal with all the paraphernalia of an ordinary Court of Justice, before which, perhaps, no case will be brought for some considerable time. For these reasons we consider ourselves justified in proposing, at any rate as an experiment, that the Court shall consist of a presiding Justice and special assessors chosen by the parties concerned, whenever they think them necessary. Another amendment which, perhaps, will not be quite so popular among honorable members belonging to the learned professions, will prevent the appearance of counsel before the Court without the consent of both parties to a dispute. The experience of the trades unions of New South Wales is against the appearance of counsel. It is true that the presiding Judge there has expressed the opinion that counsel have occasionally assisted him in arriving at a clearer conception of the causes of disputes, but, on the other hand, in New Zealand, where a similar Act has been in operation for a much longer period, experience shows that disputes are investigated at a much lower cost than is the case in New South Wales. When I visited that Colony recently, I was assured by those interested that in many instances large and important disputes have been disposed of at a cost of not more than £10.

Mr. WILKS.—The honorable gentleman is killing the business of the Minister for External Affairs.

Mr. WATSON.—Both the Minister for External Affairs and the Attorney-General have shown a patriotism in regard to this matter which is worthy of imitation. These are the principal alterations, but there are many others with which honorable members may make themselves acquainted by consulting the schedule of amendments which is now being circulated. We believe that with these amendments, we shall be able to pass the Bill through this Chamber within a reasonable time, and send it to another place, where I have every reason to believe that it will receive a cordial reception, with the result that the measure should become law very shortly. Another proposal is to introduce, as the first measure in the Senate, a Federal Capital Sites Bill. No one in the community has appreciated more than I have the immense influence which the selection of the Federal Capital site should have in largely dissipating the inter-provincial jealousy existing, more particularly between the two larger States.

Mr. KINGSTON.—Hear, hear.

Mr. WATSON.—In New South Wales we have been fully able to appreciate just how far many questions have been prejudiced by the mere fact that they were first proposed in Victoria, and during the three years in which I have resided mainly in Victoria I have come to the conclusion that that feeling is just as pronounced in this State as in my own. In view of this fact, I feel sure that we cannot expect any great diminution of this unfortunate feeling until we settle the question of the Federal Capital site, and the Parliament is removed from those sinister implications as to the influence which is exerted in one or other of the two great cities of the Commonwealth. Moreover, I believe that a settlement of the question will tend to encourage the growth of a larger and broader national feeling than that which has hitherto existed in regard to Federal politics. I admit that it is said that the establishment of the Federal Capital involves a large expenditure. Eventually, no doubt, the outlay of a very large sum will be involved, but if, in the councils of the nation we have economically minded men, who are content to work on a common-sense basis, and to always cut their coat according to their cloth, there need not be any large expenditure in this connexion for some time to come. I am informed that the Victorian Parliament was content for twenty years with an expenditure of

£20,000 upon the buildings in which we are now sitting. In the first instance, the complete design was put forward, but only the two legislative halls were erected. Some temporary adjuncts were also provided, and the Parliament was content with this accommodation for twenty years after the introduction of responsible government. Somewhat similar lines might well be followed in regard to our accommodation at the Federal Capital. We should first, I think, adopt a definite design, which would leave room for no mistake that could be foreseen by human prescience, and which would permit eventually of grand and noble edifices being erected, which would do credit to, and be worthy of Australia. For the present, however, we might very well be satisfied with buildings which, whilst serving our immediate purposes only, would be in consonance with the complete plans agreed upon. Therefore, I think that the general statement that the establishment of a Federal Capital would involve extravagance and waste of money is not justified. Judging from my experience of the past three years, I venture to think that whatever Government may be in power, when expenditure upon the Federal Capital is proposed, the House is not likely to support any extravagant expenditure, or the outlay of anything beyond the sum absolutely necessary for carrying out the Federal scheme. One feature of the proposed Bill will be a provision that the area to be selected shall not be less than 30 miles square, or 900 square miles, and it will also be provided that the land so acquired shall not be alienated.

Mr. SKENE.—Why "30 miles square"?

Mr. WATSON.—We mean 30 miles square or an equivalent area. The shape of the Federal territory will not matter. As was agreed by this House last session, the idea is that the area shall not be less than a certain minimum. It does not matter whether we speak of 30 miles square, or 900 square miles. We hope by the means I have stated to retain for the benefit of the Commonwealth—and the Commonwealth means the tax-payers of Australia—all the unearned increment that accrues through the expenditure of the tax-payers' money, and I have yet to be convinced that when the matter is put fairly and squarely before the people of New South Wales there will be any grave objection on their part to such a course being followed by the Federal Parliament.

Mr. WILLIS.—Oh, yes, there will.

Mr. WATSON.—That is a matter of opinion. In my constituency, which has not a site to offer for the Federal Capital, my views have been indorsed by the result of the general election.

Mr. JOSEPH COOK.—The Prime Minister's constituency is very close to one of the proposed sites.

Mr. WATSON.—I do not think that that affects the question. My opponent entertained views similar to those which I have expressed. It is the intention of the Government to push on the Bill through all its stages in this House, after it has passed the Senate.

Mr. REID.—The Bill is to be introduced in the other Chamber?

Mr. WATSON.—Yes, as the first measure. We could not introduce it into this House for some time, because of the Arbitration Bill, and we propose to put it forward as the first measure for consideration in the Senate.

Mr. MCCOLL.—Will the Government name the site?

Mr. WATSON.—No. I should very much like to arrive at a Ministerial decision in that respect, but I think that in view of the fact that members of the Government, in common with honorable members generally, took up a decided attitude with regard to the sites when the Bill was before us last session, it would be too much to expect us to submit a definite proposal.

Mr. SKENE.—Will the Government confine themselves to two sites?

Mr. WATSON.—No, we shall not. I think that every site which has a chance ought to be open for selection by a new Parliament; but I do not expect that any great number of sites will have such chances as would encourage their supporters to persist in thrusting them forward.

Mr. CHAPMAN.—There is only one site in it.

Mr. WATSON.—I think so, too.

Mr. JOSEPH COOK.—Has the Government any idea as to the means which ought to be adopted in order to reach finality on the question?

Mr. WATSON.—I do not think there is any likelihood of a protracted dispute between the two Houses. I am glad to say, on behalf of the Labour Party, both in this House and the Senate, that they are determined to push this matter through as a

national question. Owing to the strength of the party in the Senate their help in that Chamber ought to be of material assistance in the settlement of the question.

Mr. CHAPMAN.—Will the Minister bow to the will of the majority of his party?

Mr. WATSON.—I shall, decidedly. I have always done so. I do not anticipate that the will of the majority will be in favour of the site advocated by my honorable friend; but in any case I shall abide by the will of the majority. After the Bill is passed, it is the intention of the Government to enter into communication with the New South Wales Government, with a view to having the areas proposed as sites for the Federal Capital specifically set apart for the purpose.

Mr. REID.—The Government do not propose to make the proposed area of 900 square miles an absolute *sine qua non*?

Mr. WATSON.—No, our representations will take the same form as those which were made by our predecessors. We shall indicate the desirableness of setting apart the area specified.

Mr. REID.—But the Government will not make it an absolute condition.

Mr. WATSON.—No. That is a matter for negotiation, and I hope that we shall be able to arrive at an amicable understanding with the State authorities. On the initiative of the late Minister for Home Affairs, contour surveys of the proposed sites at Dalgety, and in the neighbourhood of Tumut, were undertaken some little time ago. These reports are now available, and will be laid upon the table of the House to-morrow. Therefore, honorable members will almost immediately have an opportunity to peruse the reports of the surveyors, and arrive at a more definite understanding of some of the details.

Mr. FULLER.—Has a contour survey of the Lyndhurst site been made?

Mr. WATSON.—No. The honorable and learned member will recognise that we are not responsible for what has been done. The surveys were initiated by the late Minister for Home Affairs, and we have not had time to arrange for any further surveys. Personally, I am familiar with the Lyndhurst site, and I do not think there is any grave necessity for a contour survey. Its general features are well known to be quite suited for the purpose of a Federal Capital.

Mr. WILLIS.—It is the best.

Mr. WATSON.—No doubt there is a good deal to be said on that point. I believe, however, that even if we had time there would be no necessity to engage in a contour survey of the Lyndhurst site. Another measure which we intend to introduce is the Trade Marks Bill, about which there can be little difference of opinion. I confess that I do not understand why it was not introduced as a necessary corollary of the Patents Bill. I know that in the States trade marks legislation has been worked in conjunction with that relating to patents without involving any additional expense. I think, therefore, that a Trade Marks Bill might have been introduced at the same time as the other measure.

Mr. DEAKIN.—It was left alone in order to avoid delay in the passing of the Patents Bill.

Mr. KINGSTON.—The Patents Bill was big enough by itself. It would have been a huge work if the other measure had been included.

Mr. WATSON.—No doubt that is true. Still, I have always regarded the federalization of trades marks as a necessary corollary of the patent law, and I think that under Federal administration such legislation should involve very little extra expense. We have to keep up a staff for the purpose of administering the Patents Act, and we could deal with trade marks by means of the same staff at very little, if any, extra expense. The next Bill with which we propose to deal is that relative to the appointment of a High Commissioner in London. I do not think I need say more at this stage than that, in the first place it was contemplated by the Federal Convention that such an officer would be appointed to voice in a distinct way the feelings and aspirations of Australia before the great nations of the world, and particularly in connexion with our relations to the British Government. We are told, in some quarters, that this proposal involves another extravagance on the part of the Federal Government. My own view, however, is that, so far from involving extravagance, it should afford means of economising if the States Parliaments rise to the possibilities of the situation. In the first place, we require such an officer to properly represent the feelings of Australia with regard to those great questions of current importance which are always cropping up in London. We have interests in the South

Pacific, and elsewhere in the southern hemisphere, connected with trade and other matters, which are constantly requiring attention, and we cannot rely for an adequate representation of our views with regard to such matters upon the Agents-General, who are responsible only to their respective States Governments. If a High Commissioner were appointed within a comparatively short time the States Parliaments should be able to abolish the offices of their Agents-General and substitute for them, probably, some form of commercial agent, with an inferior status and a much less expensive establishment in the capital of the Empire. That should lead to material economies, having regard to the cost to which the States are put in maintaining Agents-General, each with his secretary, his staff of clerks, and the whole paraphernalia of a Department resident in London, each largely duplicating the work of the other. During the last three years most unfortunate misconceptions have arisen on various occasions as to the scope and intention of legislation passed by this Parliament. On various occasions the people of Great Britain—I will not say because of ignorance, but because of misapprehension as to the intention and effect of such legislation—have shown an altogether false conception of the general trend of Australian politics. It would be, in my view, most unfortunate if, having the opportunity to correct that state of affairs, we neglected to avail ourselves of it, simply because of the raising of the parrot cry of extravagance. It should be open to the States to replace their Agents-General by commercial agents, and if they so desired to avail themselves of the services of the High Commissioner as a financial adviser. We presume, of course, that a man of high attainments will be appointed to the office of High Commissioner. Such a man would be able to act as financial adviser to the Governments of the States, and, if they so desired, to deal with the inscribing of their loans and the payment of interest on their debts. In addition, the High Commissioner would be able to give assistance in the carrying out of the immigration proposals of which we have heard so much of late. I know that a number of the States Governments are anxious to second the work initiated by the late Prime Minister, in respect of immigration. I am sure that we all are most anxious that Australia, with all

its resources, should be made known to the people of Europe, and more particularly to the people of Great Britain; but it seems to me that it will be impossible to bring about that happy consummation unless we have some one in London who can speak on behalf of Australia generally, and also work in harmony with the Governments of the States in relation to the necessary measures that must be passed by the States before emigration to this continent can assume any large proportions. For my own part, I feel that unless the States Governments are prepared to co-operate with us—and to co-operate in no uncertain way—it is useless to expect anything in the way of a large immigration for some time to come. The key to the position is held by the States Governments. They have control of the lands of Australia, and unless those lands are made available—unless they are opened up and their possibilities advertised in places where farmers, or would-be farmers, are to be found—we need expect for some years hence but little advance in the way of immigration. With a High Commissioner as energetic and as far-seeing as is Lord Strathcona in the representation of Canada—with a representative of like abilities and energy—we need have no fear.

Mr. JOSEPH COOK.—A Commissioner with similar means?

Mr. WATSON.—I feel that it would be necessary for the Commonwealth to make adequate provision for the office.

Mr. REID.—Might I suggest that the Government could not find a man of wider knowledge for the office than is the honorable member for Darwin.

Mr. O'MALLEY.—The appointment should be given to the right honorable member himself.

Mr. WATSON.—The honorable member for Darwin has already informed me that he would be quite willing to give way to the right honorable gentleman opposite. He recognises that from our point of view a great benefit would be conferred on Australia if the right honorable member were sent to London.

Mr. REID.—If we went together we should, at all events, have a happy time.

Mr. WATSON.—I do not think it is necessary to say any more in this regard, save that the Government feel that it is essential, from all points of view, that the appointment of a High Commissioner should be made at the earliest possible

date. We intend to re-introduce, with very little alteration, the Bill introduced in the Senate by our predecessors in regard to fraudulent trade marks. The principal alteration will be in the title of the measure. The Bill was known as the Merchandise Marks' Bill, and we propose that it shall be entitled the Fraudulent Trade Marks Bill. Its object will be to prevent a continuance of the commercial immorality which is practised at the present time both by importers and manufacturers.

Mr. WILKS.—That is a big order.

Mr. WATSON.—I do not say that we can, beyond all doubt, insure the removal of iniquities of this description; but by passing some such measure as I have indicated we shall be able to minimize them. I do not wish to detain the House by giving detailed descriptions of the frauds which the Customs Department has traced in connexion with many branches of industry. I may say, however, that it has been found, for example, that cotton goods are sometimes sold as linens; that so-called woollen goods have in some cases consisted almost entirely of cotton, while in other cases there has been a larger admixture of cotton; that jewellery marked 18 carat was in reality only 9 carat; and that alleged lime-juice—bearing, I am sorry to say, the brand of "Parramatta"—

Mr. JOSEPH COOK.—I protest.

Mr. WATSON.—I trust that it was a libel on Parramatta. My own conviction is that it never saw the district which the honorable member so worthily represents. The fact remains, however, that this alleged lime-juice contained no lime-juice whatever, but was found to consist of acids and water. A thousand and one instances of these evil practices might be given, and I feel that the measure which I have indicated, while not involving any party question, will be of material value to the community. Another measure with which we propose to ask the Parliament to deal is a Bill relating to Papua. It will be mainly on the lines of the measure introduced by the late Government, but one or two small alterations will be made.

Mr. REID.—What will the Government do with their coloured labour dependency?

Mr. WATSON.—Had the right honorable member been present a year or two ago when we dealt with the taking over of Papua, he would have known that I expressed grave doubt at that time as to the propriety of thus widening our sphere of

responsibility. We have an enormous territory to adequately defend and develop, and although I did not press the question to a division, my own opinion at that time was that it was unwise to enter upon a quasi-Imperial policy at such an early stage in the career of the Commonwealth; but it is now too late to discuss that aspect of the question. We have assumed the responsibility, whether it is wise or not, and that being so, the duty lies upon us as men to carry it out to the best of our ability. We have to do our utmost from a humanitarian stand-point for those who are now in Papua. I am sorry to say that, so far as appearances go, recent occurrences in Papua have not increased our chances of impressing the native population with the unswerving firmness and justice of our control. That, however, is a matter which will be inquired into at a later stage. At present, owing to the lack of necessary legislation, developmental work is absolutely suspended in the dependency. We are holding the territory in a most extraordinary way. We control it under an Order in Council of the Imperial Government, which allows us a nominal authority, but actually gives us very little control, and until the Parliament passes some measure sanctioning a governmental organization for Papua, it will be impossible to secure adequate development of the territory.

Mr. JOSEPH COOK.—Why should we be so anxious to develop Papua? Have we not plenty to do in Australia?

Mr. WATSON.—I agree that we have; but if for no other reason than that we should do our duty to the native population of Papua, it is necessary that we should spend a large sum of money in the dependency. Our finances will not permit of an adequate grant without any return, and, therefore, it seems to me essential that we should give reasonable opportunities to those who desire to settle there—under proper conditions—on land which has already been acquired upon equitable terms from the natives themselves. This land, at present, is not being utilized, and it appears to me an unfortunate thing that we should be spending some £20,000 on the maintenance of the government of the territory and getting practically no return. We propose to amend the Bill as introduced by the late Government, by introducing clauses dealing with the question of land tenure, and declaring that no land shall be alienated. They will enable the general terms of the leases to be fixed by the

Governor in Council—that is practically the Legislative Council of Papua—with a general direction as to drawing a distinction, so far as periodic re-appraisements are concerned, between urban and rural lands. We recognise that, so far as town lots are concerned, we may be able to secure settlement, notwithstanding that we insist upon comparatively frequent re-appraisements of the rentals. But in regard to rural settlement, we consider that it will be essential in the first instance to offer the pioneers who are willing to improve the country which is largely malarial, heavily timbered, and very expensive to work, some encouragement by giving them long preliminary terms at pepper-corn rentals, and without re-appraisalment. The leases, however, will be subject after the expiry of the first period to re-appraisalment at fixed intervals. Our desire is that a distinction should be drawn between urban and rural lands, and beyond that it is unnecessary to go in the Bill itself.

Mr. MAUGER.—What will the Government do with regard to the resolution passed by the House in reference to the prohibition of the drink traffic in Papua?

Mr. WATSON.—We do not intend to take any action in regard to the drink question there.

Mr. MAUGER.—But will the Government abide by the decision of the House?

Mr. WATSON.—We are so anxious to secure the passing of the Bill that we certainly shall abide by the decision of the House in regard to that question. It is not a party question, and although I should regret to see the Bill amended in the direction indicated, I do not think we should be justified by any such consideration in further delaying the granting of a Constitution to Papua, and thus retarding its development. If such an amendment is carried, I feel sure that it will be demonstrated within a comparatively short period that the principle is inapplicable to a community such as that of Papua, but even if there is a majority in both Houses in favour of the proposition referred to, it will, nevertheless, be our duty to get the Bill passed. The feeling of those at present residing in Papua, and who are not whisky drinkers to any extent, is strongly favorable to the admission of intoxicating liquors under proper restrictions. But I do not intend to deal with that matter at the present stage. Let me say further, that we purpose introducing a Postal Bill to correct minor defects in the

Postal Rates Act, and to deal with postal matters generally. I may say here that we propose removing the prohibition of the employment of the aboriginals of Australia contained in the coloured labour section of the Post and Telegraph Act. So far as I am personally concerned, the existence of that prohibition is a pure inadvertence. It was never intended that by any prohibition of coloured labour we should place the aboriginal natives of Australia at any disadvantage or interpose any barrier to their employment. I do not say that they are people who may be safely intrusted with contracts; but if it is found that contractors desire to employ them we have no desire to interfere in the slightest degree with their employment. Having touched upon the question of coloured labour, I may be permitted to say that I am in a position to correct a misapprehension which has been spread very largely throughout Australia during the last few months in connexion with the insistence upon the employment of white labour under the general mail contracts between Australia and England. Some time ago the late Postmaster-General called for tenders for new contracts for the carriage of mails between Australia and the Motherland. The honorable gentleman, unfortunately, in my view, did not see his way to publish the details of the tenders received. My colleague, the present Postmaster-General, has since given particulars of the tenders to the public.

Mr. JOSEPH COOK.—And very properly, too.

Mr. WATSON.—I had an opportunity of interviewing Mr. Anderson, the manager of the Orient Company, at Sydney, on Saturday last, and obtained from him direct particulars, not only as to the price at which the company would be prepared to carry the mails, but also as to the reasons by which they were actuated in asking for a much higher subsidy than they had previously received.

Mr. DEAKIN.—He was preparing that information at my request two months ago. I asked him to let me know exactly what he thought would be the extra cost involved in the employment of white labour only, and also the grounds upon which he asked for any increase at all upon the company's previous tender.

Mr. WATSON.—I am glad to hear the statement of the ex-Prime Minister. It is quite in accord with what Mr. Anderson told me. He admitted that he had prepared

the information which he gave me at the request of the honorable and learned gentleman. Some perplexity, however, still exists in my mind in the endeavour to understand why the honorable and learned gentleman, who had so manfully shouldered the responsibility for the white labour section of the Post and Telegraph Act, had not communicated to the public the reasons which lay behind the request of the Orient Company for an increased subsidy.

Mr. DEAKIN.—Mr. Anderson promised to put his statement in writing.

Mr. WATSON.—I understood that the honorable gentleman had received the communication before vacating office.

Mr. DEAKIN.—I had not at that time.

Mr. WATSON.—Mr. Anderson showed me a letter which the honorable and learned gentleman should have received before he left office.

Mr. DEAKIN.—I received a letter containing some particulars about so much a mile.

Mr. WATSON.—Yes; and I understand it also contained other particulars. From the account of an interview with Mr. Wesche, of the P. and O. Company, which is published in the *Argus* this morning, I presume that Mr. Wesche communicated with Mr. Anderson, and there is this statement made—

Mr. Anderson had stated that the information given by him to the Prime Minister was not supplied with the view to publication; but of course Mr. Watson was the one to decide whether or not it should be made public.

That would appear to contain an implication that in giving certain information to the press I have divulged something which was given to me in confidence. That is not correct, and I feel sure that Mr. Anderson never intended to give colour to such a statement. What occurred was this: Mr. Anderson told me that he had prepared for the late Prime Minister certain information, and he submitted to me a copy of the letter, together with other particulars. It is quite correct to say that the statement given to me was not prepared for publication; but after Mr. Anderson had submitted the information to me, I asked him whether I should be at liberty to make public the particulars contained in the document which he gave me, and he said that I might do so if I considered it necessary.

Mr. KINGSTON.—That is what he admits.

Mr. WATSON.—Yes; but the statement which I have quoted from the *Argus* may leave the impression, in some minds, that I

received something under the seal of confidence, and then exercised my own judgment in making it public.

Mr. KINGSTON.—Mr. Anderson says the honorable gentleman was entitled to do what he did.

Mr. WATSON.—I can say that I was, because I asked Mr. Anderson's permission to make the documents public. I am justified now in stating with authority that the demand for an increased subsidy by the Orient Company has not been due to the insistence of the Federal Parliament upon the employment of white labour only upon mail vessels. Mr. Anderson, as representing the Orient Company, admitted at once that if they were permitted to employ any labour they chose, they would still, under existing conditions, have to ask the same sum for the carriage of mails.

Mr. KELLY.—Did he not say that the company would look for some allowance to be made in certain cases where the boats were late?

Mr. WATSON.—Not an allowance in cash. He said that if the steamers were late, because of desertion on the part of the crews, the company would ask to be exempt from any penalty so long as that could be proved. That is a minor matter. But the idea which has been sedulously fostered throughout Australia has been that the extension of the White Australia principle to the mail vessels has led to an increase of 100 per cent. being asked for the carriage of mails. That I wish to deny absolutely on the authority of a man who is in a position to know the facts. Mr. Anderson stated that the facts were that the Orient Company being paid only at the rate of 2s. 7d. per mile, it was impossible for them to compete with the P. and O. Company getting 4s. 7d., counting all their services to India, China, and Australia, and whilst the German Government were paying a subsidy of 6s. 8d. per mile, and the French Government over 8s. per mile. He says in his memorandum that the service to Australia pays only during some five months in each year, and that it is impossible for them to continue a regular service through the canal in view of the enormous canal charges and other expenses involved with either white or black labour unless they get a subsidy of at least £150,000 a year, as compared with a subsidy of £86,000 a year paid at the present time. Whether it is wise for us to pay this increased subsidy in order to secure the

additional facilities afforded is a matter which any Government will have to consider very carefully before coming to a decision. There are many interests concerned. We have to look to the interests of the producers in the rapid carriage of perishable products, and we have to ascertain how far their requirements may be met by services other than those concerned in the carriage of mails under present conditions. The interests of the producers and of the commercial community on the one hand, and of the taxpayers of the Commonwealth on the other, are such that we must have further time to consider the question before arriving at any decision. Another Bill which we intend to introduce is one to provide for a survey of the Western Australian railway. I am sure that our friends from Western Australia will be gratified to hear that. I have been in communication with the Premiers of South Australia and Western Australia for some days past in connexion with this matter. I shall have the pleasure at a later stage of laying upon the table a copy of the correspondence which has passed by wire between the Premier of South Australia and myself in this connexion. The effect of it is that Mr. Jenkins' Government is prepared to permit a survey to be made.

Sir JOHN FORREST. — We knew that before.

Mr. WATSON.—I am aware of that. But I was hoping that we should have received a little more from the Government of South Australia. I am sorry that the Premier of that State has not gone as far in the matter as I desired; but he is prepared to consider the question of allowing the construction when the survey has demonstrated that the cost will not be excessive. That is the most that I could get from him. With regard to the correspondence between Mr. James and myself, I am not yet at liberty to place that before the House. In its preliminary stages it has been confidential; but I am justified in saying that I have every reason to believe that the Government of Western Australia will be willing to act liberally in regard to any possible loss that may accrue after the railway is constructed. Under these circumstances I feel that we are justified in asking the House to carry the proposed Survey Bill. I do not think it should be held to commit either the Ministry or individual members of the House to carry through the construction of the railway at



a later period, unless the circumstances as then known are found to be such as will justify the large expenditure involved. But so far as the present proposal is concerned it does seem to me that in view of the manner in which persons, who perhaps said more than they were entitled to say with authority, encouraged the citizens of Western Australia to hope that this transcontinental railway would be undertaken, we are justified in having a survey made to demonstrate beyond all doubt what the cost of the construction of the line will be, and also what is the character of the country through which the proposed railway will go. On this head we have a remarkable diversity of opinion amongst so-called authorities. But we are aware that no flying survey, which merely traverses one line of country, and shows nothing of the country north or south of that line, can satisfactorily determine the question whether country which is said to be likely to add another province to Australia if opened up, will really bear that description or not.

Sir LANGDON BONYTHON.—What is the present estimate of the cost of the line?

Mr. WATSON. — Something over £4,000,000. The cost of the survey, I understand, would be about £20,000. I think that from an exploratory stand-point alone we should be justified in incurring some expense upon a survey, even though the railway should not afterwards be built.

Mr. JOHNSON.—What is the route proposed? Is it the coastal route?

Mr. WATSON.—I understand that the Tarcoola route is the one proposed. Before the Bill is introduced the Government will consider the question whether the prospects of Tarcoola justify the line being taken that way. If there are sufficient mineral and other prospects discovered in the direction of Tarcoola, we should, no doubt, be justified in so deviating the line as to take them in. That is a matter for consideration, and it would not involve a great increase in the cost of survey to have both routes included one out and the other in, one *via* Tarcoola, and the other *via* Eucla and Port Augusta. My own information, I admit, is that the difficulty of finding sufficient water is a very great one. But it would seem extraordinary that where the country is said to be good, and where there is a sufficient rainfall to secure a fair spring of grass, it should be impossible to conserve water at a moderate cost. In western New South Wales we have had experience in conserving water in most unlikely places, and I am glad to say

that we have in many instances succeeded in doing so at a cost commensurate with the benefits gained. We also intend to introduce an amending Electoral Bill, to deal with a number of minor defects which have been discovered in the working of the Commonwealth Electoral Act. For instance, we intend to provide that bribery on the part of a candidate standing for election shall be sufficient to invalidate his election and to prevent him from taking his seat. When the existing Electoral Act was passed I think that the House inadvertently omitted to bring that offence within the purview of the High Court. So far as the *obiter dicta* of the Court goes it would appear that we omitted to take that precaution.

Mr. WILKS.—What about a redistribution of seats?

Mr. WATSON.—My colleague, the Minister for Home Affairs, has already taken steps to have the rolls in New South Wales and Victoria revised, but I do not think that the other States are at present affected, although it may, perhaps, be found that Queensland is entitled to another representative. In regard to the two States in which there is an admitted necessity for a redistribution of seats, the Minister for Home Affairs has asked their respective Governments to assist us by means of the police in collecting accurate rolls on the basis of the Federal franchise. We recognise that a redistribution is necessary, but, before anything is done in that regard, accurate Federal rolls must be collected in order to give the Commissioners who will have to be appointed a proper basis to work upon. My honorable colleague informs me that, generally speaking, the difficulties in regard to enrolment exist only so far as New South Wales is concerned, the Victorian rolls having been specially collected, and being therefore fairly accurate.

Mr. JOSEPH COOK.—When are the Government going to pay the men who did the work of the last elections?

Mr. WATSON.—In every case, where no attempt at an overcharge has been made, payment, so far as the head office knows, has been made.

Mr. JOSEPH COOK.—I do not believe it.

Mr. WATSON.—Then the honorable gentleman had better see the Minister for himself. I am informed that in one or two cases the claimants are being compelled to substantiate their charges in the Courts,

but in those cases what are regarded by the Department as absolute overcharges are being made.

Mr. JOSEPH COOK.—I am speaking of cases in regard to which there is no dispute.

Mr. WATSON.—I am assured that in every case of that kind the account has been passed for payment. The money is available, and there is no reason why these accounts should not be paid.

Mr. WILKS.—Do the Government favour equal electoral districts?

Mr. WATSON.—Yes; so far as practicable.

Mr. WILKS.—And the States are to be redistributed to bring that about?

Mr. WATSON.—Yes.

Mr. MCCOLL.—The Government will not find the rolls in the northern districts of Victoria anything like accurate.

Mr. WATSON.—The Minister for Home Affairs has already taken steps to see if the rolls in some parts of Victoria are accurate, and, where sufficient reason is shown, that action will be extended to other parts of the State. The Bills to which I have referred constitute practically our programme for the session.

Mr. MCCAY.—When is the session to end?

Mr. WATSON.—Although I have occupied perhaps an unjustifiable length of time in referring to these measures, a number of them are measures which are not affected by party opinion. A few, such as the Conciliation and Arbitration Bill, will occupy us for some time; but most of them should not require lengthy discussion, and I have no doubt that when they come to be considered, they will be dealt with in a comparatively short space of time.

Sir WILLIAM LYNE.—Do not the Government propose to do something in connexion with the Navigation Bill?

Mr. WATSON.—I am about to refer to that measure; but I wish first to speak of the Inter-State Commission. On the initiative of the late Government, the Premiers of the States were asked to bring before the Conference of Railways Commissioners which recently met in Sydney the question of preferential, differential, and competitive rates, with a view to seeing how far existing grounds for complaint in regard to them could be removed. I have since followed up that action by telegraphing to the Attorney-General for New South Wales, asking him to be good enough to

bring the matter under the notice of the Railways Commissioners again, so as to insure action being taken if possible. In reply, I have been informed that resolutions, which are not yet available, but which I hope to have before me shortly, were passed, which tend to show a reasonable probability of these rates being so minimized as to remove many of the complaints which have so justifiably been made against them. My hope is, that, by getting the Railways Commissioners to mutually agree to the abolition of preferential and differential rates, we may largely obviate the necessity for the appointment of an Inter-State Commission. None of us deem it wise to incur avoidable expenditure, and it is my conviction that the Inter-State Commission, if it be found necessary to appoint it, will have no work to do after it has been in existence for twelve months, assuming that its members display a reasonable diligence in addressing themselves to the task before them. Once they have settled upon a line of policy respecting Inter-State rates, it is reasonable to expect that the Railways Commissioners will not needlessly and carelessly come into collision with it, knowing the power of the Commission to enforce its determinations. Once a policy is announced by the Inter-State Commission, it will be conformed to by the Railways Commissioners, so that the members of the Inter-State Commission will have nothing further to do, until the lapse of a long interval of time. I admit that other matters besides railway rates would come within the scope of the Inter-State Commission. We have at the present time an anomalous condition of affairs with respect to wharfage rates.

Mr. DUGALD THOMSON.—Cases of preference?

Mr. WATSON.—Yes.

Sir WILLIAM LYNE.—And in respect to shipping freights, too.

Mr. WATSON.—I do not think we have the same necessity to interfere in regard to shipping freights; but, as regards wharfage rates, there is no doubt that in some of the States local products are allowed to be landed without charge, or at lower charges than those imposed upon imports from other States. That is an undesirable condition of affairs, and amounts to a preference opposed to the spirit and letter of the Constitution. But if we succeed in removing by mutual arrangement between the Railways Commissioners most of the difficulties at issue,

surely similar good sense will be shown by the authorities responsible for wharfage rates. If we are able to put before the Governments of the States the alternative that, if they do not take action in removing the anomalies complained of, and cease from imposing improper charges, they will be responsible for imposing upon the citizens of the Commonwealth an expenditure of many thousands of pounds a year, most of them will, in my view, see the need of coming to an understanding which will remove the causes of complaint. Even if they do not, there is another alternative which I think worthy of consideration, and which the Government has under attention at the present time, and that is to appoint as members of the Inter-State Commission, not outsiders with salaries ranging from £1,000 to £3,000 a year, but State or Commonwealth officers, who will be able to conform to the provisions of the Constitution, but who will not require large increases of salary for the performance of these additional duties. It may be objected to this suggestion that we should be relying upon persons who have not the required calibre to deal with the important questions which will come before the Inter-State Commission, but I do not think that that objection will hold good. Notwithstanding my limited acquaintance with the important public officers of the Commonwealth and of the States, I know quite a number whose long experience, probity, and keen judgment would commend them to the public as fitted to occupy these important and distinguished posts. Therefore, if it is found necessary to appoint the Inter-State Commission, it may be done without involving the Commonwealth in any large additional expense. Another question which must be considered in this regard is the control of the waters of the Murray. At present an unpleasant degree of friction exists in respect to this matter. The people of South Australia insist that there should be no diversion which might prevent a large minimum flow of water through that State at every period of the year, and, whilst, on the one hand, the Commonwealth authority is charged with the duty of controlling navigation, it seems to me impossible for us, at the present time, to come to any determination as to the limits to which other States may go in regard to the reasonable conservation of water for irrigation. Therefore, some

*Mr. Watson.*

authority which will be able to pronounce judicially between these contending interests must be set up. That, in itself, may constitute a reason which will ultimately necessitate the appointment of an Inter-State Commission on an inexpensive basis. However, our policy is to avoid, as long as possible, the incurring of any expense in the matter, and I hope that, in any case, there will be no need to appoint a large or expensive Commission. The Navigation Bill, introduced in the Senate by the late Administration, contains, as honorable members are aware, some hundreds of clauses, and as Ministers have naturally been busy in acquainting themselves with the detailed work of their Departments, and in the consideration of other measures, it would be unfair to expect us, within the short time at our disposal, to have dealt thoroughly with this measure. We see in it, however, preliminarily, large grounds for objection, and have, therefore, decided to relegate it to a small Royal Commission. The appointment of such a Commission has been asked for by all sections of the community. The unions with which I have been indirectly associated have been almost unanimous in asking for its appointment. They contend that the Bill contains clauses which they regard as objectionable, and does not contain clauses which they regard as essential for the proper carrying on of the shipping industry. Other sections of the community have an interest in this matter, and each of them have put forward their representations. I do not favour the appointment of an undue number of Royal Commissions, and certainly I should not approve of a large Royal Commission in this instance, because a large body almost invariably leads to delay in the presentation of the report, and difficulty in arriving at anything like a unanimous finding. Therefore, our view is that a small Royal Commission should be appointed to consider this most important question. We should expect a progress report very soon, and a final report within at least a few months of their appointment, but apart from any such final report we should be prepared to introduce a Bill next session. Every step will be taken by the Government to insure the presentation of the report to the Governor-General in ample time to allow Ministers to digest the recommendations, and the evidence, and to, if possible, meet the objections raised to the measure by those who are held to possess particular information upon the points at issue.

Mr. HUME COOK.—Do the Government propose to do anything in regard to the iron industry?

Mr. WATSON. — Not at present. Another measure with which we hope to deal next session is that relating to Federal Quarantine. We do not propose to introduce it at present, for the reason that the Minister for Trade and Customs has asked the States Governments to allow the heads of their Health Departments or other duly authorized officers to attend a Conference in Melbourne, with the object of assisting him in arriving at a decision as to the most economical as well as the most effective manner of treating the question. This is largely a professional and departmental matter, and does not involve any political question. We have already received a reply from the New South Wales Government to the effect that they are quite agreeable to send an officer to assist us, and I think honorable members will agree that, even if the Bill were introduced this session, it would be desirable to first submit its provisions to experts.

Sir WILLIAM LYNE.—That does not affect the policy of the Government. I presume that the Government have made up their minds to introduce a Bill of some kind.

Mr. WATSON.—Yes, our only object is to so shape the provisions of the Bill as to avoid friction and insure efficiency. There is one other matter with regard to the work of this session upon which I should like to say a word or two. Even at this early stage, I think it is desirable, as a matter of policy, to indicate to the House that the Government have made up their minds to ask for the grant of a large sum, apart from the ordinary military estimates, for expenditure on warlike material. The impression has got abroad in the past that the Labour Party are opposed to any adequate provision being made for defence. We have on several occasions led an attack upon the military estimates, and have assisted to cut down, by a very large sum, the votes proposed, with results which, I believe, afterwards proved very acceptable to the late Treasurer. Because of this, it has been assumed in many quarters that we had no desire to see Australia defended, and did not wish to make any adequate provision to that end. So far from that being the case, I would remind honorable members that, when the Estimates were under consideration in 1901, 1902, and 1903, I specifically offered, on

behalf of the Labour Party, to vote any reasonable sum in order to provide necessary armament, equipment, ammunition, and warlike stores generally.

Mr. JOSEPH COOK.—Are we to understand that the Government propose an increase in the total military vote?

Mr. WATSON.—Yes, we do. As Treasurer, I should endeavour to cut down the military vote in some directions even below the present figures. There are some items of expenditure with which I think we might dispense for one or two years, whilst we are making special provision for warlike material.

Mr. McCAY.—To what items of expenditure does the Prime Minister refer?

Mr. WATSON.—I have not yet gone into the matter in detail.

Mr. McCAY.—The Prime Minister might perhaps mention the class of items in regard to which he contemplates economy.

Mr. WATSON.—Well, I think that we might minimize the expenditure upon camps of instruction. We might substitute local for general camps for one or two years, in order to save money, which would act as a partial set-off against the heavy expenditure upon warlike material.

Mr. McCAY.—That has practically been done this year.

Mr. WATSON.—In some respects that may be true, but, although the camps which were held this year were called local, as distinguished from one general camp for each State, they involved a large expenditure, especially for railway travelling. Of course, the railway fares are paid over to the State, but nevertheless they form an item of our expenditure. I might mention, for instance, that the whole of the light horse from the south of Sydney were conveyed by train to the Clarendon camp. This operation necessarily involved an enormous expense for the conveyance of men and horses. I am not now attempting to indicate the exact lines upon which we can cut down the ordinary military votes, but, whether we can cut them down or not, I submit that it is absolutely essential that we should spend a large sum in providing warlike material.

Sir GEORGE TURNER.—What amount does the Minister propose to spend?

Mr. WATSON.—£120,000, and more if I can get it.

Sir GEORGE TURNER.—That is what I proposed last year. The Minister for Defence asked for £266,000, and I requested

him to recast his estimates so that they should not exceed £125,000.

Mr. WATSON.—I am glad to know that the arguments we put forward had some effect.

Sir GEORGE TURNER.—I said before that we were going to spend £125,000—that for the first year we could afford only £75,000, in addition to what we could save in the Defence Department, but the total amount would not be very much short of £125,000.

Mr. WATSON.—At any rate, I propose to ask for £125,000 at least, and all I can get in addition to that amount.

Mr. CHAPMAN.—Is it true that the Government propose to cut down the expenditure upon cadet corps?

Mr. WATSON.—We have not arrived at any decision in the matter.

An HONORABLE MEMBER.—It would be a great mistake if that were done.

Mr. WATSON.—There is plenty of time in which to announce the details of our proposals.

Mr. CHAPMAN.—The newspapers made an announcement to the effect I have indicated.

Mr. WATSON.—I am not responsible for what appears in the newspapers. The position I take is that we must spend a comparatively large sum in providing armaments and other warlike material. There is one aspect of this question upon which I should like to say a word or two. It seems to me that at present our naval vote is an absolute waste of money. We have provided in the Naval Agreement for a contribution towards the maintenance of the Imperial Squadron. I did not approve of that agreement; but there it is. It provides for the creation of Naval Reserves, from which the Imperial Squadron may recruit in case of necessity, and, therefore, it seems to me that our purely local Naval Forces will form only a second reserve, and that without training. These so-called Naval Forces are of no value for harbor defence under present circumstances, because our forts are manned solely by our Military Forces. I understand that the late Minister of Defence proposed that we should secure the use of a third-class cruiser for Sydney, and others as they might be obtainable for other ports, and upon such vessels train our Naval Forces. I dissent altogether from any such proposition, because I hold that it would be absolutely impossible to properly train men upon

a ship which dare not show its nose outside a harbor. Then there was another proposal to keep the *Cerberus* in commission. That vessel, even though she were armed with the most modern weapons, would be still only a floating fort, capable of proceeding from point to point only with the greatest difficulty.

Mr. REID.—That would be absolutely one of the maddest of ideas.

Mr. WATSON.—I quite agree with the right honorable gentleman. It costs £19,000 per annum to maintain the *Cerberus*, and the late Government agreed to spend £20,000 in re-arming her, which was necessary before she could be considered even as a floating fort.

Mr. CHAPMAN.—Is the Prime Minister aware that Sir George Sydenham Clarke approved of keeping the *Cerberus* in commission?

Mr. WATSON.—I do not care whether he did or not. The naval experts we have in the Commonwealth are unanimous in their denunciation of the proposal, and any common-sense individual must see that to keep in commission a vessel that could steam only nine knots under extreme pressure, even though she were armed with the best of guns, would be ridiculous, in view of recent developments in naval warfare. No doubt Sir George Clarke is an authority upon defence matters, but I question whether he has given that detailed attention to the harbor defences of Melbourne that has been bestowed upon them by others. We suggest that the *Cerberus* should be put out of commission, that the £20,000 proposed to be spent in re-arming her should thus be saved, and that the men engaged on her and other vessels should be transferred to torpedo destroyers to the extent to which we can afford to provide them. We may be able to hire a number to start with, but if we were only able to build one vessel per annum, we should soon be able to train a large number of men of the so-called Naval Forces. Their training, at week ends—which is consistent with our general policy in regard to the Militia Forces—would be of such a character that it would prove of advantage if trouble arose. We should thus be able to supplement our harbor defences, and provide a force which could act on occasions as the eyes and ears of the Imperial Squadron for scouting purposes.

Mr. DEAKIN.—We proposed to make provision of that kind.

Mr. WATSON.—No doubt, but according to what appeared in the newspapers, it was proposed to hire the *Mildura*, or some other third-class cruiser—an obsolete boat with obsolete weapons—for the purpose of training our men to act as a second reserve for the Imperial Squadron.

Mr. CHAPMAN.—Does not the Prime Minister think that it would be fairer to give the House the information contained in the Defence Department instead of that published in the newspapers, which his colleague must know to be incorrect?

Mr. WATSON.—I should be very sorry to do the honorable member any injustice.

Mr. CHAPMAN.—Does not the Prime Minister know that £20,000 has been saved in connexion with the *Cerberus* this year?

Mr. WATSON.—That does not affect my argument. The sum proposed to be devoted to re-arming the *Cerberus* has not been spent, but I understand that it was proposed to spend £5,000 immediately.

Mr. CHAPMAN.—Nothing of the kind.

Mr. WATSON.—That amount was set down for expenditure next year.

Mr. CHAPMAN.—The Minister is totally wrong.

Mr. WATSON.—Is it not true that the honorable member proposed to utilize third-class cruisers at Sydney and elsewhere for the training of the Naval Forces?

Mr. CHAPMAN.—No, we proposed to provide training ships for the naval cadets, which the Government now propose to do away with.

Mr. WATSON.—If my statements are not correct I withdraw them.

Mr. DEAKIN.—If the honorable gentleman turns to the papers he will find that I made inquiries both as to the cost of torpedo destroyers and submarines.

Mr. WATSON.—I am glad to hear it. I was giving myself credit for having hit upon a new idea, but I am glad to learn that it occurred to the honorable member before. He will, no doubt, assist in giving effect to it.

Mr. REID.—We have now a member of the Ministry who has been a military man, and therefore knows something about this matter.

Mr. WATSON.—I was only a corporal.

Mr. McCAY.—Did not the late Ministry leave the papers relating to this matter in the Department?

Mr. WATSON.—I presume so; but I have not seen them.

Mr. CHAPMAN.—Would not the honorable gentleman have acted more fairly by looking them up before speaking in this way?

Mr. WATSON.—I shall be glad to do so, and to withdraw any statement in regard to the honorable member which a perusal of them shows I should not have made.

Mr. CHAPMAN.—The honorable gentleman should examine Sir George Clarke's paper on the subject before he asserts that the scheme is a mad one.

Mr. WATSON.—Even Homer nodded, and even Sir George Clarke might be wrong in his judgment. The point I wish to make is that we are inviting the House to vary its policy in regard to naval defence. We contend that there is really no provision at present for harbor and coastal defence, that the Imperial Squadron, whatever reasons there were for entering into the agreement for its presence in these waters, does not provide for the coastal or harbor defence of the Commonwealth. If torpedo destroyers, which are economical, which cost little to build or maintain, can be obtained, we shall be able to train our men on them in a way that will prove effective in the defence of Australia. We intend inviting the House to proceed in that direction.

Mr. McCOLL.—Do the Government propose to appoint a Council of Defence? The term of office of the Military Commandant of the Commonwealth will shortly expire, and something will have to be done in the matter.

Mr. WATSON.—Quite so. I have not yet been able to give the matter that detailed consideration that I should like to bestow upon it; but after a cursory glance at it, I am inclined to think that we might with advantage decentralize our administration; that in regard to the details of administrative work, to which reference was made some twelve months ago by the honorable and learned member for Corinella—the authority to spend money to secure stores from the Ordnance Department, and to deal with many other matters—we might very largely localise the administration, and thus reduce not only the friction which arises from the present system, but also the expense which it incurs.

Mr. McCAY.—At present the whole tendency is the other way.

Mr. WATSON.—That should be altered.

Mr. McCAY.—An officer's time is occupied for the most part in signing documents instead of in drilling his men.

Mr. WATSON.—I have not yet had time to go into the whole question; but my feeling is that we should, as far as possible, adopt a policy of decentralisation, converting the Commander-in-Chief, if not into an Inspector-General, at all events into an adviser as to a general policy for the Military Forces of Australia, and not allowing him to remain an administrator.

Mr. REID.—If the Council disagree, who is to take action?

Mr. WATSON.—That is a matter of detail. I think it is only right that the House should be apprised of what measures we propose to introduce next session. As I have already indicated, we propose to introduce the Navigation Bill next session, and also a Bill relating to old-age pensions.

Mr. REID.—But the Government will give full attention to the report of the Royal Commission on the Navigation Bill?

Mr. WATSON.—Certainly. I think the right honorable member was absent from the Chamber when I referred to the proposed Commission.

Mr. REID.—I heard what was said. It would be idle to appoint a Commission unless the Government proposed to pay some regard to its report.

Mr. WATSON.—What I intended to convey when previously dealing with this matter was that we propose to appoint a Royal Commission, which will consist of only a few members—as the right honorable member knows, a small Commission is more consistent with expeditious work than is a large one—and to invite it to get to work at once and furnish us with a report as early as possible, consistent with the preparation of an adequate statement on the question. This session must certainly extend over several months, and some months are also bound to elapse between the closing of the present and the opening of the next session, so that the Commission will have some time at its disposal. I thought it desirable, however, to make the proviso that, even if the Commission were not ready to present a final report at the opening of next session we should nevertheless introduce the Bill and thus avoid undue delay.

Mr. REID.—There would be a waste of money if regard were not paid to the Commission's report.

Mr. WATSON.—Quite so; but we wish to guard against the possibility of being prevented from introducing the Bill because of the absence of a final report. The Commission might have furnished us with a number of progress reports, although its

final report might not be available at the opening of the session; but, generally speaking, we should not attempt to move without having an adequate report.

Mr. CHAPMAN.—Do the Government propose to do anything this session with regard to a Commonwealth system of old-age pensions?

Mr. WATSON.—That matter will be dealt with next session. The Navigation Bill will be the first measure introduced, and the Old-Age Pensions Bill will be the next. We admit that there are huge difficulties in the way of the establishment of a Commonwealth system of old-age pensions, but difficulties are created only to be surmounted, and we think that in this case they can be overcome. We are willing, at all events, to pledge ourselves to introduce that measure during next session.

Mr. MCCAY.—Are the Government prepared to indicate how they propose to provide the necessary funds?

Mr. WATSON.—That is rather much to expect at the present stage. We have had only three weeks in which to prepare our programme.

AN HONORABLE MEMBER.—Why do the Government put these proposals forward if they are not prepared to go into details?

Mr. WATSON.—Simply because we think it due to the House to apprise it of our proposals. I repeat that we believe we see our way clear to deal with the old-age pensions question. We also propose during next session to take steps in regard to the tobacco monopoly. It is known to us that the importation, manufacture, and distribution of tobacco throughout Australia to-day is, practically speaking, in the control of one combine. I am informed, and believe the information to be correct, that beyond that combine there are only two small concerns—one in New South Wales, and the other in Victoria—manufacturing tobacco. All the distributing agencies, so far as imported tobacco is concerned, are in the hands of one combine. They purchase from the producers, and have the power to fix the rates at which tobacco may be obtained by retailers, and thus to fix the price at which it may be obtained by the consumer. It is true that we might vary the excise duty with a view to making an alteration in the profits of this combine; but they have such complete control over the business that they would be able to pass on the increased burden, and

so maintain their profits at the present rate. I am reminded by one of my colleagues that we do not propose to retail tobacco.

Mr. REID.—Then the middlemen will, after all, come in.

Mr. WATSON.—It is unnecessary to remind the right honorable gentleman that here, as in some other parts of the world, there must be a certain degree of competition amongst the retailers of tobacco. They cannot afford to combine.

Mr. REID. — Shall we have a certain quantity of samples submitted to us?

Mr. WATSON.—I should imagine so. We should be fairly safe in trusting the right honorable member to examine them, for we know that he does not smoke. I was about to say that the tobacco industry is to-day an undoubted monopoly. I do not believe in the efficacy of anti-trust legislation, and, in my opinion, nothing short of the absolute resumption of this particular monopoly by the State will cure the evil. It is true that in the United States of America attempts have been made at various times to pass anti-trust legislation, calculated to be of some value, and that in one or two instances such legislation has temporarily "scotched" the desire of individuals to form big monopolies or combines. But for how long has such legislation had this effect? It is invariably found that the proverbial coach and four can be driven through it. The trouble is in relation to the cure, and the State can restrain those who are operating monopolies to the detriment of the general public, only by taking control of the industries.

Mr. KELLY.—And so making a bigger monopoly in each case.

Mr. WATSON.—That is so; but in such a monopoly the people would be partners, instead of having their blood, so to speak, drawn out of them.

Mr. KELLY.—The tobacco monopoly of France is not in the interests of the people.

Mr. DUGALD THOMSON.—It is to their interest not to smoke the tobacco. The quality depends on the financial exigencies of the State.

Mr. WATSON.—If, as the honorable member suggests, the people of France are content, because of a sense of patriotism, to smoke inferior tobacco, that is no reason why a British community should be so foolish as to place men in charge of the State manufacture of tobacco who would not give them the very best they could obtain for the money.

Mr. DUGALD THOMSON.—They increase the revenue by reducing the quality.

Mr. JOSEPH COOK.—There is no such thing as "best."

Mr. WATSON.—I should like to say that there is no reason why, in regard to the details of the working of any scheme of this description, we should follow the example of France. In the first place, we should not be justified in my view in spending even £1 of the State's money in this direction whilst we allowed political influence—whether exercised by a private member or a Ministry—to have any effect upon the administration or working of such a Department. That is one condition in regard to the taking over of great public concerns by the State, from which I, at all events, shall never deviate. Non-political management and freedom from any influence on the part of Parliamentarians must be insisted upon before any such work is taken over.

Mr. DEAKIN.—Do the Government propose a Commonwealth tobacco monopoly?

Mr. WATSON.—Yes.

Mr. DEAKIN.—And where do they find the power?

Mr. WATSON.—I have looked into that matter.

Mr. FISHER.—Provision is made.

Mr. SPEAKER.—Order! I would remind honorable members that the Prime Minister is setting before the House the policy of his Government, and would ask them to give him a patient hearing.

Mr. MCCAY.—Might I ask the Prime Minister whether the Government propose to control the importation of tobacco?

Mr. WATSON.—If we took over the manufacture of tobacco, we should probably arrange for the purveying of imported tobacco. That, however, is a detail. At the present time the whole of the tobacco of Australia has to go through the hands of one firm, which can charge the consumer what it chooses, and give what it pleases to the producer. In the first place, I contend that a proposal such as I have indicated involves, as a *sine qua non*, non-political management, and we have no reason to anticipate that the gentlemen who are now managing the undertaking to which I have referred, or some of them, at all events, would not be prepared to take over the management of the industry on behalf of the State. Why should they be unprepared to do so? It is only a question of money, and if we gave them £3,000 or



£4,000 a year—a salary similar to that paid to the Railway Commissioners—they would be willing to enter upon the work.

Mr. G. B. EDWARDS.—Then they would have a better billet than that of the Prime Minister of the Commonwealth.

Mr. WATSON.—I think so. It would be open to us to surround the undertaking with safeguards that would make the managers or Commissioners on behalf of the Commonwealth, absolutely independent of any pressure on the part of Ministers in regard to the question of revenue, or in relation to a reduction of quality, as suggested by the honorable member for North Sydney, because of financial exigencies. Do the financial exigencies of the States always give us an inferior railway service?

Mr. SKENE.—They may.

Mr. WATSON.—If that is so in the case of Victoria I can only say that the people of this State are content with something with which the people of New South Wales would not be satisfied. An inferior railway service does not follow so far as New South Wales is concerned.

Mr. WILLIS.—What about the Coonamble line?

Mr. WATSON.—That is not a case in point. The people of Coonamble are given as good a service as they can reasonably expect, having regard to the financial results of the working of the line. I am familiar with that railway, and it is most unfair to the Commissioners to make such a suggestion as the honorable member has done.

Mr. WILLIS.—The service on that line is a reduced one.

Mr. WATSON.—That is because, dealing with the matter on a commercial basis, no other service would be justifiable. All undertakings have to be managed on commercial lines. I come now to the question of the power of the Commonwealth to take over the tobacco monopoly. I admit that there is some doubt as to whether we have the power at the present time to undertake this work.

Mr. DEAKIN.—Every doubt.

Mr. WATSON.—I admit that most of the lawyers are on the other side.

Mr. REID.—Has the honorable gentleman consulted the Minister for External Affairs?

Mr. HUGHES.—I should not say most; I should say the greater part was.

Mr. WATSON.—I desire to say this with regard to the question of our power: Of course, the Bill is proposed for next

session; but if we find that we have not the power, we intend to put a Bill through to provide for such an alteration of the Constitution as will give us the power. We have every reason to believe that by the time the consequent referendum comes round the people will be so convinced at least of the undesirability of the present monopoly that they will be prepared to allow the power asked for.

Mr. JOSEPH COOK.—Would the honorable gentleman mind coming back to the present century now?

Mr. WATSON.—What I speak of is not very far away.

Mr. REID.—Should not the honorable gentleman at the same time deal with the drink traffic, which is a kindred matter?

Mr. WATSON.—That would be going a little further than we propose at present. We intend to introduce, also during next session, a Banking Bill, dealing particularly with the note issue, and containing certainly a section on the lines of the Canadian provision, that insists upon 40 per cent. of the cash reserves of the banks being held in Government notes. With regard to this proposal, I may say it is well known that our party is in favour of a Commonwealth Bank of deposit and issue. I am not prepared to say at this moment how soon we shall be able to take action in that direction. I admit that we have no justification for engaging in a business proposition of this kind until we feel our ground, and until we have thoroughly convinced ourselves as to what is the right step to take, not alone to secure the accomplishment of this object, but to secure that when such an institution is established it shall be on safe lines, which will conduce to the credit of those who have proposed it, as well as to the advantage of the people. I admit that there are several methods by which a Commonwealth Bank could be established with advantage to Australia, but I am not prepared at this stage to say when we shall be able to introduce a measure of that sort. I do say, however, that, under the powers given us in the Constitution, we are prepared to introduce a general Banking Bill, which will include a section such as that to which I have referred. In regard to this, I would say that when the late Treasurer, the right honorable member for Balclava, referred to this matter casually as being under his consideration, a number of the financial editors of newspapers throughout Australia immediately raised a howl

of indignation against this proposal to rob the banks of a portion of their coin. They foretold that all kinds of disaster would be likely to accrue if we substituted Government notes, with the full credit of all the people of Australia behind them, for a portion of the gold hitherto held idle in the coffers of the banks. In the first place I may point out that in connexion with any of the proposals we are putting forward, we are not anxious to go beyond the safe lines that precedent has laid down in some part of the world or another. In this matter we have the example of Canada, where, although for thirty-four years they have had this provision in existence, the banks have flourished like the green bay-tree—certainly to a greater extent than they do in Australia, on a much lower coin reserve plus State notes than is found necessary here, where a similar provision does not exist.

AN HONORABLE MEMBER.—The circumstances are different.

Mr. WATSON.—I freely admit that the circumstances are different. They have at hand, New York, for instance, where they can hold comparatively liquid securities, realizable at short notice, by which they can bring gold into Canada to assist them in making up their coin reserves when necessary.

Mr. DEAKIN.—And there is the difference of their banking business. Australian banking business is peculiar in some aspects.

Mr. WATSON.—I know that it is, but the peculiarity in some respects tends rather towards permanence of security than to any liability to a sudden run. For instance, in Canada, the banks cannot hold real property for longer than seven years, whilst here it can be held by banks for an indefinite period. That, no doubt, means a greater proportion of coin locked up, but still its effect is in the direction of permanence of security. Just as, about a year ago, when Sir George Turner referred to this matter, we were told by the financial editor of the *Sydney Daily Telegraph* that it would mean ruin and disaster, so when, in 1870, Sir Francis Hincks brought forward this proposal, the Government of which he was a member was told that it would mean disaster to the banks, and that it would introduce an element which would spell ruin to all financial institutions, and, incidentally, to the people. None of the prophesied

disasters came about. Canada went on its way, and so far as that provision is concerned, not only has it not been repealed, but as time has gone on the proportion of reserve which must be held in Government notes has been increased. Whilst the provision in 1870 was that not less than one-third, but usually one-half, of the coin reserve should be held in Government notes, in 1880 it was found that the banks were in the habit of retaining only one-third, and the proportion was then increased to 40 per cent., and has continued at that rate up to the present time. I have read a number of criticisms by bankers and others of the Canadian banking system, and not one, so far as I know, has been directed against that aspect of it. Dr. Breckenridge, whose work is acknowledged to be a monumental one upon the Canadian banking system, certainly quotes the remarks made in 1870 in the Canadian House of Commons in opposition to the proposal, but he utters not one word against the proposal in his survey of the banking system of Canada, down to two or three years ago.

Mr. O'MALLEY.—It is the best banking system in the world.

Mr. WATSON.—He has not a word of complaint against that particular provision. I say that, so far as Australia is concerned, we have sufficient to go upon in the experience of Canada. Here is a feature which must command the attention of the House: We are told that the £20,000,000 odd in the banks in Australia held in coin and bullion must be retained there in that form, or else disaster will accrue.

Mr. HUTCHISON.—We never know that it is there.

Mr. REID.—As the matter is not to come on for discussion until next session, the honorable gentleman need not enlarge upon it.

Mr. WATSON.—That is so; but I wish to make one or two remarks which I think I am justified in making. It is a fact that in the 1893 crisis, notwithstanding its importance and its far-reaching effects, and the extent of its incidence, the diminution of coin reserves in the banks amounted almost to an infinitesimal proportion of the total coin reserve held. The diminution was between £2,000,000 and £3,000,000—I think from £19,000,000 to £17,000,000.

AN HONORABLE MEMBER.—Because they shut their doors.

Mr. WATSON.—I admit that, and they appealed to the States Governments to stand by them. The Governments, in my view, in standing by them, did the right thing; but the very fact that it was the Government in each State that came to their assistance, proves that the Government guarantee now should be just as good as it was then, and the Government guarantee behind the notes is all that the public require.

Mr. G. B. EDWARDS.—The States Governments gave assistance with paper only.

Mr. WATSON.—Of course they did.

Mr. WILKS.—What does the honorable gentleman propose to do with the gold?

Mr. WATSON.—I will tell the honorable member. Of the 40 per cent., to which I have referred, we should not be justified, in my view, in making use of more than, at the outside, two-thirds. We should, under a strict Act, keep in reserve, pending any run, at least one-third, and the balance should be applied, in my view, not in making good any deficiency in revenue, but in the construction of reproductive works, and for the Federal Capital.

Mr. KELLY.—The honorable gentleman is still against loans, then?

Mr. WATSON.—Yes, I am still against them.

Mr. KELLY.—But the honorable gentleman would appear to like a forced loan.

Mr. WATSON.—I admit that this, in a measure, would be a forced loan; but we should give good security for it, and would do no injustice to the banking institutions.

Mr. CONROY.—Would the honorable gentleman compel me to establish a bank?

Mr. WATSON.—I should not compel the honorable and learned member to do anything. He is bad enough when he is let alone. I say, emphatically, that the policy which this Parliament has laid down, on the initiative of the party at present in possession of the Ministerial benches, has been adverse to embarking upon a policy of loans. We have taken that stand right through. We cannot expect to provide all the money we shall require for the Federal Capital, and for other large works which the Commonwealth may be engaged in merely from revenue, especially if it should be necessary to expend a large sum in any one year. I say that such proposals as, for instance, railway proposals, and the expenditure necessary upon the Federal Capital, are legitimate objects upon which the money acquired in the way to which I have referred could be spent, and it would not all be required in any one year.

Mr. CROUCH.—Does the honorable gentleman propose to bring in this banking legislation before he starts the Federal Capital?

Mr. WATSON.—I hope we shall get on with the Federal Capital long before. We shall want money for the Federal Capital next year, in my opinion. I have only to say, in conclusion, that I have attempted to outline, so far as has been practicable to-day, what the immediate proposals of the Government are, and also the main features of what we expect to be able to undertake during the remainder of this Parliament. I admit that from those opposed to the policy I have laid down we have no right to expect, and we do not ask, any quarter; but from those who have come into this Parliament, after having given pledges to the people to forward a policy that is in accord with the programme we laid before the people at the last election, I say we have a right to expect support, and we are entitled to have grave reasons put forward before those honorable members embark upon a policy of opposition to the present Government. We are entitled to know from the House in what respect our policy is wrong, why the proposals we put forward are considered unjustifiable, and why certain honorable members should be found in opposition to the Government.

Mr. CONROY.—Does the honorable gentleman propose to relieve the masses of the very heavy taxation now imposed upon them?

Mr. WATSON.—From all I can hear, the honorable and learned member should address that question to some of the honorable gentlemen sitting opposite to me. I have no intention to advert to the number of rumours which have been circulating lately as to the intention of various honorable members in this House. I am concerned only with putting before the House, in a clear, distinct, and unmistakable way, the proposals we have to submit to the Parliament, and to express the opinion that, in our belief, at any rate, they will be for the benefit of the whole of the people of Australia.

Mr. DEAKIN (Ballarat).—The Prime Minister, in complying with the request made at our last meeting, that he would not merely indicate the business proposed for this session, but outline as far as possible that to be submitted during the present Parliament, has spoken with a fullness and

Mr. LIDDELL.—He has received such instructions from the Department here that he does not know what to do, although the money is lying in his office ready to be paid.

Mr. McDONALD (Kennedy).—Is the Minister for Home Affairs prepared to lay on the table of the House all papers and correspondence connected with the erection of a post-office at Wooloongabba, in Queensland?

Mr. WATKINS (Newcastle).—I wish to inform the Minister for Home Affairs that there are some small accounts in my district which have not been paid, and I ask him to see that these matters are attended to with more promptitude than was given to them under the administration of his predecessors.

Mr. BROWN (Canobolas).—I invite the attention of the Minister for Home Affairs to a motion which I have placed upon the business paper, asking for a strict investigation of the working of his Department. I think that an inquiry into the cause of the complaints which have been made is very necessary, and that the manner in which the late general elections were carried out should also be inquired into.

Mr. BAMFORD (Herbert).—I should like to ask the leader of the Opposition, through you, Mr. Speaker, whether the adjournment for which he has asked is to give an opportunity to his followers to study the Ministerial programme, or to enable him to put a finer edge upon the tomahawk?

Mr. SPEAKER.—I would remind the honorable member that the time for asking questions has passed. Although those who have risen during this debate have framed their speeches in the form of questions, they must be taken as speaking on the motion for adjournment.

Mr. WEBSTER (Gwydir).—

Mr. SPEAKER.—The honorable member must not speak from the Ministerial bench.

Mr. WEBSTER.—I beg pardon. I wish to direct the attention of the Minister for Home Affairs to the fact that a number of postmasters who have performed their duty well as returning officers were promised a bonus by the late Government. Such bonuses have not been paid, and I desire that the Minister for Home Affairs will pay particular attention to the matter, and see that the men to whom they are due receive them.

Mr. POYNTON (Grey).—I wish to direct the attention of the Prime Minister to what I am informed is a fact, that a number of Federal officers in South Australia have not received payment for overtime and Sunday work since last January. Will the honorable gentleman look into the matter and see that the men receive their pay?

Mr. BATCHELOR (Boothby—Minister for Home Affairs).—In reply to a very large number of queries, I may say generally that, having been in office only about three weeks, I cannot hold myself responsible for most of the delays which have been complained of. I have not had an opportunity of looking into the causes of all of them. So far as concerns the Post Office officials who have not been paid for electoral work, I will make further inquiries. With regard to the question asked by the honorable member for Kennedy, as to laying on the table of the House papers in connexion with the Wooloongabba Post Office, I have to say that I shall be very glad to do so. Concerning the question of the honorable member for Hunter, I may say that the reasons are not very clear to my own mind as to the hundred odd small accounts which have not been paid. But I can say that the amounts necessary to pay the accounts have been in the hands of the Returning Officer for some time. I understand that they have now been paid. With reference to the requests made by the honorable member for Parramatta, he will see that, while I am doing my very best to settle these accounts, they can only be settled as they are brought before me. Correspondence has to take place between the central office and the returning officers in the various districts.

Mr. JOSEPH COOK.—The correspondence has taken place long ago.

Mr. BATCHELOR.—All the accounts about which there is no dispute have, so far as the central office is concerned, been settled. There may be some delay at the post offices where the money has been sent.

Mr. JOSEPH COOK.—Why should the Central Government do all this? Why not let the State officers do it? That is the whole trouble.

Mr. BATCHELOR.—I do not want to debate the question now, because it will come up again. But I can assure the honorable member that every possible expedition is being used to have the accounts settled. I have had hundreds of them to

that honorable members may peruse them? I wish also to know if he has any objection to laying upon the table the correspondence which has passed between the Department of Home Affairs and the surveyors who are making contour surveys of the proposed Federal Capital sites. I understand that a good deal of correspondence has passed, and I think it should be placed upon the table, so that honorable members may peruse it, and may know what instructions have been given to the surveyors. We should know all that has been done, so that everything may be brought into the open light of day.

Mr. WATSON.—The instructions were given by the Government of which the honorable member was a member, not by this Government.

Mr. CHAPMAN.—I do not cast aspersions upon any one, but I think it advisable that the House should know what is going on. I am giving my reasons for asking for these papers. Had the late Administration continued in power, I should still have asked for their production.

Mr. TUDOR (Yarra).—Has the Postmaster-General any objection to laying upon the table of the House the correspondence which has passed between his Department and the Victorian Deputy Postmaster-General relating to a question I asked in this Chamber some time ago?

Mr. KNOX (Kooyong).—I wish to know from the Postmaster-General, if he will be good enough to inform the House what is being done in the direction of securing new oversea mail contracts. The subject has in some measure been dealt with by the Prime Minister.

Mr. CROUCH (Corio).—I wish to notify the Minister for Trade and Customs that I propose to withdraw notice of motion, No. 4.

Mr. JOSEPH COOK (Parramatta).—I hesitate to bring matters of detail before this House; but I feel that I have done quite enough in other ways to secure attention to that upon which I am about to speak, and I do not propose to do more without ventilating it. I ask the Minister for Home Affairs when he proposes to settle the account of a man in my electorate, who put up some polling booths for the last election, and cannot obtain payment for his work. I saw the electoral officer myself, two months ago, and he told me that the matter would be settled almost immediately. I also interviewed the Minister three weeks ago, but I have not had any reply—not even

an acknowledgment of my communication to him. I submit that this should not be, and I hope that the honorable gentleman will see that the matter is dealt with at once. I protest against the way in which the Department seems to mangle in regard to the payment of small amounts for work faithfully performed. I understand that there is no dispute as to the claim, and that it has been favorably reported upon by the presiding officer for the electorate. The settlement of the account is hanging fire in the head office, but I hope that the present Minister will see that an end is put to this and to similar delays.

Mr. MAHON (Coolgardie—Postmaster-General).—In regard to the request of the honorable member for Yarra, I know of no reason why the papers containing the correspondence between the Department and the Deputy Postmaster-General for Victoria should not be placed before the House, and I shall take care that they are laid on the table to-morrow. In reply to the question of the honorable member for Kooyong, of which he kindly gave notice, I have to say that the Cabinet has not yet had an opportunity to consider the most recent despatch from the Imperial Government. It is a despatch of a confidential nature, and we have not the authority of the Imperial Government to reveal its contents; but I may inform him that there is very little in it which has not already appeared in the newspapers in the shape of cablegrams sent from London to the Australian press.

Mr. LIDDELL (Hunter).—Like the honorable member for Parramatta, I wish to draw the attention of the Minister for Home Affairs to the fact that, although five months have elapsed since the Federal elections were held, no fewer than 110 officers in the Singleton and Scone districts have yet not been paid for their services in connexion with them. I asked the last Minister to inquire into the matter, and he assured me that it would be attended to, and that the officers would be paid immediately, unless there was a dispute in regard to their claims. Upon returning to my electorate, I made inquiries on the subject, and I found that many of the accounts were not disputed. Only small amounts are owing to these men—£1, £2, and similar sums—but they have been kept without their money for five months.

Mr. JOSEPH COOK.—And the electoral officer in Sydney knows nothing about the matter.

Mr. LIDDELL.—He has received such instructions from the Department here that he does not know what to do, although the money is lying in his office ready to be paid.

Mr. McDONALD (Kennedy).—Is the Minister for Home Affairs prepared to lay on the table of the House all papers and correspondence connected with the erection of a post-office at Woolloongabba, in Queensland?

Mr. WATKINS (Newcastle).—I wish to inform the Minister for Home Affairs that there are some small accounts in my district which have not been paid, and I ask him to see that these matters are attended to with more promptitude than was given to them under the administration of his predecessors.

Mr. BROWN (Canobolas).—I invite the attention of the Minister for Home Affairs to a motion which I have placed upon the business paper, asking for a strict investigation of the working of his Department. I think that an inquiry into the cause of the complaints which have been made is very necessary, and that the manner in which the late general elections were carried out should also be inquired into.

Mr. BAMFORD (Herbert).—I should like to ask the leader of the Opposition, through you, Mr. Speaker, whether the adjournment for which he has asked is to give an opportunity to his followers to study the Ministerial programme, or to enable him to put a finer edge upon the tomahawk?

Mr. SPEAKER.—I would remind the honorable member that the time for asking questions has passed. Although those who have risen during this debate have framed their speeches in the form of questions, they must be taken as speaking on the motion for adjournment.

Mr. WEBSTER (Gwydir).—

Mr. SPEAKER.—The honorable member must not speak from the Ministerial bench.

Mr. WEBSTER.—I beg pardon. I wish to direct the attention of the Minister for Home Affairs to the fact that a number of postmasters who have performed their duty well as returning officers were promised a bonus by the late Government. Such bonuses have not been paid, and I desire that the Minister for Home Affairs will pay particular attention to the matter, and see that the men to whom they are due receive them.

Mr. POYNTON (Grey).—I wish to direct the attention of the Prime Minister to what I am informed is a fact, that a number of Federal officers in South Australia have not received payment for overtime and Sunday work since last January. Will the honorable gentleman look into the matter and see that the men receive their pay?

Mr. BATCHELOR (Boothby—Minister for Home Affairs).—In reply to a very large number of queries, I may say generally that, having been in office only about three weeks, I cannot hold myself responsible for most of the delays which have been complained of. I have not had an opportunity of looking into the causes of all of them. So far as concerns the Post Office officials who have not been paid for electoral work, I will make further inquiries. With regard to the question asked by the honorable member for Kennedy, as to laying on the table of the House papers in connexion with the Woolloongabba Post Office, I have to say that I shall be very glad to do so. Concerning the question of the honorable member for Hunter, I may say that the reasons are not very clear to my own mind as to the hundred odd small accounts which have not been paid. But I can say that the amounts necessary to pay the accounts have been in the hands of the Returning Officer for some time. I understand that they have now been paid. With reference to the requests made by the honorable member for Parramatta, he will see that, while I am doing my very best to settle these accounts, they can only be settled as they are brought before me. Correspondence has to take place between the central office and the returning officers in the various districts.

Mr. JOSEPH COOK.—The correspondence has taken place long ago.

Mr. BATCHELOR.—All the accounts about which there is no dispute have, so far as the central office is concerned, been settled. There may be some delay at the post offices where the money has been sent.

Mr. JOSEPH COOK.—Why should the Central Government do all this? Why not let the State officers do it? That is the whole trouble.

Mr. BATCHELOR.—I do not want to debate the question now, because it will come up again. But I can assure the honorable member that every possible expedition is being used to have the accounts settled. I have had hundreds of them to

deal with, and shall be very glad to get them out of the way as quickly as possible.

Mr. WATSON (Bland—Treasurer).—In regard to the request made by the honorable member for Grey, I desire to say that I was not aware that the men referred to were being kept out of the payment due to them for overtime and Sunday work. I passed through the Treasury a few days ago an advance account, but I am not sure whether it was for South Australia or Western Australia. If the honorable member will bring it under my notice definitely, I will look into it in the Department. With regard to the question of the honorable member for Eden-Monaro, I desire to say that I have the papers here, and will lay them on the table to-morrow. I allude to the correspondence with the surveyors, and the report from Colonel Owen. But as to the additional report prepared by the right honorable member for Swan, I do not think that I should be acting rightly in setting a precedent in that regard. I personally—and I think the Minister for Home Affairs also—am very glad to have that report for our assistance. I am sure we all recognise the peculiar qualifications of the right honorable member for furnishing a report of this character. But as to its being laid upon the table of the House as an official document, I think that to do so would establish a very peculiar precedent. We can give copies of the report to the press for publication. But if every ex-Minister can prepare a report, and have it regarded as an official document, the precedent will be a far-reaching one. The latter part of the document, which is now referred to, is a supplementary report made by the right honorable member since he left office.

Sir JOHN FORREST.—There is nothing unusual about that.

Mr. WATSON.—I think it is unusual, and I also think that we can attain the desired object in another way. I will give the report to the press, and I am sure that every one will value it very much. But I do not care to establish a precedent, which I or any other ex-Minister might follow up, by furnishing long reports, which would be regarded as official documents. I regard the document as I should regard a similar report from any other member of Parliament, except that we all recognise the right honorable member's qualifications, and appreciate them. I do not feel, as at present advised, that I am justified in taking any such step as requested. The Minis-

ter will, however, communicate with the press, and give publicity to the document in that way.

Question resolved in the affirmative.

House adjourned at 4.52 p.m.

## Senate.

Thursday, 19 May, 1904.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

### TRANS-CONTINENTAL RAILWAY.

Senator PEARCE.—I desire to ask the Vice-President of the Executive Council, without notice, if the Government have communicated with the Governments of the States of South Australia and Western Australia in reference to the trans-Australian railway, and, if so, has he any objection to informing the Senate as to the nature of the communications and the replies received?

Senator MCGREGOR.—The Prime Minister has communicated by telegram with the Premier of Western Australia asking for information in connexion with the responsibilities of that State, and he has received a reply by telegram that, if the direction and gauge of the proposed trans-continental line is left to the discretion of the Commonwealth, the Government of Western Australia will be prepared to bear a substantial proportion of any loss which may occur for the first ten years, but that at this stage they do not think that they could state exactly the amount. I shall lay the communications on the table presently.

### SUB-LETTING OF POST-OFFICES.

#### POSTAGE OF PRINTED MATTER.

Senator FINDLEY.—I desire to ask the Vice-President of the Executive Council, without notice, the following questions:—

1. The number of post-offices in the State of Victoria which have been "farmed out" or let to applicants at an annual rate of remuneration fixed by the Department?
2. The reasons which led to the adoption of such a system by the Honorable the Postmaster-General?
3. If the system referred to has been adopted on the score of economy, then is it the intention of the Honorable the Postmaster-General to extend its operation so as to include the more important offices controlled by his Department?

4. In the event of no suitable applicant tendering his services to the Commonwealth at the remuneration originally fixed, has it been the practice of the Department to increase the amount and invite applications afresh on the system known in commerce as the "Dutch auction"?

5. The amount or the average percentage ordinarily saved by the letting of post-offices in the way indicated as compared with the amount payable by way of salary if the same services were performed by regular officers of the Department?

Senator MILLEN.—Are these questions being asked without notice?

Senator DOBSON.—By arrangement.

Senator MCGREGOR.—There is no arrangement about it.

Senator FINDLEY.—I also desire to ask the Vice-President of the Executive Council these questions:—

6. Has the attention of the Honorable the Postmaster-General been directed to the fact that much printed matter is now being distributed through the Post-office at the reduced charge for the transmission of newspapers, this purpose being effected by registering printed matter as a newspaper, although the so-called journal has no subscribers, does not publish news, and is entirely devoted to the advocacy of a single political purpose—that of Scripture instruction in State schools?

7. Has the attention of the Honorable the Postmaster-General been drawn to the fact that of the printed matter referred to no less than 300,000 copies, addressed to individual residents of the State, have been distributed through the medium of the Post-office at a rate which does not exceed one penny for seventy-two copies, and what action, if any, does the Government purpose taking in connexion with the matter?

Senator MILLEN.—I desire to know, sir, whether the sixth question can be put in that way, seeing that it contains statements which are in conflict with the Standing Orders?

The PRESIDENT.—The Standing Orders provide that in asking a question no facts shall be stated, except such as are necessary to explain the question, and that no argument or imputation shall be permitted. It is very difficult for me, from merely hearing them read, to say whether all these questions are in order or not. I think the bulk of them are in order. I understand that the honorable senator intends to alter one of them.

Senator FINDLEY.—I shall alter it in accordance with your suggestion, sir.

Senator MCGREGOR.—I do not think that Senator Findley expects me to answer his questions straight away. With respect to the interjection that there was an arrangement for him to ask these questions, I desire to say that there was no such arrangement, as Senator Findley will acknowledge.

Senator FINDLEY.—Hear, hear.

Senator MCGREGOR.—In asking the honorable senator to give notice of the questions, I wish to point out what I think should have been pointed out here long ago. When an honorable senator asks a question without notice, and he is asked to give notice of it, or even when he gives notice of a question, and the preparation of a reply involves a large amount of research, and perhaps communication with the Departments concerned in all the States of the Commonwealth, I think that, instead of giving notice of the question for to-morrow, the notice should be given for such a date as will allow a reasonable time in which to procure the answer. I ask my honorable friend to give notice of his questions.

Senator FINDLEY.—I am anxious to get an answer as soon as possible to the last question.

The PRESIDENT.—The honorable senator can split up his questions if he likes.

Senator FINDLEY.—I beg to give notice of the last two questions for to-morrow, and of the others for Wednesday next.

#### FEDERAL CAPITAL.

Senator STANFORTH SMITH.—I desire to ask the Vice-President of the Executive Council, without notice, if he will lay upon the table the report prepared by Sir John Forrest with regard to Lyndhurst as a Federal Capital site?

Senator MCGREGOR.—I think that the honorable senator is aware that an attempt was made in another place to do the very same thing. The Government have no objection to hear the opinion of such an eminent authority as the Right Honorable Sir John Forrest; but as that report was made by him as a private member, I do not think that it would be wise for the Government to establish a precedent which would allow any member to make a report on a proposed Capital site, and then to ask that it should be laid upon the table. I know that the honorable senator, or any one else, can move that such a course should be adopted; but whether the motion would be carried or not is a different question. I think that the very extensive summary which has been published in the press to-day ought to satisfy the honorable senator.

#### PAPER.

Senator MCGREGOR laid upon the table the following paper:—

Western Australian Railway—Telegraphic Correspondence between the Prime Minister and the Premier of Western Australia.



### ANGLO-CHINESE LABOUR CONVENTION.

Senator STANFORTH SMITH asked the Vice-President of the Executive Council, *upon notice*—

1. Has the attention of the Ministry been directed to a cabled statement in the papers of the 16th instant that an Anglo-Chinese Labour Convention had been signed dealing on general lines with the question of Chinese emigration to all British Colonies and Possessions?

2. Can the Vice-President of the Executive Council inform the Senate if this conflicts in any way with Commonwealth legislation?

Senator MCGREGOR.—The answers to the honorable senator's questions are as follows:—

1. Yes.

2. I am not aware; but as soon as copies of the Convention are received a careful examination of its provisions will be made to see whether the Commonwealth is in any way affected.

### POST AND TELEGRAPH DEPARTMENT.

Senator PEARCE asked the Vice-President of the Executive Council, *upon notice*—

Will the Minister take steps to lay upon the table of the Senate all papers relating to—

1. Retirement of Mr. R. Sholl, from the position of Deputy Postmaster-General of Western Australia?

2. The proposed transfer of Mr. Woodrow, Postmaster at Bunbury, to the position of Postmaster at Fremantle, Western Australia.

Senator MCGREGOR.—The answer to the honorable senator's questions is as follows:—

The Postmaster-General will cause extracts of the papers in both instances to be prepared for the purpose of being placed on the table of the Senate.

### BLIND SEA PASSENGERS.

Senator PEARCE.—In asking the Vice-President of the Executive Council, *upon notice*—

1. In reference to a question asked by Senator Pearce on Thursday, 14th April, 1904, relative to the treatment of persons afflicted with blindness by the steam-ship companies trading round the Australian coasts, in answer to which the Government of the day promised to make inquiries, will the Vice-President of the Executive Council ascertain if such inquiries have been made, and with what result?

2. If no such inquiries have been made, will the Minister cause inquiries to be made on the subject?

I desire to explain that I am following up a question which I previously asked in reference to the action of steam-ship companies trading round Australia in preventing

blind persons from taking out a ticket from one port to another port, unless they will give them a guarantee that they will not become a charge on the State to which they desire to go. This was rendered necessary under the States laws, because a person afflicted with blindness might become a charge on the State, but since the Commonwealth has legislated in reference to this matter, it is not necessary, and the steam-ship companies are now under no liability in that regard.

Senator GUTHRIE.—Oh, yes they are.

Senator PEARCE.—I have very good legal advice to the effect that they are under no liability, but they are still compelling persons afflicted with blindness to provide a substantial guarantee that they will not become a charge on the State. In the case of the Conference of Associations of the Blind, which met recently in Melbourne, all the delegates who came from other States were compelled to furnish guarantees before the steam-ship companies would provide them with tickets, and in the case of a gentleman who is now touring South Australia as a lecturer on behalf of the Western Australian Government, the steam-ship company refused to take him as a passenger until the Government of Western Australia gave a guarantee that he would not become a charge on the State to which he was going.

Senator MCGREGOR.—The answers to the honorable senator's questions are as follows:—

1. Certain State Acts provide that if any passenger arriving by sea in the State is blind, &c., the ship-owners shall give a bond in a certain sum for his support should such passenger become a charge on any charitable institution.

2. It is a question of law whether any such provision is contrary to the Constitution. The Acts referred to are not enforced by the Commonwealth.

### PATENTS OFFICE: STAFF.

Senator PEARCE asked the Vice-President of the Executive Council, *upon notice*—

1. What are the names of the officers appointed to administer the Patents Act, and what States do they belong to?

2. Were any of these officers formerly in the employ of the States Governments; and if so, which?

3. Were any persons in the employ of the States Governments applicants for such positions, and refused; if so, what were the reasons of such refusal?

Senator DAWSON.—Marvellous as is the memory of my honorable colleague, the

Vice-President of the Executive Council, perhaps it is better that I should be allowed to read the answers to these questions, which are as follow:—

1. SCHEDULE.

Names of Officers Appointed.	State Service.	Position Appointed to.
Townsend, Geo..	Queensland...	Commissioner
Robb, G. McN...	N. S. Wales...	Examiner
Macdonald, A. J.	Victoria.....	Examiner
Griffiths, J. A....	Queensland..	Classification Officer
Wallach, B.....	...	Examiner
Brown, G. S.....	N. S. Wales...	Chief Clerk
Allan, C. L. M....	W. Australia	Clerk, Melb.
Knowles, G. S...	Fedl. Service (Aud.-Gen.'s Office)	Clerk, Melb.
Hammond, T.....	Fedl. Service (P.O., Melb.)	Clerk, Melb.
Bell, F. A. (Miss)	Queensland..	Typist, Melb.
Matthews, A. J.	N. S. Wales...	Clerk, Syd.
Hamilton, J. W..	Queensland..	Clerk, Brisb.
Steel, J.....	S. Australia...	Clerk, Adel.
Davis, G. G. T....	W. Australia..	Clerk, Perth

2. All the officers mentioned in No. (1) belonged to the States Patents Service, with the three following exceptions:—G. S. Knowles and T. Hammond, Clerks, Central Office, belonged to the Federal Service, and were employed in Melbourne. B. Wallach, Examiner in Electricity, appointed from outside the Service.

3. The following information has been supplied by the Public Service Commissioner:—Yes, there were a number for the different positions, and in every case the most eligible applicant was selected. In establishing the new Patents Office it was considered that, in connexion with such a progressive science as electricity, the applicant with the best experience and highest credentials should be secured. The gentleman appointed as Examiner in Electricity holds the degree of Bachelor of Engineering, and received his training in one of the largest electrical engineering establishments in the world; his qualifications were considered superior to those of any of the other applicants.

### SEAT OF GOVERNMENT BILL.

Motion (by Senator MCGREGOR) agreed to—

That leave be given to introduce a Bill for an Act to determine the Seat of Government of the Commonwealth.

Bill presented and read a first time.

### FEDERAL IRON WORKS.

Debate resumed from 14th April (*vide* page 960), on motion by Senator DE LARGIE—

That this Senate affirms the principle of iron works being established and owned by the Federal Government, for the purpose of manufacturing pig-iron, and steel from native ore,

believing this would be in the best interests of Australian industry, State rights, and Commonwealth prosperity.

Senator HENDERSON (Western Australia).—Seeing that at a previous sitting this motion was very forcibly proposed by Senator de Largie, and that at that time almost the whole of the detailed evidence in connexion with the establishment of an iron industry for the Commonwealth was fairly well placed before the Senate, it is unnecessary for me to attempt to give details now. I want particularly to ask the Senate to bear in mind that in discussing a proposition of this character, we are face to face with one of those matters that a Royal Commission has emphasized as important, in a report that has been presented to Parliament. It appears that the Commission, having satisfied itself that the question to be dealt with was one involving great risk and great responsibility, took every care to produce such evidence as would make it clear to Parliament whether, first of all, there was the material required within the Commonwealth for the establishment of an iron industry; and, secondly, whether, if the material was here, there was really sufficient importance attaching to the industry to permit of its establishment under a certain condition of things. The Commission was appointed, not with the intention that it should inquire whether the industry should be established under the régime of the Commonwealth Parliament, as is suggested by the motion, but for the purpose of ascertaining whether under a bonus system it would be likely to be successful, or to meet the requirements of this young and rising nation.

Senator DAWSON.—A young nation that has arisen.

Senator HENDERSON. — Yes; the young nation has arisen. It appears from the whole of the evidence collected by the Royal Commission that there were just and reasonable grounds for reporting to Parliament that this is one of the most important questions that can be dealt with by the Commonwealth. At the same time, it is indicated that there is evidence sufficient to show that material of every description necessary for the purpose is to be found within the Commonwealth. The appointment of the Commission showed conclusively that public men connected with the high offices of the Commonwealth had had their attention drawn towards the importance of the industry. They thought it so important that they first of all proposed

to give an amount of £250,000 as a bonus for its establishment. My own opinion with respect to the matter, is that if we can afford to give the slightest consideration to the idea of spending £250,000—or at least allowing some one else to spend it—for the purpose of establishing this industry, surely, in the face of the evidence taken, we can afford to spend the money in order that we may control the business and utilize its product to the best advantage. The evidence goes to show practically that the industry can be established by the expenditure, once and for all, of the amount of money that was proposed to be paid as a bonus to some one else to establish it. That being so, it must appeal to every honorable senator who has read the Royal Commission's report, that to do something that would practically give away the principle of establishing this industry by the Commonwealth, would be conduct for which we should, each and all, receive the direct and certainly the well-earned disapprobation of the people. The gentleman who advocated the bonus system for the establishment of the iron industry—as *per* evidence—showed that he was prepared to undertake to provide iron ready for use at a rate per ton which some of the members of the Commission were in a position to say at once put away the idea of any necessity for granting a bonus. But even if that be so, it does not alter the situation. It remains a fact that we have a nation that has been using, and will continue to use, iron and steel, and which, we believe, will use it in greater quantities in future than it has hitherto done. We also have to look forward to a time—and I presume that all the public men of Australia to-day are looking forward to that time—when our own ship-building yards will be established, and will be of such proportions as to supply very largely the requirements of Australia in the matter of her merchant shipping fleet. Therefore the establishment of an industry that is so much needed has much to recommend it. In my opinion the industry would employ not merely the moderate number of hands estimated by the mover of the motion. It is fair to say that he simply estimated those who would be directly employed within foundries for the purpose of producing iron. But we have also to remember that the iron industry employs a considerable number of men who never touch the iron itself. There are those who have to produce the material

*Senator Henderson.*

that is required, apart from the mining of the iron-stone. The production of those other materials is a very considerable factor. There are probably a larger number of miners to be employed in producing the other material necessary for the making of iron than in extracting the iron ore. There is the coal and there is the flux. A considerable quantity of both of those factors is required to produce good iron. That being so, we see at once that, independently of the number of men who would be directly employed in the iron industry, there would be a possibility of the employment of many hundreds of others in industries which are primary to the production of iron. Surely this motion should appeal to honorable senators as suggesting a method by which we might possibly employ the whole, or almost the whole, of our present surplus labour. There are a large number of unemployed in some of our States to-day. Whilst that is so, we are importing two of the most important materials used in Australia, iron and steel. We are importing practically everything that we, as a Commonwealth, could produce of a quality fit for use by this nation. By making our own iron and steel we should not only be building up this nation in all the healthy requirements of national life, but also providing the bone and sinew of the population with work. Further than that, we should be extending the arts that are contingent to the operations carried on within the iron trade. Therefore, a motion the effect of which would certainly be to bring to this nation the importance that justly belongs to it, and that would give it facilities for providing that which at present other people have to provide for us, and would do so without our trammelling ourselves with the giving of bonuses, is certainly worthy of adoption by this or any other Parliament. The question that was raised when the motion was tabled, with regard to whether the Constitution would permit the Commonwealth to adopt such a system as is involved in becoming an employer and the producer, apart from the sanction of the States, or from States rights, is one that I have no intention of entering into. But it appears to me that almost anything becomes a State right when the people of a State demand that it is essential to them, and to their civilization and humanity. We have the knowledge that during the last election the principle of the establishment of the iron industry under

Commonwealth control, and of providing for all our requirements in that direction, was very largely discussed throughout the whole Commonwealth. More than that, the number of members of Parliament returned on the advocacy of that principle showed unquestionably that the people of the Commonwealth are rising to the necessity of this policy. If there is any constitutional disability standing in their way, I am prepared to believe that they look on this matter as being of so much importance as affecting their welfare, that they will take the proper means to remodel or vary the Constitution so as to remove that disability to the advancement of the general welfare of the Commonwealth. Therefore I trust that the motion as submitted will not only meet with the hearty support of the Senate, and of another place, but that there will be that hearty co-operation in its principle which will at once give an incentive to its immediate application to a question that demands the most candid consideration of every member of the Commonwealth Parliament.

Senator WALKER (New South Wales).—When this motion was under discussion before, Senator Playford gave us an opinion from the Attorney-General that the principle contained in it was *ultra vires* of the Constitution. I do not intend to enlarge on that subject, except to say that I am not a State Socialist, and that if the motion goes to a division I shall vote against it.

Senator DE LARGIE (Western Australia).—I am in the position of having very little to reply to in this debate.

Senator WALKER.—There is the constitutional point.

Senator DE LARGIE.—I replied to that very fully when I was introducing my motion. I simply desire to say that even if there is any necessity for the alteration of the Constitution—and I do not think that there is—seeing that the Prime Minister, in outlining his policy in another place yesterday, proposed in regard to another industry to do something similar to what I propose in connexion with the iron industry, I think the same principle might very well apply in this case. If there is any necessity to alter the Constitution in order that the Commonwealth may take the matter in hand, that can be done. Having perused the opinion given by Mr. Deakin, when he was Attorney-General, I am under the impression that no alteration of the Constitution is necessary. Be that as it may, the contention does not act against the merits of the motion to any

appreciable degree. I regard this as a question of very great significance to the Commonwealth, the iron trade being one of the most important in civilized countries; and the wonder is that it has not been established in Australia before now. On a former occasion, I explained very fully the reasons why the iron industry was not established long ago in New South Wales. Those reasons were principally fiscal, and arose under the free-trade régime of that State. Had the policy of New South Wales been protectionist, I believe an attempt would have been made years ago to establish the industry. Under all the circumstances, we cannot stand any longer in the way of the establishment of the iron trade. Were the industry to be established in works owned by a State Government, or in works promoted by private enterprise, I feel quite sure that there would not result the same satisfaction and confidence as would follow the adoption of the proposal now before the Senate. We have to recognise that State rights may be affected. If a State-owned works was established, I should have the same objection, though, perhaps, to not quite so great a degree, as I should have to the manipulation of the trade by private individuals. Works owned by a State would place every other Government in Australia at the mercy of that State, which could charge what it liked for the iron required for the carrying on of various Government Departments, especially the Railway Departments. This is a monopoly which we should not lightly place in the hands of even a State Government. It would be much more satisfactory if the industry were under the control of the Australian Government.

Senator PLAYFORD.—The Australian Government, like a State Government, could charge what prices they chose.

Senator DE LARGIE.—I do not think so.

Senator TRENWITH.—The difference is that each State would be part manager of the works.

Senator DE LARGIE.—And if more were charged to a particular State, that State would get a share of the profits. However, I do not anticipate any such contingency. I am not aware of any Government Department overcharging for services rendered in a public sense; indeed, it is often said that the charges for the various functions performed by Governments are placed too low, and that the Departments in consequence are not run on what are called

commercial principles. For that reason I should not agree to any State Government having control of these important iron works. I have already pointed out that there is not room in Australia for more than one iron works; and, that being so, it is seen at a glance that the industry must be a monopoly, whether it be in the hands of a State Government or in the hands of a private individual. Under the circumstances I think that, however strong may be the opinion of honorable senators as "private enterprisers," it will be conceded that such a monopoly would not be in the best interests of Australia. I hope that honorable senators, having viewed the matter from that stand-point, and being convinced of the necessity of having the trade established, will vote in support of the motion, as an indication to the present or some future Government that the matter should be taken up and legislated upon at the earliest possible date.

Question put. The Senate divided.

Ayes	...	...	...	14
Noes	...	...	...	10

Majority ... .. 4

#### AYES.

Dawson, A.  
Findley, E.  
Guthrie, R. S.  
Henderson, G.  
Higgs, W. G.  
McGregor, G.  
O'Keefe, D. J.  
Pearce, G. F.

Smith, M. S. C.  
Stewart, J. C.  
Story, W. H.  
Trenwith, W. A.  
Turley, H.

*Teller:*  
de Largie, H.

#### NOES.

Baker, Sir R. C.  
Clemons, J. S.  
Dobson, H.  
Drake, J. G.  
Millen, E. D.  
Playford, T.

Pulsford, E.  
Styles, J.  
Walker, J. T.

*Teller:*  
Keating, J. H.

Question so resolved in the affirmative.

### COMPULSORY DRILLING OF YOUTHS.

Motion (by Senator DOBSON) proposed—

That Order of the Day No. 2 be an Order of the Day for Thursday, 16th June.

Senator DAWSON.—This order of the day relates to the compulsory drilling of youths. I desire to know whether the honorable and learned senator intends to proceed with the motion on the date he has mentioned, because I should like to have the matter settled.

Senator DOBSON.—Quite so. I shall be prepared to proceed on the 16th June.

Question resolved in the affirmative.

### NATIONAL MONOPOLY IN TOBACCO.

#### OLD-AGE PENSIONS.

Debate resumed from 17th March (*vide* page 664), on motion by Senator PEARCE—

(1) That, in the opinion of this Senate, in order to provide the necessary money for the payment of old-age pensions and for other purposes, the Commonwealth Government should undertake the manufacture and sale of tobacco, cigars, and cigarettes.

(2) That the foregoing resolution be referred to the House of Representatives, with a message requesting their concurrence therein.

(3) That a Select Committee, consisting of six members of the Senate and the mover, be appointed with power to sit and confer with a similar number of members of the House of Representatives, to inquire into, and report on the best method of carrying the foregoing resolution into effect.

Senator PEARCE (Western Australia).—I shall be very brief in my reply, because the Opposition has been conspicuous by its absence. The only conclusion that one can come to is that the opponents of the motion are waiting for a more convenient season, or exhibit a wonderful dearth of material.

Senator PLAYFORD.—I asked for more information before action is taken.

Senator PEARCE.—There was plenty of information at the disposal of honorable senators. I occupied five or six pages of *Hansard*, and I do not suppose the honorable senator desired me to monopolize that publication.

Senator PLAYFORD.—What I said was that we had not sufficient information before us, seeing that nobody connected with the trade had been examined.

Senator PEARCE.—The only objection raised—and I notice that it has been repeated by a newspaper in this city—was that in France the price of tobacco, under a monopoly, is high, and the quality poor.

Senator FINDLEY.—That is not true.

Senator PEARCE.—It is an absolute misstatement of fact, seeing that the price in France is about one half the average price in Australia. In France the price is 3s. 9d. a pound, as compared with an average price in Australia of 6s.

Senator PLAYFORD.—The higher price here is on account of the duty.

Senator PEARCE.—The people of France must be satisfied with the quality of the tobacco supplied to them, or they would not smoke such large quantities as to give the Government a revenue of £15,000,000 annually.

Senator MILLEN.—I am weaning myself off tobacco in view of the stuff that will be turned out of the Government factories.

Senator PEARCE.—The weaning may be good for the honorable senator, but will certainly be bad for the revenue. I shall not take up time by putting forward arguments for the opponents of the motion; let them put forward their own arguments, and we shall bowl them over. It is a poor thing for my opponents to say to me, "Having put your own case, put ours, and reply to it." It is for the Opposition to show that the arguments which I put forward are not capable of proof.

Question put. The Senate divided.

Ayes	...	...	...	17
Noes	...	...	...	9

Majority	...	...	8
----------	-----	-----	---

#### AYES.

Dawson, A.	O'Keefe, D. J.
de Largie, H.	Smith, M. S. C.
Findley, E.	Stewart, J. C.
Guthrie, R. S.	Story, W. H.
Henderson, G.	Styles, J.
Higgs, W. G.	Trenwith, W. A.
Keating, J. H.	Turley, H.
Matheson, A. P.	<i>Teller:</i>
McGregor, G.	Pearce, G. F..

#### NOES.

Baker, Sir R. C.	Pulsford, E.
Dobson, H.	Walker, J. T.
Drake, J. G.	Zeal, Sir W. A.
Millen, E. D.	<i>Teller:</i>
Playford, T.	Clemons, J. S.

Question so resolved in the affirmative.

The PRESIDENT.—The Senate will now proceed to ballot for a Select Committee, consisting of six honorable senators and the mover.

Senator CLEMONS.—According to our Standing Orders the mover for the appointment of a Select Committee is not necessarily included in the Committee.

The PRESIDENT.—The resolution says that the mover shall be a member.

Senator CLEMONS.—Does the resolution override our Standing Orders?

The PRESIDENT.—The Standing Orders provide that, "unless otherwise ordered," all Select Committees shall consist of seven members.

Senator CLEMONS.—I have no objection to the mover being a member of the Select Committee; but I desire to know whether the motion can override our Standing Orders, which say that the mover shall not necessarily be appointed.

Senator DAWSON.—But the resolution states that the mover shall be a member of the Committee.

Senator MCGREGOR.—Before we proceed to the ballot, sir, I desire to know whether it is necessary to mark the name of the mover on the ballot-paper, seeing that he is necessarily a member of the Select Committee.

The PRESIDENT.—I cannot see anything in the Standing Orders which would prevent that from being done. Standing order 277 says—

Unless otherwise ordered, all Select Committees shall consist of seven senators.

That does not say that the Senate shall not be authorized to order that the mover of the motion be a member.

Senator CLEMONS. — Look at standing order 278.

Senator PLAYFORD.—In South Australia the practice was to appoint the mover and six other members.

The PRESIDENT.—We must be guided by our own Standing Orders. I do not think it is necessary for a senator to vote for the mover; he is required to vote for six other senators.

Senator CLEMONS.—I do not rise, sir, to dispute your ruling, but to recall to your recollection the debate on that very point, in which, I think, Senator McGregor took part. We recognised that it was not desirable because a senator moved for a Select Committee that he should necessarily be on it. We decided that the Senate could if it chose, in making the selection by ballot, leave out the name of the mover.

The PRESIDENT.—There is really no question before the Chair.

Senator CLEMONS.—I desire to know, sir, whether you rule that if by any chance the mover of this motion were excluded, the ballot would be invalid on that ground.

The PRESIDENT.—I do not say anything of the sort. What I do say is that the Senate has already ordered that the mover be a member of the Select Committee.

Senator MILLEN.—Can we vote for only six senators?

The PRESIDENT.—Yes.

Senator MILLEN.—I decline to take part in the ballot.

Senator MCGREGOR.—As I have been referred to, I think that I might be allowed to point out to Senator Clemons that I thoroughly understand the position. If a motion were moved by an honorable senator for the appointment of a Select Committee, and it were not distinctly stated in

the motion that the mover be a member of the Select Committee, his name could then be left out, but in this motion it is distinctly stated that the mover shall be on the Select Committee.

Senator HIGGS.—I beg, sir, to draw your attention to standing order 278, which says that—

The Senators to serve on a Select Committee shall be nominated by the mover; but if one senator so demand, they shall be selected by ballot.

I desire to ask you, sir, whether any honorable senator has demanded that a ballot shall take place?

The PRESIDENT.—No.

Senator HIGGS.—If an honorable senator has not so demanded, will you call on Senator Pearce to nominate the senators whom he desires to serve on the Select Committee.

The PRESIDENT.—No. What I understand the standing order to mean is that if an honorable senator moving a motion for a Select Committee wishes to nominate the members he can do so, but it is for the Senate to appoint them.

Senator KEATING.—Are we to strike out seven or six names on the ballot-paper?

The PRESIDENT.—The honorable and learned senator can strike out seven names if he includes that of Senator Pearce, otherwise he must strike out six names.

*A ballot having been taken,*

The PRESIDENT.—I have to announce that the Select Committee will consist of Senators Findley, Gray, Keating, Playford, Stewart, Styles, and the mover, Senator Pearce.

Motion (by Senator PEARCE) agreed to—

That the Select Committee have power to call for persons, papers, and records, and to report this day month.

#### PRIVILEGE: FREEDOM OF SPEECH.

The Order of the Day for the bringing up of the report of the Select Committee, on the case of Senator Lt.-Col. Neild, having been read,

Motion (by Senator PLAYFORD) agreed to—

That the Committee have leave to extend the time for bringing up the report to this day fortnight.

#### SPECIAL ADJOURNMENT.

Motion (by Senator MCGREGOR) agreed to—

That the Senate, at its rising, adjourn until Wednesday next.

Senate adjourned at 3.51 p.m.

## House of Representatives.

*Thursday, 19 May, 1904.*

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

### ELECTORAL ADMINISTRATION.

Mr. O'MALLEY.—I should like to ask the Minister for Home Affairs whether, in view of the fact that at the last general election persons not on the roll were allowed to vote at Penguin, Tasmania, he will have the matter investigated?

Mr. BATCHELOR.—Yes.

### RAILWAY FROM KALGOORLIE TO PORT AUGUSTA.

Mr. CARPENTER.—In his speech yesterday the Prime Minister referred to some correspondence which has passed between himself and the Premier of Western Australia regarding the proposed trans-continental railway. Has he any further information on the subject, and, if so, is he prepared to give it to the House?

Mr. WATSON.—While matters are in a tentative position, I do not care to answer questions affecting our general policy; but as I referred to this subject yesterday, and am now in a position to give more definite information to the House, I shall be glad to do so. During the last few days, I have corresponded confidentially by telegraph with the Premier of Western Australia; but I am now authorized to make our telegrams public. The telegram which I sent to him is dated 6th May last, and is as follows:—

*Re Western Australian railway, representations made to me, feeling of members Federal Parliament towards proposal favours belief that opposition would be materially lessened if your Government indicate willingness contribute stated proportion of loss, if any, during the first ten years. As matter under consideration of Cabinet, early reply desired.*

To that telegram the Premier of Western Australia replied from Perth on the 18th May, as follows:—

*On condition that Commonwealth is allowed a free hand as to route and gauge of railway, this State will be prepared for ten years after line constructed to bear a share of any loss in excess of our contribution on a population basis; it would be premature to fix exact proportion we are prepared to pay at this stage, but I am confident that it will be liberal, and satisfactory—*

no doubt the word intended is "satisfy," not "satisfactory"—

the Federal Parliament of our sincerity in this connexion, and our belief that the work will soon be a directly paying one.

## PAPERS.

MINISTERS laid upon the table the following papers:—

Copies of telegrams between the Prime Minister and the Premier of South Australia with reference to the Kalgoorlie to Port Augusta railway.

Papers relating to the Contract for the English Mail Service.

Ordered to be printed.

Observations by the Inspector-General of Works, and Reports by Surveyors Scrivener and Chesterman on proposed Federal Capital Sites in Southern Monaro and Tumut districts.

Abstract of papers *re* official recognition of associations of officers in the Postmaster-General's Department, Victoria.

## IMPERIAL PENNY POSTAGE.

Sir LANGDON BONYTHON. — According to the cablegrams which have been published in the newspapers within the last few days, communications are passing between this Government and the Imperial Government in regard to the establishment of penny postage. I should therefore like to ask the Postmaster-General what the present position is.

Mr. MAHON.—I should be very glad to answer the honorable member, but, as the papers have only recently come under my attention, I ask him to give notice of his question for to-morrow, when I shall probably be furnished with a reply.

## OPIUM TRAFFIC.

Mr. JOHNSON asked the Minister for Trade and Customs, *upon notice*—

When the reports relative to the opium traffic, which the late Prime Minister (Mr. Deakin), on 22nd March last promised would be called for, will be available for the information of this House?

Mr. FISHER.—The answer to the honorable member's question is as follows:—

The Premiers of the various States have been asked to cause reports to be furnished by the police on the subject.

So soon as these have been received they will be at once made available for information, and full consideration will be given to them.

## TELEGRAPH CONSTRUCTION OVERSEERS.

Mr. JOSEPH COOK asked the Postmaster-General, *upon notice*—

1. Have the services of telegraph construction overseers in New South Wales been dispensed with?

2. If so, for what reason?

3. How is the work being done which was formerly done by these overseers?

Mr. MAHON.—Information is being obtained with a view to replies being furnished as early as possible.

## SHOOTING OF NEW GUINEA NATIVES.

Mr. JOHNSON asked the Minister for External Affairs, *upon notice*—

1. Whether any official investigation has been held into the serious allegations of treacherous shooting of New Guinea natives by order of officials on board the s.s. *Merrie England*, recently reported in the newspapers?

2. Will he inform this House of the result of such investigation, if any, or state whether he is in possession of any authentic information as to the correctness or otherwise of the allegations referred to?

Mr. HUGHES.—In reply to the honorable member, I beg to say—

1. A preliminary inquiry has been made, and statements obtained from several eye-witnesses of the incident.

2. It has been decided to appoint a Royal Commission to inquire fully into the matter.

## TELEPHONE EXTENSION.

Mr. JOHNSON asked the Postmaster-General, *upon notice*—

Whether, in view of the rapid extension of suburban settlement beyond a radius of 10 miles from Sydney, he will consider the urgent necessity for providing such settlements with greater facilities than at present exist for telephonic communication with the metropolis by extending the privilege of city and suburban rates from 10 to 13 or 15 miles?

Mr. MAHON.—The answer to the honorable member's question is as follows:—

The Postmaster-General will obtain a report and give the matter careful consideration. It is, however, thought that any money which may be available for the construction of telephone lines should be utilized for providing telephones for towns at a distance from the State capitals, and that have at present no telephone systems.

## CONDUCT OF ELECTIONS.

Mr. G. B. EDWARDS (South Sydney).

—I move—

That the experience of the recent general election suggests the desirableness of the Government obtaining the fullest information (by Commission or otherwise) of the conduct of elections in other countries, including the operation of mechanical contrivances for registering and counting votes, with a view to the introduction of such machines to the Commonwealth.

Notwithstanding that at this juncture we do not know under what Government we may be living a few days hence, I submit the motion with confidence to the House, as it should be acceptable to all parties.



since the inquiry I ask for would not involve a very great expenditure, and the information obtained would be of invaluable assistance to us in dealing with—as we shall have to do—the amendment of the existing electoral law. Wherever a member sits, he must be interested in obtaining electoral machinery which will work as economically as possible, and will secure the fairest and fullest expression of public opinion possible. The Act under which our elections are now carried out was introduced by its author, the honorable member for Hume, as the most up-to-date measure in the world, but it has signally failed to maintain that reputation. I admit that in the first operation of an Electoral Act covering so large an area as Australia, and varying the electoral practices of the States of the Union, a certain amount of trouble and friction was almost inevitable; and no doubt many of the difficulties and much of the annoyance which has been experienced can be obviated by remedial legislation. As such legislation is so obviously necessary, I have taken an early opportunity to submit this motion, so that in our consideration of an amending Bill, we may be guided by the experience of other countries, and know the most recent modern improvements for the conduct of elections. The information which I wish to secure has not only to do with mechanical instruments for the registration and counting of votes, but also with the obtaining of information which may lead to the introduction of other methods to secure economy, celerity, and efficiency in the conduct of elections.

Mr. SPEAKER.—I point out to the House that it is impossible for any honorable member to speak to the question when conversations so many and so loud are proceeding within the Chamber. I must ask honorable members to give attention to the honorable member addressing the Chamber.

Mr. G. B. EDWARDS.—I am afraid that the motion is being discussed at rather an inopportune time.

Mr. FISHER.—An opportunity for its discussion at this juncture has been given to suit the convenience of honorable members opposite.

Mr. G. B. EDWARDS.—At the same time, the subject is one which should receive consideration. There is another motion on the notice-paper which deals with the same subject, and might be held to be wider in its scope than is this motion, but I still think that it would be wise to adopt

the course I propose, because of the very valuable assistance which the suggested inquiry would give in the future consideration of the reform of our electoral law. During the recent elections the utmost friction and difficulty occurred, not only in those cases where the decisions were subsequently challenged in the High Court but in every electorate throughout the Commonwealth, and, to a great extent, the failure to obtain a sufficiently full expression of opinion from the people to be regarded as a national verdict was caused by the inadequacy of the machinery provided for the enrolment of electors and for the collection of votes. In city and country alike, numerous difficulties were encountered by the officers intrusted with the administration of the Act. Every one of those with whom I have spoken—intelligent and picked officials—have admitted to me that they have found difficulty in interpreting the Act, or in discovering instruments for carrying out its evident intention. The postal voting provisions caused many serious difficulties, and I am of the opinion now, as I was when the Electoral Bill was before us, that, without greater safeguards, the postal voting system provided for is open to the grossest abuse. I do not say that it was greatly abused during the recent elections, but our experience then is sufficient to show that it may be largely abused during subsequent elections. Difficulties also arose in regard to the application of Form Q, and many of the other forms provided for in the Act. In regard to those provisions, too, there is great danger of abuse. The provision, for example, for limiting the amount to be expended by candidates in contesting elections is notoriously insufficient to carry out the end we had in view. It is, in fact, inoperative in every respect. For my part, I made a return of my expenses in accordance with the requirements of the Act, but I am given to understand that many honorable members have made no returns whatever, and I am further informed that if they fail in this respect, or if, upon their furnishing particulars, it is found that their expenses were in excess of the maximum allowed by the Act, there is no power to punish them or to declare their seats vacant. When we were discussing the Bill I pointed out that if we could not enforce such a provision it should not be embodied in the measure. The Bill was recommended to us by the honorable member for Hume as the most perfect piece of legislation of its character

ever introduced into any Parliament. The honorable member resisted all efforts made by myself and others to safeguard the postal voting provision, and stated that the matter had received such careful consideration that it was quite unnecessary to adopt additional precautions against abuses. Yet I should think that the honorable member himself must now admit that the Act requires amendment. If this be granted, and if a Select Committee be necessary, the inquiry would be made in view of the actual operation of the Act during the recent general election. We should, however, go further, and issue a commission to some one to visit other countries where they have had as great or even greater experience than our own in regard to the secret ballot system. Such a Commissioner could bring back to us such information as would enable us to consider how far we could make use of the modern improvements adopted in other parts of the world. It would be impossible for me to indicate the nature of these improvements in detail, but with regard to the forms adopted for preventing undue influence and bribery, for precluding candidates from incurring undue expense, for recording votes, and for insuring as large a vote as possible, it may be taken for granted that the United States, Germany, Belgium, and even Great Britain itself would, as the result of their experience, be able to give us practical assistance.

Mr. FISHER.—Does the honorable member propose to allow the Commission to travel to the countries mentioned?

Mr. G. B. EDWARDS.—Certainly, but I do not for a moment suggest that any undue expense should be incurred. Next to the late Treasurer, I am probably one of the most economical members of this House.

Mr. WATSON. — And the present Treasurer.

Mr. G. B. EDWARDS.—And the present Treasurer. I do not wish the Government to incur any unnecessary expense. My suggestion is that some intelligent official whose experience in electoral matters may be regarded as qualifying him for the work should be selected as the sole Commissioner to obtain this information. I am not prepared at this stage to say who should be appointed, but I believe that a fully competent officer could be found. It would not be necessary to appoint more than one Commissioner. It may be urged

that such information as I have indicated could readily be secured by means of written communications with the Governments of the countries referred to, but such particulars as could be obtained by that means might be derived from the books in our library, and would be of very little assistance to us. What we require is that a qualified officer should visit the countries mentioned, and interrogate the officials there with regard to the working of their electoral systems, and should, if possible, see an election in progress. Many of the States of America, have, amongst other things, adopted mechanical contrivances, which not only register the votes recorded, but enable the declaration of the poll to be made almost simultaneously with the closing of the doors to the public. Just as we, in some of our public institutions have turnstiles for registering the number of visitors, and for indicating immediately the doors are closed the number of persons who have passed through during the day, so, in the case of the voting machines to which I have referred, when the last man has passed through and the doors are closed, the indices can be unlocked, and the officials can at once see how many votes have been cast for Brown, Jones, or Robinson, and who has been elected. This is not a chimerical idea. Such machines are in use, and, according to writers in the magazines, have made a saving equivalent to their whole cost in the course of three elections. If that be so, we should, as common-sense individuals, consider whether it would not be desirable to introduce similar machines into the Commonwealth. These contrivances have one important point in their favour. They entirely do away with disputed and informal votes, because once a vote is registered by the machine it cannot be recalled. The moment the voter manipulates the machine he records his vote, and no question can be raised as to the way in which he has exercised his right. This may, at first sight, appear to be a disadvantage, but honorable members will, upon reflection, recognise that the reverse is the case. The worst that can be said about informal votes, is that, according to the law of averages, they are likely to inflict as great a hardship upon one candidate as upon the other. Therefore, by eliminating them altogether in the way suggested we should do no harm, but save ourselves a great deal of trouble. Such machines would be less liable than the methods which we at present follow to lead

to the accumulation of informal votes. There will always be more or less illiterate voters who will be confused as to what they are to do with the pencil and the ballot-paper placed in their hands. Such persons will not know whether the cross should be placed on one side or the other, or whether they should strike out the name of the person for whom they wish to vote, or the names of those whom they do not favour. This is almost the sole source of informal votes. With the machines, informal votes would be impossible, and, moreover, the liability to informality would be reduced to a minimum. It would be almost impossible for a man who had intelligence sufficient to lead him to the polling booth to make a mistake when this machine was placed before him, and he was called upon to operate it by passing through a stile, touching a button or pulling a lever. I regret that I cannot give the House the fullest information with regard to the construction of these machines, but they have been described in the press, and it appears to me that two of those which have been in operation are simplicity itself. The returning officer attends the polling booth as usual, and the machine is shown to the scrutineers on both sides before operations are commenced, in order that they may see that the indices are really starting from zero, that the machine is in working order, and that it moves only one point upon each touch of a button or pull of the lever, as the case may be. Then the returning officer and scrutineers stand on one side, and the voter, when he comes forward, steps on to a small platform, and by that very act causes a curtain to be drawn round him. When the voter is thus screened from the observation of the electoral officials, he is enabled to touch a button, or pull a lever, and record his vote in the direction he desires. His action in operating the machine causes a bell to ring, and upon hearing this the returning officer immediately throws the mechanism out of gear, so that the elector cannot record more than one vote. It is only when the machine is released upon the retirement of the voter that it can be rendered fit for use by another voter. Then, at the end of the day, instead of the voting papers having to be examined by a number of tired officials, who are frequently too worn out to count accurately, all that is done is to open the doors covering the metal indices under the machine in order to see how many votes have been registered for Smith, Jones,

*Mr. G. B. Edwards.*

Brown, or Robinson. The whole matter is then over, and no controversy can take place as to the number or character of the votes recorded. If a man happens to vote for Brown, instead of Robinson, he must put up with the consequences, and, according to the law of averages, it will probably be found that the result will be better than at present, when every vote has to be examined and is declared informal if it has upon it a pencil mark a little at variance with what is prescribed by law. We should avoid the necessity of having to refer to the High Court, as in the case of the recent Riverina election, such questions as whether a cross should be placed upon the right or left side of the ballot-paper what constitutes a square, or the effect of an extra mark upon the paper. We should get rid of all this trouble at one stroke. It is only fair to mention some of the arguments which might be used against such a promising method of recording votes. With regard to cost, I have already intimated that in California and other States the expense has been so slight that in some of the larger electorates the machines have paid for themselves in the course of three or four elections, owing to the saving of labour and time they have insured. I recognise that, whilst this might apply to large polling-places, it would hardly pay to use such machines at every polling-place throughout the Commonwealth. I would urge, however, that up to the point at which it would pay we ought to use the machine, and that beyond that we should retain our present system. I could furnish instances of the absurdity of relying upon the present system. The polling is concluded at 6 o'clock, and those who are interested have to wait until half-past 10 or 11 for any information regarding the result. Then, perhaps, in the case of an urban constituency, the returning officer has to come out and state that the numbers are approximately so and so, but that he cannot furnish an accurate return, because his officials are so worn out and dissatisfied that he is bound to give them a rest, and allow them to resume the count on the next day. Frequently, we do not obtain the definite results of urban elections until noon of the following day. As contrasted with that system, under which a heated and excited populace are required to wait for several hours, we should, with the machines, be able to post the results almost simultaneously with the closing of the doors of the polling booth. I think that would be

a distinct advantage, which would compensate us for the expense incurred in procuring the machines for use in at least the large city and suburban electorates. Apart from this, there are many other points which we shall be bound to consider as time goes on. For instance, there is the question of compulsory voting. The members of this Parliament, as well as the citizens generally, are dissatisfied to find that so few electors take the trouble to record their votes. This apathy on the part of the electors is largely due to the difficulties that are placed in the way of many of those who desire to become enrolled, and to record their votes, with the result that they become disheartened and take no further interest in the elections. On these grounds I think that the appointment of a skilled and intelligent Commissioner, who would visit various countries and obtain valuable information that would assist us in framing machinery which would lead to the enrolment of the greatest number of voters, and afford the fullest facility for electors to vote, would be of much advantage. I do not say that I am in favour of compulsory voting; but I certainly think that something should be done to induce electors to record their votes. The compulsory system has been adopted in Belgium, with the result that the number of non-voters has been reduced to 6 per cent. There a man who fails to go to the poll is mulcted in a small fine unless he is able to give some reasonable excuse for his neglecting to vote. As we all know, the percentage of voters who absent themselves from the polling places in some of the States is something like 60 per cent., instead of 6 per cent. Such a state of affairs is deplorable. In a country professedly democratic from east to west, and north to south, it is most regrettable to find persons who have the freest and most democratic Constitution in the world displaying so little interest in it that they do not trouble to record their votes at a general election; and the House will, sooner or later, have to consider whether it is not desirable to adopt some system of compulsion or inducement in order that we may secure a clearer expression of opinion on the part of the electors than we now obtain.

Mr. FISHER.—What lines does the honorable member say should be followed?

Mr. G. B. EDWARDS.—The honorable gentleman must bear in mind that I am seeking the appointment of a Commissioner,

in order that we may ascertain the best lines to adopt. If we could devise any system that would reduce the number of non-voters in the Commonwealth to 6 per cent., we should secure a great national advantage. The Commissioner would obtain valuable information, not only in this direction, but in many other ways that we have not yet considered, and would be able to place before us a report that would show in a practical way the amendments which are necessary in our electoral law. The appointment would not involve any large expenditure. An outlay of about £1,000 would be sufficient, and, if for that expenditure we could obtain this information direct from a skilful official, who had witnessed the working of various systems in other lands, we should accomplish a great work at a very moderate cost. It was once suggested in this House that, in the interests of economy, an effort should be made to obtain, by means of a conference between representatives of the Commonwealth and the States, a uniform franchise, and a uniform relation between the States and Federal constituencies, so that the cost of compiling the rolls, and, to a great extent, the cost of printing them would be materially reduced. If such a scheme could be devised, the one set of expenses would cover everything, and we should secure simplicity in the mechanism necessary for conducting a general election. I do not know of any direction in which larger savings could be effected than by the adoption of some general system which would render it necessary to print only one set of rolls, and require only one set of applications to remedy defects in them. The proposition is so simple that it is surprising that intelligent Ministers have not taken action to ascertain whether it is not possible to induce the States to fall into line, and to adopt coterminous electorates, so that by the addition of three or four States electorates, a Federal district could be formed.

Mr. O'MALLEY.—That would suit both the States and Commonwealth.

Mr. G. B. EDWARDS.—Yes.

Mr. MALONEY.—We should have one set of rolls for the States and the Commonwealth.

Mr. G. B. EDWARDS.—We should thus have to incur but the one expense. It has also been suggested that, in amending the rolls, good use might be made of the registration departments in the various States. If a man dies, there is at the present time no machinery in the Electoral Department

by which that fact might be ascertained, and his name removed from the roll.

Sir JOHN FORREST.—The honorable member is in error in making that statement.

Mr. G. B. EDWARDS.—I beg the right honorable member's pardon. If, for example, my grandfather dies, I am not compelled to have his name removed from the rolls.

Sir JOHN FORREST.—The Department deals with that matter.

Mr. G. B. EDWARDS.—It does when it prepares a fresh roll; but I wish to secure an automatic method of removing the names of deceased persons from the rolls, and placing on the list the names of those who from time to time attain their majority. The revision would have to be carried out every six months. There is a registration department, in which the date of every man's birth and death is recorded, and by making use of it we should be able to secure an automatic method of revising the rolls. If objections were subsequently made they could be inquired into.

Sir JOHN FORREST.—The scheme could not be worked.

Mr. G. B. EDWARDS.—If an attempt were made, it might be found that the system was much easier than the right honorable member anticipates. I am simply advocating the appointment of a Royal Commissioner who would ascertain the various systems in force in other parts of the world, and advise us whether provisions and devices cannot be introduced into our electoral machinery to save expense, friction, and trouble, and to secure for us a better national verdict than we have been able to obtain in the past.

Mr. REID (East Sydney).—I have listened with attention to the speech just delivered by the honorable member for South Sydney, and I must confess that he has given us a number of valuable suggestions. But I really do not agree with him that it is necessary to send a Commissioner to the other end of the world to discover the nature of well-known mechanical contrivances used in connexion with elections. It is possible to secure information about all such systems without sending a man to personally examine and inquire into them.

Mr. FOWLER.—An excellent mechanical contrivance has already been invented in the Commonwealth.

Mr. REID.—We can secure full information in regard to every mechanical con-

trivance associated with elections without appointing a Royal Commissioner.

Mr. FOWLER.—The necessary contrivance can be produced in the Commonwealth; it is unnecessary to go further.

Mr. REID.—That is quite possible. The matter is one which could be dealt with here. The general object which my honorable friend has in view happens to be provided for in the motion of which notice has been given by the honorable member for Canobolas, and which is next on the list. That motion provides for the appointment of a Select Committee of this House, and would enable full inquiry to be made in the Commonwealth. I think that in this case a Select Committee would probably be less expensive than would a Royal Commission. I am anxious that we should not appoint too many Royal Commissions. One Commission has already been suggested by the Ministry to deal with a very large question, and I am extremely glad that the Government propose to take that step. It is a proposal that I favour, and, although it may be somewhat expensive, the money will be well spent. I do not think, however, that the same could be said of the appointment of a Royal Commissioner to deal with this matter. In my opinion we can secure all the information we require by means of a Select Committee.

Mr. MALONEY.—Would that Select Committee be able to take evidence on oath?

Mr. REID.—I am not quite certain of what the law provides in that respect.

Mr. MALONEY.—It would be well if the Committee could do so.

Mr. REID.—No doubt. Perhaps the Attorney-General has looked up the matter, and can answer the honorable member's question.

Mr. HIGGINS.—If the right honorable gentleman puts a question on notice to me I shall answer it.

Mr. REID.—I have not considered the point, and I do not expect the Attorney-General to answer it off-hand. Whether it is open to a Select Committee to take evidence on oath or not, it seems to me that we could not have a more competent body, because honorable members of this House must have a large knowledge of the conduct of elections, and of the electoral machinery.

Mr. PAGE.—Rather.

Mr. REID.—I should think so. I do not wish, at this stage, to adopt language that might seem to pre-judge any matter; but I would point out that there are certain words in the motion next on the notice-

paper, which deals with this question, to which exception might be taken. Doubtless I am out of order in discussing that notice of motion, and I shall, therefore, content myself with saying that I think some inquiry is absolutely expected by the people of the Commonwealth. I do not think there is one matter in regard to which the people of the Commonwealth evince greater anxiety than their desire that we should, by inquiry, and by effecting alterations in the system, prevent the possibility of the recurrence of such incidents as took place at the last elections. In that respect I believe I voice the sentiments of every honorable member. I hope, therefore, that inquiry in some form or another will be made. I do not wish to use one strong word in reference to the matter; I simply wish to see some impartial investigation held.

Mr. WATSON.—The Government has no objection to that; but this is not the stage at which to deal with the notice of motion standing in the name of the honorable member for Canobolas.

Mr. REID.—I understand, of course, that it would be premature for me to deal with it at the present moment. I trust, however, that the question will be considered quite apart from any charges of inefficiency. I am satisfied that it should be inquired into. If it turns out that there has been inefficiency in connexion with the elections, we shall have to make some improvement; while if, on the other hand, it transpires that there has been no inefficiency—that there has been nothing but mere pressure of misfortune, which no man could have avoided by the exercise of ordinary ability and discretion—I shall be the first to express regret for the remarks which I have made in reference to the Chief Electoral Officer. I should like the matter to be cleared up, as much in the interests of that officer as in the interests of any one who has criticised his ability. As we have but a short time in which to deal with private members' business, I would suggest to the honorable member for South Sydney that he should allow the motion standing in the name of the honorable member for Canobolas to come on for consideration, for I think that the object which he has in view is covered by that proposition.

Mr. BATCHELOR (Boothby—Minister for Home Affairs).—I do not think that in dealing with this motion it is necessary to discuss the notice of motion which has been given by the honorable member for

Canobolas. This proposition stands entirely apart from it, and it appears to me that it is also unnecessary for us, at this stage, to enter upon a consideration of the conduct of the last elections, for it may also be dealt with on the next motion. This is entirely a non-party proposal, and I fail to see that anyone could object to the way in which it has been put before the House by the honorable member. I may say at once that I do not agree with his proposition for the appointment of a travelling Commissioner. I believe that the Government of the Commonwealth would be able to secure the information with much greater expedition, and certainly in sufficient detail to enable it to arrive at a conclusion in regard to the matters at issue, without appointing a Commissioner to visit distant countries. Voting by machinery is not, of course, a novel idea. I asked the Chief Electoral Officer to give me a report upon the matter, not in anticipation of the debate upon this motion, but in consequence of a letter I received from a person interested in some machine of the kind which has been described. I have not yet received the report. There are some manifest advantages to be derived from the use of these machines. There would, in the end, be greater economy and greater certainty as to results; there would not need to be any recount, and that is a matter which will appeal to some honorable members; and there would be a much greater promptitude in ascertaining the result of an election. The principal disadvantage would probably be the first cost of the machines. We have 4,800 polling places in the Commonwealth, and while I do not suggest that a machine for each of these polling places would cost £100—by the time it was placed in working order in every polling place it might cost as much as that—still, if that amount were expended it would mean an expenditure of something like £500,000 on the basis of the present number of polling places. I can see no reason why we should not have a full inquiry into these matters, and to that extent I cordially support the motion. I ask honorable members not to be led astray by the fact that there has been some friction and some considerable dissatisfaction in many electorates with respect to the operation of the present Electoral Act—I am not now referring to the administration. The dissatisfaction and

friction which has arisen is, I believe, largely due to the fact that the Act was novel, as applied in many electorates. In proof of that, we can point to some districts in which no difficulty whatever was experienced in connexion with its operation. Indeed, in the whole of the State of South Australia, where a similar Act has been in operation for many years, no hitch or friction of any kind was experienced in its operation, and the percentage of informal votes recorded was very small.

Mr. JOHNSON.—That was not the case in many places in New South Wales.

Mr. BATCHELOR.—That is so; but I have explained that we had in the Commonwealth Electoral Act adopted the South Australian practice, and the people of that State being used to it, there was no friction or dissatisfaction caused by its operation. The honorable member will see that a great deal of the dissatisfaction and friction which has arisen elsewhere has been due to the fact that in those districts the practice adopted has been novel.

Mr. JOHNSON.—Much of it arose from the administration of the Act.

Mr. BATCHELOR.—I do not propose to say either "Yes" or "No" to that. That is not now the question, and it can be discussed upon the next motion, which I have no desire to anticipate. If the honorable member for South Sydney understands that it is not proposed by the Government, at any rate at present, to appoint any travelling Commissioner, but to make the very fullest inquiry from all places where the system to which he refers is adopted, and also from all places from which it can be suggested that we should be likely to obtain information with regard to the working of the electoral laws that would be of advantage to us, I shall cordially support his motion.

Mr. KENNEDY (Moir).—I understand that the Minister for Home Affairs accepts the motion submitted by the honorable member for South Sydney with the reservation that it is not the intention of the Government to appoint a roving Commissioner to make the inquiries proposed. With that I am quite prepared to agree. The two motions on the notice-paper dealing with the subject of elections refer to clear and distinct issues. The motion now before the House proposes the appointment of a Commissioner to inquire into the conduct of elections outside of Australia. The subsequent motion on the paper deals with the conduct of elections in Australia, and par-

ticularly of the last general election. With regard to the conduct of elections outside of Australia, we have established here an elaborate Electoral Department, with a permanent head and inspectors. Parliament has not been parsimonious in its establishment, and the question naturally arises whether, when we require the information suggested in this motion, it is necessary that we should incur extra expense by the appointment of Select Committees or Royal Commissions to secure it. If the Electoral Department is to serve any purpose whatever it may surely be expected to be able to inform the Minister in charge of what is being done, not only in the Commonwealth, but elsewhere, in connexion with electoral matters? What is proposed in the motion is merely the transference of responsibility for the supply of this information from the Minister or his Department to a Select Committee or Royal Commission. I have been pleased to hear the Minister in charge of the Department accept the full responsibility, and assert his confidence that the Department with the resources at its disposal can secure the information asked for, bring it up-to-date, and keep it up-to-date. If the Department is not competent to perform that function we are entitled to know what it is doing, and why it should continue in existence. I have been pleased to hear the Minister explain that the responsibility will be rightly placed, and that he will insist upon the Department getting such information as will enable him to keep us abreast of the world in electoral matters.

Mr. KNOX (Kooyong).—I entirely concur in the general terms of the motion proposed by the honorable member for South Sydney, and also with the view expressed that it is to be hoped that it will not result in the appointment of an expensive roving Commission. I agree with the last speaker that the Electoral Department should have power within itself to collect all the necessary information. I believe that one or two mechanical contrivances were submitted to the late Minister for Home Affairs, and I shall be glad to have the assurance of the present Minister that an opportunity will be given to examine the merits of these contrivances. I would ask the honorable gentleman to secure the permission of Mr. Speaker to have one of these machines exhibited in some part of the House. I think it would be found worthy of consideration. I have seen it in operation myself, and I am aware that two ex-Ministers of the first Commonwealth Administration who saw it

were agreed that it possesses considerable merits. It is known as the patent of Mr. Higgins—not our respected Attorney-General, but a gentleman of the same name, and equally capable. I feel that we should be taking a step in the right direction by the adoption of some mechanical contrivance, as I believe it would tend to greatly reduce the enormous expenditure at present entailed in the conduct of elections. With the reservations to which I have referred I shall support the motion.

Mr. MALONEY (Melbourne).—I am glad to follow the honorable member for Kooyong, who has been unfortunately placed as being only second to myself as the largest holder of voting certificates in Victoria during the last election. I am prepared to support the motion, which I had risen to second, because I believe that it is absolutely necessary that we should have some simple way of arriving at the number of votes cast at an election. It will be thought hardly credible, and I have no doubt honorable members will be astonished to learn, that the returns from the Melbourne district for the 16th December are not complete yet, and never will be complete, because I understand that the Department, finding that the returns cannot be secured, have altered their method or issuing the statistics. Representing a district which is the centre of Victoria, and in which it has not been found possible to return figures which can be posted, I am the more willing to support this motion. If the Electoral Department were to send a circular letter to every European Government, and only some seven would be necessary, I have no doubt they would, in reply, secure full information as to the methods adopted in European countries in the conduct of elections.

Mr. G. B. EDWARDS.—They should include the States of America.

Mr. MALONEY.—In some of the States of America the result of an election can be told within half-an-hour of the close of the poll. I am aware that in Greece a splendid system has been adopted. There voters vote with a white ball, and even the arm of the voter is hidden. They can count the votes in hundreds, and in the city of Athens the result of an election can be declared within twenty-five minutes of the close of the poll. It is clear, therefore, that there must be some methods in existence which are a great improvement on the absurd methods adopted here. I have witnessed no less than seven different elections

in England, and I must say that they have there a more cumbrous system than is our own. I cannot resume my seat without offering my word of thanks to Mr. Lewis, who is in charge of the Commonwealth Electoral Department. I have specially to thank him that in the last election held for the Melbourne seat there was not the humbugging nonsense which occurred at the first. I have been glad to hear the right honorable member for East Sydney say that if he should find that he has been wrong in what he has said concerning the Chief Electoral Officer he will be willing to withdraw the statements he has made. I can, of course, speak only from my own experience, but I think no man could be found more willing to assist a candidate than I found Mr. Lewis. I should like to add further that, in my opinion, the obsolete and effete system of conducting State elections in Victoria is not half as good as that which has been inaugurated under the Federal régime.

Mr. HUTCHISON (Hindmarsh).—I am entirely in sympathy with the motion, except that I object to the expense of appointing a Royal Commissioner. I am glad to find that the honorable member for South Sydney desires to cover a great deal more ground than is covered by the subsequent motion on the business-paper, which deals only with the administration of the existing Commonwealth Electoral Act. The honorable member proposes that the question of compulsory voting shall be looked into, and also the method of getting names on and off the electoral roll, which, in my opinion, is a matter of equal importance. It has been our experience in South Australia that the names of persons who have been dead ten years are still on the rolls in that State, and the returning officers state that until they are notified by the Registrar of Births and Deaths they have no power to remove them. A more serious matter is that in South Australia a certain organization has been in the habit of striking off the rolls the names of many persons who have continued to reside in the same district, and even in the same house. It is highly necessary that something should be done to prevent that procedure. Another matter to which I might direct attention is that persons who have been in the habit of putting names on the roll have left electoral claims to be filled up, and in my own experience I have found that the representative of a certain conservative institution



has subsequently collected those claims, but has never sent them in to the returning officer. I have known certain persons to have had their claims sent in, but the claims of persons likely to vote for progressive candidates, as against conservative candidates, have been destroyed. We should do something to prevent this kind of thing.

Mr. O'MALLEY.—They should be sent to gaol.

Mr. HUTCHISON.—Undoubtedly; and I should have been only too glad to prosecute the persons responsible if I could have obtained the necessary evidence. It is very difficult, however, to get sufficient proof. I could give the name of one individual who is doing this thing, and could prove that the papers were collected, but I could not prove that they had not been handed in. The returning officer could say that he did not receive them, and I could not show that this person was responsible. In my opinion, an inquiry should be made into the matter. If we introduce counting and registering machines we need not incur the expenditure suggested by the Minister for Home Affairs, because, at the beginning, at all events, it would be quite sufficient to use them only in the largely populated centres. The present system, if properly administered, will be quite sufficient for districts where there are only a few persons on the roll. Compulsory voting prevails not only in Belgium, but in many of the Swiss cantons, and there has been no attempt to abolish it. I think it is deplorable that so few of our electors record their votes, and the fact mentioned by the honorable member for South Sydney, that only 6 per cent. do not record their votes in Belgium, should convince the Government of the need to do something in the matter. I have great pleasure in supporting the motion.

Mr. JOHNSON (Lang).—I support the general terms of the motion. As a Commission is likely to be appointed to inquire into the matters with which it deals—

Mr. PAGE.—No one said so.

Mr. JOHNSON.—I understand that there is no objection to the appointment of a Commission.

Mr. PAGE.—There is an objection.

Mr. JOHNSON.—I think that an inquiry should be made, and that it should be extended beyond the scope suggested by the honorable member for South Sydney. We should, at an early date, take into consideration the adoption of some system of effective voting which will prevent candidates for

whom a minority of the votes polled have been cast being returned. Under present conditions not only is such a thing possible, but it actually takes place in many cases where there are several candidates. I am sure that some system could be found which would make it impossible, no matter how many candidates presented themselves, for any one for whom a minority of the votes polled had been cast to be returned; and the adoption of such a system would make it unnecessary to limit the choice of electors, because as many candidates as chose to do so could come forward, and the electors could freely discriminate between them. Therefore, I suggest that the scope of the inquiry be widened to include the investigation of proposed methods of effective voting.

Mr. McWILLIAMS (Franklin).—I have the greatest sympathy with the objects of the mover of the motion, but I object to any expenditure being incurred for an inquiry when we have already in existence a costly Electoral Department which ought to be able to do this work for us without additional expense. The Department is now so large that the Government should be able to obtain from it all possible information upon methods of voting. As a rule a general election will take place only once every three years, though, of course, more frequent dissolutions will occasionally occur; and in the interim a good live Electoral Department will keep itself posted in all information relating to elections. Not only is it the duty of the Department to do so, but the Minister at the head of it should see that it is in a position to supply him with any information that may be required as to the voting systems of the world. Such information can be easily and simply obtained. We know that some alteration of our present electoral system is necessary. For instance, there should be a change in the method of collecting our rolls. In many of the States the franchise for the House of Assembly is the same as that for the Federal Parliament, one adult one vote, and I see no reason why an arrangement could not be come to between the Governments of such States and this Government for using the same sets of rolls. Such an arrangement would be simple, and would effect a decided saving. I repeat, it is unnecessary to go to the expense of appointing a Commission to obtain the information sought for, because the Electoral Department should be in a position to obtain it, and to supply it. While I am in sym-

pathy with the objects of the motion, I shall oppose the appointment of any Commission to do work which it is the duty of the Electoral Department to do.

Mr. STORRER (Bass).—I shall oppose the motion, because I see that it means the expenditure of money. The proposal is that a Commissioner should be sent travelling round the world to obtain information as to methods of voting; but, surely, that information can be obtained in other ways. If machines for the registering and counting of votes are brought into use, Parliament will be prevented from adopting the Hare system, which, I think, is the only fair method of obtaining the expression of the people's will where a large number of candidates come forward. I am further opposed to the motion because I think that we cannot be too careful about committing ourselves to expenditure. The general cry is that we are spending money too fast, and before we commit ourselves to the appointment of a Commission, we should see whether the information sought for cannot be obtained without expense from the Electoral Department. In Tasmania the House of Assembly has decided to adopt for the State elections the districts used for the Federal elections, in order that the same rolls may be used for both. No doubt that example will be followed in other States, and thus the expense of collecting two sets of rolls will be saved. A good deal of blame has been cast upon the Department for its administration of the Act during the recent elections; but much of the trouble which occurred was due to the fact that men new to the work were appointed to responsible positions. In many cases officers were appointed who had had no previous experience in the conduct of elections. In my district a Commonwealth officer was at the head of affairs who had never before had to do with the conduct of elections, but he posted himself up in the provisions of the Act, and took others into his confidence, and was thus able to carry through the election without a hitch. I think that when the next general election occurs, the officers will have become acquainted with their duties, and we shall be satisfied with the manner in which the Act is administered.

Mr. G. B. EDWARDS (South Sydney).—I am pleased that the Minister has not objected to the motion. He is in sympathy with it, though he is not prepared to send a Commissioner abroad to obtain information. The motion, however, expressly declares that the information may be secured

by a Commissioner "or otherwise." But although the sending of an officer abroad to make inquiries is not insisted upon, a great deal is to be said in favour of that course, since it is not so easy to obtain the necessary information through the medium of the post-office. Often one writes for information, and obtains what purports to be a full reply, but the answer given is not always full, and one being ignorant of what there is to be known on the subject, is often left almost in a worse position than he would have been in without any information at all. It is only from a man who has seen machinery in operation that one is able to obtain full information regarding it. I am fortified in this attitude by a remark of Professor Sidgwick, who has written largely on political science. He has studied more than most writers the operation of the Constitutions of the various European countries, both by investigating those Constitutions where they are written, and by devoting himself to the study of their historical development. His book upon the Development of European Polity has been published since his death, but it was his intention to proceed to the various countries of which he writes, and to live in each of them for a lengthy period, in order to obtain a thorough grasp of the operation of their Constitutions at the present day. He said truly, that it is not in the written document of a Constitution, or in the history of its development which is to be gained from the books in libraries that you can obtain a true grip of its real operation to-day. If that is true of facts in regard to which most of us think the fullest information is to be obtained from the books in our libraries, it is still more true of the operation of intricate and complicated mechanical appliances and administrative forms for the conduct of an election. There is always an outcry against expenditure, but there may be truer economy in spending money in a wise undertaking than in objecting to such expenditure. The inquiry which I suggest can be conducted by a capable officer for a few hundreds of pounds, in addition to his ordinary salary, and the money would be well spent. However, I am prepared to stand by the motion, and to leave it to the Government to say whether they will send a Commissioner abroad. A private business man, if he wished to obtain reliable information upon the working of any machinery or system connected with an office or factory, would not content himself with writing abroad for

a description, however full and elaborate; he would adopt the more sensible plan of picking out a man, and sending him abroad to make inquiries on the spot, so that upon his return he could learn every detail. It has been said that we should be able to obtain all needful information from our electoral officers. That is an absurd objection to my proposal. If the present electoral system is not working well, it is not to those in charge of it that we should apply for methods of improvement. Officials are always inclined to become case-hardened, and to move in a rut. It is natural for them to take the view that the methods in existence are under all circumstances the best possible. I do not say that the Minister could not obtain a smart, up-to-date, official, who would satisfactorily act as a Commissioner to make inquiry abroad, but if he relies wholly on his Department for information and advice in regard to necessary or desirable reforms, he will be relying upon a very weak reed. If we rely exclusively upon those who are working in the Department to keep everything up to date, our system will probably become thoroughly rotten, and develop all the diseases of bureaucracy. The best course to adopt is to select an intelligent man who can inquire into the whole question, and make recommendations as to the best methods to adopt.

Question resolved in the affirmative.

#### ELECTORAL ADMINISTRATION.

Mr. BROWN (Canobolas).—I move—

1. That, in view of the unsatisfactory manner in which the last general elections were conducted throughout the Commonwealth, a Select Committee be appointed to investigate and report upon the administration of the Commonwealth Electoral Act, and to report results of such investigation to this House.

2. That such Select Committee consist of Mr. Batchelor, Mr. Fowler, Mr. Groom, Mr. Mauger, Mr. McCay, Mr. McDonald, Mr. Poynton, Mr. Sydney Smith, Mr. Storrer, Mr. Dugald Thomson, Mr. Maloney, and the mover.

3. That such Committee have power to send for persons, papers, and records, and that four be the quorum of such Committee.

I think that honorable members will agree with me that it is very desirable to secure efficient administration of our Electoral Act. We have placed upon our statute-book one of the most liberal and democratic measures, and our desire is that every adult in the Commonwealth should not only have the right to vote, but also possess every facility for exercising that right. If our object is to be attained, the legislative enactment

must be accompanied by efficient administration. I am willing to admit that the Electoral Department has had considerable difficulties to overcome. They had to apply a new system, and to contend against the misunderstanding which necessarily attended the introduction of conditions differing from those with which the electors of the various States were previously familiar. In other words, they had to educate the people to the point of enabling them to take full advantage of the facilities provided. Further, there were inexplicable delays in connexion with the redistribution of the electoral divisions, and the preparation of the rolls, and these deprived the officers of the Electoral Department of that ample time which was necessary to enable them to make perfect arrangements for carrying out the election. Then the Government, for reasons which have been strongly condemned, decided not to proceed with the work of redistributing the electorates in Victoria and New South Wales, and therefore a large amount of work performed by the Department proved to be absolutely useless. Whilst making every allowance for these difficulties, however, my observations have led me to the conclusion that the Department was lamentably lacking in its administrative work. It is because of this, and because of the vital importance of having an efficient Department to administer matters relating to the exercise of the Commonwealth franchise, that I feel impelled to ask for an investigation. I do not wish to say too much with regard to matters of detail. It will be sufficient to point out that, as the outcome of the defective administration of the Department, two elections have been declared void on technical grounds; and we may fairly assume that if present conditions are allowed to continue there will be a much larger number of appeals to the High Court in the future. This is a matter which should engage the serious attention of the House. I was in the very fortunate position of not being called upon to contest an election, but I could plainly see from the way in which the arrangements were carried out that there would have been ample room for any one who wished to move in the direction of having an election declared invalid. For instance, it is provided in the schedule of the Act that a candidate shall be nominated by at least six electors whose names, polling places, places of residence, and numbers on the roll shall be given. I postponed my visit to my electorate for the purpose of

nomination until the very latest date, and, upon calling upon the returning officer, found that he was not in a position to supply me with the numbers on the roll opposite the names of the electors who had signed my nomination paper. The roll was still in the hands of the Government Printer, and was incomplete, and it was only by making a special arrangement that I was able to obtain the particulars necessary to comply with the requirements of the Act. If I had been a country candidate, and unable to bring myself into close touch with the Government Printer in Sydney, the probabilities are that I should have been unable to furnish all the information required, and that my nomination might have been declared informal on that account. Then, again, when it transpired that there would be no contest in my district, so far as the House of Representatives was concerned, the Chief Electoral Officer seemed to overlook the fact that a poll would have to be taken for the purposes of the Senate election, and issued instructions to the returning officers to the effect that all their expenses should be reduced by about 50 per cent. The result was that, in common with many other honorable members, I have been put to a great deal of trouble in my attempts to secure the payment of the fees due to the officers employed in connexion with the election. Although months ago I was told by the Minister for Home Affairs that all payments had been made, and was also assured by the officers of the Department that everything had been settled, I discovered weeks afterwards that nothing had been done. Upon making a closer investigation, I was informed that some small hitch had occurred, and that if upon investigation everything was found to be in order payments would be made within two or three days. A month afterwards, however, I was told that the accounts were still unsettled. Some of these accounts still remain in the same unsatisfactory condition, a fact that displays a lamentable want of competency on the part of some one in the Department. I know that from the very outset it was the intention of the Department to select officers for this work from the Public Service of the Commonwealth. It was felt at the time that the duties could be discharged by officials of the Postal, Customs, and other Departments who were under the direct control of the Government of the Commonwealth; but I pointed out to the Minister in charge of the Department, as well as to the House, that great difficulties

would arise if the Government insisted upon giving immediate effect to their proposal. I drew attention to the fact that the officers of the service, however competent they might be, had not the experience necessary to fit them for so complicated and extensive a work, and I strongly recommended the Department to utilize the services of the old State officials, at least to the extent necessary to secure efficiency at the then approaching elections. That suggestion was, to some extent, adopted; but as the result of a recent visit to my electorate I do not hesitate to say that State officials who were engaged in connexion with the elections are so greatly dissatisfied with their treatment, that unless the Department is prepared to keep faith with them to a greater extent than was the case in connexion with the last elections, their services will not be at the disposal of the Government at the next. These are important matters which call for strict investigation, and if, upon inquiry, the charges made can be substantiated, the remedy should be applied. I have, so far, dealt only with the administrative machinery of the Electoral Office, and when we come to consider the position of the electors themselves—the people who are vitally affected—we discover that their grievances are intense. In the first place, as the result, apparently, of the outcry that persons had removed from country districts to various cities only to return to their old homes as the result of the breaking of the drought, it was taken for granted that these changes had occurred on a larger scale than was actually the case. The result was that, in dealing with the revision of the rolls relating to all the cities, the Department endeavoured to strike off as many names as it could, and apparently paid no regard to the equally important duty of ascertaining whether those who were qualified to vote were duly enrolled.

Mr. BATCHELOR.—Where was this?

Mr. BROWN.—In the cities. Cases came under my notice in which persons who had shifted from one street to another in the same electorate were struck off the rolls, and were not afforded an opportunity to rectify this blunder. A great many of those who inspected the rolls as originally compiled, and found that their names had been duly enrolled, went to the booths on polling day satisfied that, as they had not received any notice of objection, they were qualified to record their votes. Judge of the surprise of many of them when they

discovered that, as the result of the action of the Department, the names had been removed. As the result of the extraordinary way in which the Department allotted the electors to different polling booths, an even more remarkable state of affairs existed in many of the provincial districts. Electors were expected to vote at the polling booths on the rolls for which their names appeared; but it was open to them to vote at any other booth in their own division by signing the form Q. The allotment was made, however, in such a way that it was by no means uncommon to find the members of one family, all residing in the one house, allotted to two or three different polling booths. A case came under my notice in which an elector in my division journeyed to the polling booth, some six or seven miles distant from his residence, at which he had been accustomed to vote at State elections. He was allowed to record his vote; but his wife was informed that her name, as well as the names of other members of the family, were not on the roll for that booth. They mentioned the matter to me, and I discovered that the wife's name was on the roll for a polling booth fifteen miles away from her residence. It is difficult to understand what basis the Department adopted in making these allotments. The experience of the settler to whom I have referred was a common occurrence, and this system, in my opinion, led to the disfranchisement of a greater number of persons than did any other difficulty which the electors encountered. Electors who were accustomed to vote at certain polling booths for State elections found on applying for their voting papers that their names were not on the rolls for those booths, and the presiding officer in many cases did not take the trouble to ascertain whether their names were on the rolls for any other booth. They were simply told that they were disqualified, with the result that, although their names appeared on the rolls for other booths, they were disfranchised, being unaware that they had a right to vote under form Q. This state of affairs obtained throughout the country electorates, and to so great an extent that it reflected much discredit on the Department. It discloses an inefficiency on the part of some one, which, had it not resulted in the disfranchisement of hundreds of electors, might have been excused, but which in the circumstances demands the strictest investigation. Incidents of this kind that came under my own observation must have been fairly common

*Mr. Brown.*

throughout New South Wales, and I think that they were largely responsible for the reduced polling returns. The appointment of the Chief Electoral Officer of the Commonwealth has already been severely criticised in this House, and I do not propose at this stage to enter into a discussion of the matter. I have only to say that, in view of this criticism, and of the dissatisfaction which obtains as the result of the way in which the department conducted the last elections, a Select Committee should be appointed in fairness to that officer himself. It must have one of two results. It will either show that the administration of the Department in connexion with the elections was inefficient, and that the criticism levelled against it was largely justified, or that, as the Minister responsible for the appointment contends, the Chief Electoral Officer is efficient.

Mr. CAMERON.—Does the honorable member propose that the work of the Select Committee should stop at that point?

Mr. BROWN.—I propose that it shall deal with the question of administration.

Mr. CAMERON.—Is the Select Committee to have power to make suggestions for the amendment of the present electoral law?

Mr. BROWN.—I think that the committee should have ample power to do so.

Mr. CAMERON.—Then the honorable member should provide for it in his motion.

Mr. BROWN.—I understand that the Department has fully investigated that matter, and that the Minister has certain proposals to put before the House. It is for that reason that I refrain from bringing this phase of the matter under special review. I have no doubt that if the Committee feels, as the result of its inquiries, that the defects of which complaint has been made were due to the faultiness of the Electoral Act, it will be open to it to suggest amendments. If it is to be of any great value it must cover a large range of inquiry. I should prefer the appointment of a Royal Commission that would be able to visit the different States, and investigate all these matters far more thoroughly than it is possible for a Select Committee to do. I recognise, however, that it is practically impossible for a large Select Committee to visit the different States so as to inquire into all these matters as fully as is necessary in order to place the Department in possession of the whole of the facts, and I am satisfied the Committee will elicit information that will demonstrate the necessity for

radical changes, either in regard to the control of the Department or the legislation under which the Department is conducted. If the Ministry do not see their way clear to appoint a Royal Commission, I must rest satisfied with a Select Committee.

Mr. MALONEY (Melbourne).—Before the motion is put, Mr. Speaker, I should like to ask that my name be omitted, with the object of inserting in its stead the name of the honorable member for Hume.

Mr. SPEAKER.—The honorable member for Canobolas has already moved his motion. If, before the honorable member resumed his seat, he had called attention to his desire that the alteration should be made, I should have permitted him to make it; but as the motion has been submitted, I cannot allow any substitution of names. If the honorable member desires the alteration which he has mentioned, it is open to him to move it by way of amendment.

Mr. MALONEY.—I may, perhaps, be permitted to say that it was by mistake that I allowed the opportunity to pass. I move—

That the name of Mr. Maloney be omitted, with a view to insert in lieu thereof the name of Sir William Lyne.

Mr. WATSON (Bland — Treasurer).—My honorable colleague, the Minister for Home Affairs, having been called away, is temporarily absent from the Chamber. I assume that he will have an opportunity to speak to the motion later on, and, in the meantime, I desire to say that the Government do not intend to oppose the appointment of this Select Committee, so long as it is made clear that we do not, in advance, declare that there has been any fault in the administration of the Act by the Department.

Mr. JOHNSON.—The honorable gentleman does not propose to limit the right of honorable members to criticise the administration?

Mr. WATSON.—No; but the Government would feel constrained to oppose the motion if it contained, in so many words, a declaration that would practically prejudice the whole question before the Committee had investigated the matter. I think it is only fair that it should be assumed that, although there may be room for inquiry, we have not, collectively, made up our minds that there have been faults on the part of the administrative officers. I understand that the words: "and the apparent inability of the administrative Department to efficiently cope

with its work," have been omitted from the motion, and, under these circumstances, the Government have no objection to it. It must, I think, be apparent to us all, as it is to the general public, that a great deal of friction, at least, arose in connexion with the last general election. In my own electorate quite a number of people, apparently through no fault of their own, were disfranchised. Even if the proposed inquiry should not disclose any fault on the part of the officials, it may result in the collection of information which will enable us more easily to correct defects in the law, thus preventing similar friction, inconvenience, and disfranchisement in the future. From that point of view, the Government have no objection to offer to the motion.

Mr. JOHNSON (Lang).—Having seconded the motion *pro forma*, I should like, if it is permissible for me so to do, to make a reservation with respect to the second paragraph, because I think that possibly, instead of selecting the gentlemen whose names are mentioned therein, it might be considered advisable to select the members of the proposed Committee by ballot. The motion is one which must appeal to every honorable member who has had an unsatisfactory experience of the conduct of the recent general election. From facts which have come to my own knowledge, I believe I can safely say that there have been tens of thousands of persons in New South Wales who were entitled to be enrolled, who were left off the rolls.

Mr. McCAY.—Does the honorable member say that he has personal knowledge of tens of thousands who were left off the rolls?

Mr. JOHNSON.—No. I say that from facts which have come to my knowledge there must have been a large number in New South Wales, running into tens of thousands, who were left off the rolls. Personally, I know of at least 2,000 electors whose names were left off the rolls, notwithstanding the fact that in very many instances those who found themselves unable to vote on the polling day had taken the trouble to inspect the lists to find out if their names were there. They had satisfied themselves that their names were on the lists which were exposed before the final revision of the rolls. In some cases persons who found that their names were omitted from the provisional lists went to the trouble of applying for enrolment, and, having done so, they naturally supposed

that they would be enrolled. Honorable members can judge of their astonishment when on going to vote they found that, although they had complied with all the forms necessary to secure enrolment, their names had been left off the final rolls, and they were unable to vote. In my own electorate the residents of whole streets, including some of the main business thoroughfares, were left off the rolls, and people who had been resident voters in the district for forty years were deprived of the franchise. It also happened in many instances that members of the same family, living in the same house, found themselves distributed over eight different polling-places in various parts of the electorate. In some instances they had to pass three polling booths on the way to the one for which they had been set down in the lists. This was due to a new arrangement whereby voters were compelled to vote at a particular booth.

Mr. BATCHELOR.—That is a part of the scheme of the Act.

Mr. JOHNSON.—It may be; but in its administration one would naturally suppose that the members of one family, living in the same house, would be allotted to one polling booth. Instead of that, some considerable trouble appears to have been gone to, by those responsible, to distribute the members of one family over as wide an area as possible, and to secure that no two of them should have the chance of voting at the same booth.

Mr. BATCHELOR.—That must have been accidental.

Mr. JOHNSON.—That happened, not in one, but in many cases that have come under my personal observation. Many persons who went to vote, after having satisfied themselves that their names were on the roll, were informed, when applying for their ballot-papers, that they were not on the roll. The roll was shown to them, and although at first sight it appeared that their names were not on the roll, this was subsequently proved to be due to the fact that the lists were not arranged in accurate alphabetical order. On the rolls, after names commencing with "A," names commencing with "B" were printed, and subsequently names commencing with "A" started again. People were satisfied that the names for which they were looking were not included in the list according to alphabetical order, when if they had turned over two or three pages of the roll, they would have found that, after passing through "B"

and "C," names beginning with "A" occurred again, for the same polling booth. This resulted in the disfranchisement of numbers of persons. It is a scandalous state of things, and the fact that it existed calls at least for inquiry. There is also this to be complained about, that, so far as Sydney is concerned, up to the date of the election, it was almost impossible for electors to obtain information which should be open to them. The most absolute secrecy was observed in connexion with matters which were of public concern, and it was impossible to obtain information from officers connected with the Sydney Electoral Office. Persons who sought information from them were curtly refused, or were referred to the Melbourne office, a circumlocutory method which will not, I trust, find sympathy with many members of this House. Every possible information should be open to every elector in connexion with so important a matter, and the fullest facilities should be offered to electors to obtain the information they require in order to exercise a right of citizenship. In speaking upon these matters, I have no desire to cast any reflection upon the returning officers, presiding officers, and poll clerks who conducted the elections. They were placed in a very difficult position, and, so far as a great many of them were concerned, in a novel position. I have every reason to believe that the gentlemen intrusted with this portion of the work did their duty faithfully and well in the majority of cases. I know that I cannot too plainly express my appreciation of the manner in which the officers appointed to do this work in my electorate performed their duty. I am sorry, however, to say that I cannot express equal appreciation of the manner in which their services have been rewarded by those who have had charge of their remuneration. The utmost parsimony has been exhibited in the payment of these officers. Notwithstanding the enormous amount of work put upon them, and the fact that some of them actually became indisposed as the result of over-work, their services have not been adequately remunerated, and I understand that in some cases trivial accounts submitted by them are still outstanding. I represented this matter to the Minister previously in charge of the Department. I had his assurance that it would be attended to satisfactorily, but I have reason to believe that even up to the present time the claims made in some cases have not been met. I

think sufficient has been said to warrant the appointment of some Committee of investigation into the administration of the Electoral Act during the last general election. I should like to have seen the scope of the motion so widened as to include an inquiry as to the best means of remedying glaring defects in the Electoral Act.

Mr. BATCHELOR.—An amending Bill will be introduced, and the opportunity will then be given to discuss the matter.

Mr. JOHNSON.—I thought that probably the inquiry made by the proposed Select Committee might lead to some suggestions being offered in that connexion. As to the personnel of the proposed Committee, I do not agree with that part of the motion. I think it would be very much better if the Committee were selected by ballot.

Mr. FOWLER.—The honorable member thinks that a matter of this kind should be left to blind chance.

Mr. JOHNSON.—If we took a ballot for the selection of the Committee, I do not think it would be left to blind chance. The motion, as it stands, commits the House to the selection of a certain number of honorable members, who are, no doubt, very estimable gentlemen, but the various States should be fairly represented, and honorable members may prefer to see certain names substituted. It is for the House to decide whether there shall be a ballot. I have no desire to take up further time, but I support the motion, and trust that the House will carry it.

Sir JOHN FORREST (Swan).—A good deal has been said about the conduct of the last election, and the honorable member for Canobolas has, no doubt, moved in the matter in order that the question may be investigated, with a view of improving matters in the future. I am glad that the honorable member has decided to strike out words which would have prejudged the case. I am sure that no one will oppose the motion on its merits, because it merely expresses the desire that we shall investigate the subject in order to see whether unsatisfactory features existed, with a view to remedy them. I think that the only real complaint against the administration of the last elections was that probably the Department did not commence the work of preparing for them as soon as might have been done. The enormous extent of the work that had to be done probably did not present itself to the officials at once. To start a new Depart-

ment, and to organize under a new Act the whole of the electoral machinery of Australia, was a stupendous undertaking—an undertaking which, I venture to say, those who have not looked into it in detail can hardly realize. It had not probably appeared to the Department that the work was of such magnitude, and that there was scarcely sufficient time to carry it out in the event of the elections taking place, as was whispered would be the case, before the end of the year. Honorable members will recollect that there was some uncertainty as to when the elections would take place. There was no legal necessity for them to be held until after the beginning of the present year. But in order to save money and to have the elections for the Senate and for this House at the same time, it was decided in November that there should be a dissolution last year. That was not definitely determined at an early stage, although the Government did not make a pronouncement until towards the close of the session. Therefore, the Department was not certain until the dissolution of Parliament was approaching, that the general election would certainly take place in December last year. Then it was found that there was not time to carry out the work in the way that was desired. The printing of the rolls alone was a work of great magnitude. We were dependent upon the States printing offices. In the matter of the printing of the New South Wales rolls particularly, I regret to say that they were not available for candidates or the public until almost polling-day—or, at any rate, until after nomination day. The delay was not caused by the fact that the rolls were not ready to be printed, but was because we could not get the printing done. We even proposed to bring some of the printing over to Melbourne to be done, but that was objected to. The Premier of New South Wales made every effort to expedite the work. He also made a promise which he was not able, altogether, to fulfil, although he did his utmost to do so. The result was that the printing of the rolls in New South Wales, and in almost every State, was a long way behind hand. The errors that crept into them were caused through the hurry scurry. There was not sufficient time in which to carry out the work. I say that, because it is the truth, and because I do not wish to hide from the House the difficulties the Department was in, although I was then its head. But all those difficulties will not occur again. The



machinery is now in working order. The rolls are all in existence. They will be corrected by the Revision Courts, as is necessary. Every endeavour is being made to examine the rolls so as to have names struck off by the Revision Courts, in the case of persons who have left the districts for which they are enrolled, or who have died.

Mr. MALONEY.—Are any new names to be put on?

Sir JOHN FORREST.—I do not know exactly what the machinery is, but there are means by which every one can put himself on the roll, and can be put on. The registrars attend to that matter, and there is no difficulty in getting on. Every endeavour is being made to make the rolls as complete and as accurate as they should be. I believe that the honorable member for Melbourne will agree with me that there are on the Melbourne roll some thousands of names of persons who were not to be found at the last election.

Mr. MALONEY.—The proportion of persons who voted at the last Melbourne election was the tenth in the list of proportions recorded throughout Australia.

Sir JOHN FORREST.—I am not referring to those who voted, but to those who were on the rolls, and were not to be found by the canvassers. There were, so I was informed, a great number of such cases. There is, of course, considerable room for care in having the rolls brought up to date. I think that one of the things that gave most annoyance at the last general election was the new system by which persons were required—it was not compulsory, but still it was intended—to vote at certain polling places. Many persons did not know the name of the polling place to which they had to go. They had not taken the trouble to look. They went to the polling place where they thought they had to vote, and were told to go to another one. They were not told that they could vote under form Q as absent voters. On the other hand, a great many persons exercised the franchise under form Q when there would have been no occasion to do so if they had known the polling place at which they ought to have voted.

Mr. BROWN.—But the trouble was that people frequently found that they were not enrolled.

Sir JOHN FORREST.—To obviate that difficulty, a system was proposed which would, however, entail a large expenditure, even from the point of view of

postage. It was proposed that every person throughout Australia should be informed of the name of the polling place at which he was enrolled, and at which he should vote. There is no other way in which the difficulty can be overcome. I believe that in South Australia there is an excellent plan by which, when the census is taken, the officials also circulate slips to show electors the polling place at which they are entitled to vote. That system of course gets over the difficulty. But every elector ought to know before a general election takes place at which polling place he is enrolled and where he should record his vote. He ought to be able to go there and vote quickly, and without any trouble. I cannot help saying that notwithstanding the complaints which are made in regard to persons not being upon the rolls, not a very large proportion of those who were enrolled took the trouble to exercise the franchise. I hear very little about that point. I do not suppose that honorable members are inclined to quarrel with the voting. They are inclined to think that it was not a bad system that returned them to this House. Most of us, perhaps, are not inclined to condemn altogether a system which has proved so satisfactory to ourselves individually. But the fact remains that not a large proportion of those who were on the rolls took the trouble to vote. We hear a great deal about certain prominent persons, whose names have been upon the electoral rolls for the States for a good many years past, going to exercise their vote, and finding that their names were not on the Federal roll. Perhaps there is some reason for the omission in many cases. When such complaints are made, it is placarded in the newspapers that a certain prominent man found that he was disfranchised. My reply is—"Why did he not take the trouble to look during the month that the rolls were exhibited?"

Mr. CAMERON.—How many names of persons who did not apply were put upon the rolls, both men and women?

Sir JOHN FORREST.—The names were put upon the rolls by the police. Some of those who complained of not being on the rolls never took the trouble to look at the rolls before the election day.

Mr. JOHNSON.—Numbers of people took the trouble to look, and applied, and their names were not put on the roll.

Sir JOHN FORREST.—I do not think that there are numbers of people in that position, although I believe it is a fact that in New South Wales a whole body of people were left off the rolls owing to an accident in the hurry-scurry of printing. But I think it is the duty of every man to see that his name is on the roll. Perhaps I am a sinner myself in not having been careful on some occasions; but that does not alter the fact that I ought to take the trouble to see that I am enrolled. It certainly ought to be done by everybody. In my own State I know that has been the practice; in other States also people had to apply to be enrolled. The police did not go round and gather up the names and put them on the rolls. Every one who wished to be enrolled had to make an application. I think the same practice is adopted in many other countries.

Mr. JOHNSON.—What is the use of people applying when no notice is taken of the application?

Sir JOHN FORREST.—Many persons about whom I am speaking, not only made no application, but they expected to be put on the roll without applying. Although these people expected to be placed on the roll, they did not take the trouble to see that their names were actually recorded. If such indifference is to be the rule in regard to this important matter, can we, in this big country, blame the police, or those who are charged with the compilation of the rolls, to a greater extent than we blame persons who ought to be eager to see that they are in the position to exercise the privilege of the franchise? If there is to be any blame, I should place just as much, and perhaps a little more, on the persons who are given this privilege—to which they are entitled by law—and who, although they do not take the slightest trouble to see that their names are on the roll, when they find they have been omitted, turn round and find fault.

Mr. JOHNSON.—Some who did take the trouble had their applications ignored.

Sir JOHN FORREST.—If those persons to whom the honorable member refers were eager and anxious to exercise the franchise, they would have taken good care to have their names on the roll.

Mr. JOHNSON.—They tried every means.

Sir JOHN FORREST.—The honorable member would have us believe that it is difficult to get on the roll.

Mr. JOHNSON.—One who failed was himself a returning officer.

Sir JOHN FORREST.—Then he was a very bad returning officer, or he would have seen that his name was on the roll.

Mr. MAHON.—It used to be very difficult in Western Australia to get on the roll.

Sir JOHN FORREST.—No doubt in Western Australia a form had to be filled up; but there was no further difficulty.

Mr. CROUCH.—An elector had to own some property.

Sir JOHN FORREST.—No, there is no qualification except being a male or female adult—for the lower House.

Mr. BATCHELOR.—Anyhow, it was not worse in Western Australia than in Johannesburg.

Sir JOHN FORREST.—I do not think there was any special difficulty under the Act in Western Australia. It is true officers were not sent round to obtain the names, but any one who wished to exercise the franchise had only to apply to be placed on the roll either as an adult or under a property qualification. I am sure that the Postmaster-General never found any difficulty in getting his name on the roll in Western Australia.

Mr. MAHON.—I know of many thousands who had difficulty.

Sir JOHN FORREST.—No doubt because they were not qualified.

Mr. MAHON.—It was because Revision Courts were not held except once every three months.

Mr. BROWN.—I know a case in which a collector left out a large number of names which had been sent in.

Sir JOHN FORREST.—I do not remember what the law was as to the dates for holding the Revision Courts. I may, however, say that the electoral law in Western Australia was the most liberal State law in Australia, and it was introduced and passed by myself. I wish to inform the House that the Department for Home Affairs has already taken some steps to remove deficiencies. As soon as the Commonwealth election was over, instructions were given that all the returning officers of the various States should hold a Conference in Melbourne. That Conference extended over some time, and as a result a report has been presented. I do not know whether the honorable member for Canobolas has read the report; but I suppose that, taking the deep interest he does in the matter, he gave it most careful attention before he submitted the motion. The report of the Conference goes into the whole question of the altera-

tions in the law which are deemed necessary in order to insure better administration and facilities, and I have no doubt that the conclusions arrived at will be a guide to the Government when they are considering the amendment of the Act.

Mr. BATCHELOR.—I think that every one of the suggestions made at the Conference in regard to administration has been since adopted.

Sir JOHN FORREST. — Honorable members will see that something has been done already; and the Minister for Home Affairs, when he introduces the amending Bill, will, no doubt, be guided by the experience of the officials and also by the experience of himself or other members of the Government. We must remember, as I have already pointed out, that this was the first election under a new system and that it applied throughout Australia. Previously there were different systems in the various States; and I think that the one adopted by the Commonwealth is more in accord with the system of South Australia than with that of any other State. In some of the States, districts were divided, though in Western Australia there were no divisions, the same roll being issued at every polling place, and voters having the privilege of exercising the franchise at any place within the district. In New South Wales, where the districts were bigger and more populous, there were divisions, the voter having the privilege of exercising the franchise at any polling place within the division. That was all changed by the practical application of the South Australian system to the whole of Australia; and under the circumstances, is it surprising that there was some difficulty? Then there was a new arrangement made with the concurrence of the House, by which, to as large an extent as possible, the electoral officers should be Commonwealth or State officers; and this meant, in many cases, new men with probably little or no experience. There was a good deal of opposition to that arrangement when it was introduced, returning officer, poll clerks, and other officials all over Australia having looked upon their employment as a sort of standing office or billet, out of which they made a certain amount of money. The Government were charged with parsimony in the administration of the Act. I do not know whether the charge is well founded, but I do not think that it is. In some cases there may be foundation for the charge, but, at any rate, it must be remembered

that the Government had to administer a general law, and, as an election means an immense expense, there was a desire to make the administration as economical as possible. I may say that, in the future, complaints as to disputed accounts and accounts not paid will not recur, because every returning officer, poll clerk, and other official throughout Australia, when he accepts the appointment, will sign a paper setting forth the terms on which he is engaged. If a man does not sign the form, he need not take the appointment. At any rate, there can be no recurrence of the difficulty such as in the case of the late elections occurred all over Australia, one officer charging two or three guineas and another, perhaps, twenty guineas, for the same work. In fact, it would seem that the Commonwealth Electoral Branch is regarded as a sort of milch cow—that every one employed expects to be paid a high remuneration for his work.

Mr. BAMFORD.—When that suggestion was made by the then Opposition, the right honorable member would not give us credit for making it.

Sir JOHN FORREST.—I have experienced the difficulty; and as Minister I tried my best to act liberally in the settlement of accounts. I found great difficulty, however, in getting matters adjusted, because when one officer is paid more than another, the latter wants to know the reason. I hope, however, that in the future all that will be obviated. The present Minister will, no doubt, find the same difficulty as I found, and will be very glad to see a definite system adopted, by which every one employed will know, before he undertakes the work, what he is to be paid. There is another point on which, perhaps, information may be obtained. We have recently had two elections—one in Melbourne and one in the Riverina—and I should like to have some information from those conversant with the circumstances whether the same difficulties and complaints, which were so common in regard to the first elections, have been repeated in regard to these two. I am inclined to think that now the machinery is in better order, and a going concern, the two elections referred to have been carried out satisfactorily and without complaint. If that be so, it shows that the whole difficulty in the first elections was occasioned by the hurry-scurry to which I have referred. I do not rise for the purpose of opposing the motion. I regard the proposal as unnecessary; but if honorable members are willing

to undertake the work there is no reason why they should not do so. I feel quite certain that all that may be proved against the manner in which the first general election was carried out, will be found to have been due to the new Act and the new system, and to there not being sufficient time at the last moment to make absolutely complete arrangements, especially in regard to the printing of the rolls. I can see no harm whatever that can be done by the proposed investigation; indeed, the more the matter is investigated, the better for all of us. I believe, however, that when the investigation is completed it will not be possible to say that there has been any want of zeal, application, or determination on the part of those intrusted with the management of the Electoral Branch in any endeavour to achieve the best and most satisfactory results.

Mr. DUGALD THOMSON (North Sydney).—Whilst I quite admit that an inquiry of the sort suggested may not be as needful now as it was at an earlier stage, I have no objection whatever to such a Committee being appointed, for the purpose of giving what information can be gathered for our future guidance in the conduct of electoral matters. All I have to say on the motion may be expressed in very few words. The constitution of this Committee—which will have to deal with matters affecting all members of the House—if it had any party complexion previously, has no party complexion to-day. The Minister who might have been held responsible by such a Committee does not now occupy his seat on the Treasury benches; and under the circumstances, I think the representation on the Committee ought to be as equally as possible divided throughout the House. As we have three practically equal sections in the Chamber, the Committee ought to be divided into three parts. I am not now speaking from a personal point of view, because, although my name appears amongst those proposed as members of the Committee, I have requested the mover to remove it, as I anticipate claims on my time which would interfere with my attendance.

Mr. WATSON.—I raised no objection to the composition of the Committee, because I thought that the honorable member for Canobolas was anxious to give the different States representation.

Mr. BROWN.—I selected the proposed members of the Committee in order to secure State representation, without any reference to party.

Mr. DUGALD THOMSON.—I certainly think that the honorable member was right, and that the different States ought to be represented on the Committee. But we have also to remember the fact that circumstances have changed since the proposed Committee was first nominated; and I believe it will be in the interests of the House generally to have upon it an equal representation of all sections. I say that with the desire that some other honorable member should take my place, as I should prefer, for reasons which I have given, not to be on the Committee. There has been a list prepared, which, fairly representing as it does the various sections of the House, may do away with the necessity for a ballot—a mode of selection which I do not recognise as the best possible in this case.

Mr. KELLY (Wentworth).—On looking at this motion, I noticed two things: first of all how necessary it was, and how in accord with the feeling of the whole House, an investigation such as that proposed would be; and, secondly, that the investigation is proposed to be carried out by practically one party in the House. I do not think that that party would wish to gain complete control over the investigation of electoral matters. I am quite sure that they do not wish to get the conduct of electoral matters completely into their own hands, consequently, I anticipate that they will not object to having the three parties in the House properly represented.

Mr. WATSON.—There is no objection to that.

AN HONORABLE MEMBER.—And also the different States?

Mr. KELLY.—Yes; I looked into that question, and I found that it would be very simple to remedy that omission, and also to remove the other objection. I propose to move an amendment to the second part of the motion.

Mr. WATSON.—The mover of the motion is looking into that matter with the honorable member for North Sydney, and I would therefore ask the honorable member to refrain from moving an amendment at the present time.

Mr. KELLY.—In view of the fact that the mover is looking into the question, I shall not move an amendment, but I understood that he desired that the motion should stand in its present form.

Mr. BROWN.—No.

Mr. KELLY.—I am only too glad to learn that the motion is to be altered in the way desired.

Mr. KENNEDY (Moir).—Notwithstanding the various complaints which have been made, I fail to see the necessity for the appointment of a Select Committee to make an investigation at the present time. It appears to me to involve purely a waste of time, and to be another effort to shift the responsibility. I do not think that a single objection may be made in regard to administration or incidents under the Electoral Act which has not been called attention to in their report by the electoral officers. If a Select Committee is appointed the probability is that the amendment of the Act may be deferred for a very considerable time—perhaps its recommendations may not be given effect to before another election is held. As regards the complaints which have been made about the Electoral Act, I think the whole position is summed up in the statement of the honorable member for Swan. They are to be attributed to the fact that the conditions and circumstances were entirely new. The first great trouble was due to the delay in the publication of the rolls as they were compiled. Honorable members who sat in the last House are fully aware of the reason why the publication was delayed. It was done in order that an attempt might be made—owing to objections raised in the House—to get the rolls made more complete. It was felt that a very considerable number of names had been omitted. When his attention was drawn to that fact, the late Minister for Home Affairs stated that he would have further inquiries made, and this delayed the publication of the rolls. Then, when the rolls were compiled, the time between the date of their exhibition to the public and the date of the holding of the Revision Courts was very short, and although an instruction was issued that applications from those whose names had not appeared on the rolls should be lodged some six or eight days before the meeting of the Revision Courts in order that they might have a chance of being placed on the supplementary rolls, it was found impossible to have such names returned to the Revision Courts in order that they might be dealt with, or any inquiry might be made. Consequently, it was a scratch business from beginning to end. Although the Electoral Act clearly provides that all applications and claims submitted to certain authorities before the issue of the writ must be considered, and qualified persons be enrolled and allowed

to vote on election day, still, it was known to the Department, and even to honorable members, that it was absolutely impossible to do so. That is a reasonable ground for complaint. It is within the knowledge of honorable members that the conditions were such as I have described, and therefore what good can be gained by holding an inquiry in that direction? We are as fully seized of all these facts as are the officers of the Department. In the case of my own district—a district not far removed from a central office, and well supplied with postal facilities—the applications of some persons were lodged on the eve of the issue of the writs; and yet, owing to the time required for holding an inquiry, it was found absolutely impossible to get that information, and to have the names enrolled, and the amended rolls returned to the officers by election day.

Mr. DUGALD THOMSON.—There are a great many cases where it was possible—where the names of many thousands of persons were not placed on the roll.

Mr. KENNEDY.—I am quoting instances where, to all outward appearances, it should have been possible. An applicant was within a day's postal communication from the central office, and half a day's postal communication from the divisional returning officer; and yet, owing to the time which would have been occupied in sending his name to the central office, and inquiry by the proper authorities as to the validity or otherwise of the application, it was found absolutely impossible to have the names placed upon the roll. When that state of affairs prevails under the conditions I have stated, although so many facilities are provided, what possible chance of being enrolled would a person have in the remote districts of New South Wales or Queensland? It is in that direction that attention must be given. Again, a great many electors, owing to the conditions being novel, did not know whom they should apply to; and it was practically not until nomination day that electoral registrars were appointed throughout the length and breadth of the Commonwealth. I know that in many instances—I could cite a few cases in my own district—these officers were not provided with the necessary forms with which to meet the requirements of such applicants as might appeal to them within the specified time. Is it necessary now to appoint a Select Committee to waste more time?

Mr. JOHNSON.—Not to waste time, but to pursue an investigation which is absolutely imperative.

Mr. KENNEDY.—We have had all these complaints voiced on the floor of the House, and if the Electoral Department has any justification for its existence, it should consist in the fact that it possesses this information, and is in a position to cope with the difficulties which have been presented through the operation of the Act. Again, with regard to voting, we know that in some States—in Victoria for instance—the method of recording votes was a departure from that which had prevailed for many years. I have heard many electors throughout this State express the opinion that the new plan of an elector marking a cross opposite the name of the candidate for whom he wishes to vote, is preferable to the old method of scoring through the name of the candidate for whom he did not wish to vote.

Mr. JOHNSON.—Yet the marking of the cross led to a number of complications in the recent test case.

Mr. KENNEDY.—It did wherever it was a new departure, but how few informal votes were recorded in South Australia, where this system has been in operation for a considerable number of years. All the electors to whom I have spoken on the subject admit that it is preferable to the old Victorian system, particularly when the ballot-paper contains twenty or twenty-five names, and the elector has to vote for only four candidates. In the case of the first general elections to this Parliament, the old plan of scoring through the names of the candidates caused more informal votes than did anything else. I think that experience has shown that the Federal system is a great improvement on the old Victorian method. With regard to the right of electors to vote at any polling place within their constituency, and the grouping of electors on the roll, a great deal of annoyance and inconvenience was caused to electors, owing to the fact that, in the first instance, the police, instead of being told to compile the rolls and group the electors according to their residence or location round the polling booths, received no instruction except to send in the names in batches, the grouping being attempted to be done in the central office. In the case of my electorate the name of every person in one district was sent in to the central office in batches, yet when the rolls were published the names of as many as 100 persons—all the residents in one parish, in which there had been a polling

booth for twenty-five years—had been omitted from the polling list. Strange to say, their names appeared on a list pertaining to a polling place at least fifteen miles distant. Being naturally anxious to get their names placed on the roll before election day, a considerable number of them sent their names down forthwith, through the police authorities, to the central office; but, owing to the confusion and hurry which existed, the names of a large proportion of them were not put on the polling list for which they applied. The policeman—a very capable man, who carried out his duties well—had inquiries made, and found that the name of every person in the district, without an exception, had already been submitted, and had been placed on the roll, but in the wrong place. That is not an isolated case. It is a case where the names of all the residents in a district were misplaced on the roll. I know a number of instances in the Mansfield district where the names of the members of a family, consisting of six or seven persons, should, owing to their location, have appeared on the same polling list, but were placed on no less than four polling lists. They were expected to go a distance of perhaps thirty or forty miles, right across a watershed, when there was a polling booth within a few miles of their residence. All that people required to do was to satisfy themselves that their names appeared on some roll, but unfortunately they could see only the list pertaining to their own polling booth. They had not an opportunity of seeing the list pertaining to a polling place perhaps forty or fifty miles distant in the same division. Consequently they thought that their names had been struck off the rolls. Again, some persons who knew that their names were on the roll were not aware that they could vote at any polling booth within their constituency, and, worse than that, a stupid provision was put in form Q.—I believe by the House—

Mr. KNOX.—About the witness?

Mr. KENNEDY.—No; I refer to the provision about putting in the number on the roll. It might be possible that rolls had been in existence for a considerable time, but the rolls used at the last general elections were, as the honorable member for Swan said, only published in portions of New South Wales a few days before that event. How could an elector tell a returning officer his number on the roll when he had not had an opportunity to see that roll?

That matter is also referred to in this report. Of course, it is not possible that I should have heard every complaint that had been made, but every complaint that I have heard, both inside and outside the House, is dealt with here. The experience of honorable members, and their knowledge of what has actually occurred in the administration of the Act, and its effect upon those engaged in various occupations throughout the Commonwealth, is surely sufficient to put us in a position to deal with the situation straight away. Would it have been reasonable to expect the Act to prove perfect in its first operation? Knowing the circumstances under which the general election was carried out, and the arrangements for conducting it were made, it is a matter for surprise that the results were so good. The rolls had to be prepared very hurriedly, and the electors were not well acquainted with the provisions of the Act. Voting by post was a new departure in some of the States, though it had been in existence in Victoria for a little while, and the electors did not fully realize that the privilege was necessarily hedged round by safeguards against abuse. I know that in Riverina many persons thought that all that was necessary to enable one to vote by post was to go to the nearest returning officer the day before the election and ask him for a postal ballot-paper, to be afterwards filled in and posted. But the electors will gradually become educated in regard to these and the other provisions of the Act. There is one other matter to which I wish to refer, and that is the system adopted in regard to the remuneration of returning officers. I agree with the right honorable member for Swan that uniformity is desirable where possible. But it does not seem reasonable or just to pay one man whose duties have caused him four or five days of work at exactly the same rate as another man who has been called upon to give up only one day.

Mr. BATCHELOR.—That was the original difficulty in fixing a scale.

Mr. KENNEDY.—A subject of this kind is one to which I would not refer if I were not forced to do so. I regard it as necessary to refer to it now, because injustice has been done to very competent men, who have spared no time or trouble in the efficient discharge of their duties, but who, when they have made only what to my mind was a fair and reasonable charge, have had the pen run through their accounts, and the sum of £2 2s. paid to them, without

any inquiry as to the merits of their claim or the nature of the work performed. I trust that the Minister will give his attention to this matter. If the House is determined to appoint a Committee, I do not care how it is selected. I am not afraid that the members of the Committee will be influenced by party feelings; I am sure that those who are chosen will consider only the interest of the electors of Australia. But I do not think it desirable to have an unwieldy Committee. If four or five members only are appointed, and they get to work straight away, and adopt business methods, they can submit the result of their investigations to the House within a fortnight or three weeks. My experience elsewhere has been that the reports of Committees and Commissions are often so long delayed that it becomes doubtful whether the day of judgment or the presentation of a report will occur first. I hope that such delay will not occur in connexion with any Committee appointed by this House. While I throw out these suggestions, I do not depart from my original position that the appointment of a Committee is unnecessary, seeing that we have all requisite information at hand.

Mr. JOSEPH COOK (Parramatta).—I do not agree with the last speaker that the appointment of a Committee is unnecessary. I think that the experience of honorable members generally points to the need for a searching investigation of the past administration of the Electoral Department, with a view to the suggestion of such reforms as will make the machinery of that Department work more satisfactorily in the future. No doubt legislative action is necessary to bring about a better state of things. But, apart from that, inquiry into the working of the Department is needful. I speak on this subject without the slightest personal feeling, though perhaps the case has been prejudiced hitherto by the personalities which have been introduced from time to time. I am very gratified at the complete change of front shown by the right honorable member for Swan. When he sat upon the Ministerial side of the Chamber he stoutly defended the administration of the Electoral Department, and resisted to the uttermost all proposals for an inquiry such as is now sought for. However, a change of position appears to have brought about some modification of his opinions, and we have heard him say this afternoon that he considers the appointment of the proposed Commit-

tee advisable. I understand that Ministers are favorable to an investigation by a Committee; but I wish to say a word or two as a guide to those who may be chosen to serve upon it, because, no doubt, they will read the report of our debates upon electoral administration in order to gather up matter for an investigation. One subject which I would suggest is this—When the proposed re-distribution of seats was being fiercely discussed in this Chamber, the Minister then in charge of the Electoral Department brought down a new set of figures almost every day, and at the bottom of them were some mysterious initials which none of us recognised. I challenged him time and again to give us figures certified to by the Chief Electoral Officer, and countersigned by the electoral officer in Sydney who was responsible for their collection. I could not get such figures, though under any proper system of administration the two officers would work harmoniously, and it would be possible to get figures for which both of them would be ready to vouch, and as to which there could be no cavilling. The Committee might therefore find out what are the relations between the State office and the head office in Melbourne. It should be the duty of the State office to collect the rolls, and of the Federal office to make them up for Federal purposes.

Mr. FISHER.—That is another argument for a Commonwealth Statistical Department.

Mr. JOSEPH COOK.—No doubt such a Department will in time be brought into existence, but it is impossible now. So long as the State officials collect our rolls there should be the most complete harmony between them and the Federal officials. The present administration of the Department, as of all the Departments, is being hampered and fettered by the centralization which obtains. One cannot get sixpence spent anywhere within the Commonwealth without first receiving the authority of an officer in Melbourne. Such a system is absurd. We might as well do without branch offices in the States if the officials there are to have no power, because they serve no practical purpose. At the present time if we go to them for information we cannot obtain it. In this connexion I should again like to refer to a case which I mentioned yesterday. A man erected polling booths at Windsor and Richmond, in my electorate, and he has not yet been paid for his work, although his claim has been certified to as correct by the presiding officer for the elec-

torate. The whole matter has been hung up in Melbourne for months past. I saw the Chief Electoral Officer two months ago about it, and he told me in a letter which I afterwards received from him that authority for payment would be sent immediately. I thought that everything was settled, until later on I received a letter from the man himself, saying that he had not been paid his money. Then I saw the Minister, but nothing was done for another three weeks. Now I learn that the case is settled, and that authority has been sent to Sydney for the payment of the money. My first impulse was to go to the Sydney office for information, but the officials there looked blankly at me, and said that they knew nothing about these matters. I might mention that the authority to pay is directed to the cashier at the General Post Office in Sydney. What he has to do with the matter I do not know, though the arrangement which makes him paymaster may be a wise one. All these matters, however, should filter through the Sydney Electoral Office, and should be dealt with on the spot by responsible officers. The Committee will do well to inquire whether the present system of centralization cannot be changed for a direct and more efficient control. I do not propose to say anything with regard to the actual conduct of the elections, because I should probably have to repeat what has been already said by others. I shall content myself by proposing to alter the *personnel* of the Committee. The honorable member for Canobolas has, in perfect good faith, proposed names of honorable members whom he thought would fairly represent all the States, and any one knowing the honorable member will acquit him of any intention to appoint a partisan Committee. There is no reason, however, why the usual course should not be followed, and why States and parties also should not be fairly represented. I move—

That the names of Mr. Povnton, Mr. Dugald Thomson, and Mr. Maloney be omitted, with a view to insert in lieu thereof the names of Sir William Lyne, Mr. McLean, Mr. Kelly, and Mr. Cameron.

Mr. SPEAKER.—The honorable member for Melbourne has seen me, and has indicated that he wishes to withdraw his amendment. Is it the desire of honorable members that the amendment should be withdrawn?

HONORABLE MEMBERS.—Hear, hear.

Amendment, by leave, withdrawn.



Mr. ROBINSON (Wannon).—Great dissatisfaction exists in my constituency, in common with others, concerning the conduct of the last general election. Many electors were then, for the first time for many years, deprived of the franchise owing to the gross incapacity shown by the electoral officers. My predecessor in this House, who has been a resident of the district for twenty-five or thirty years, found that, whilst there was a polling place within a mile and a half of his house, he was placed upon the roll for a polling place fifteen miles distant. Examples of this kind could be met with all through the electorate. Another well-known resident informed me that although he had given the names of himself and his wife and other members of his family to the electoral officer, and had seen them written down, he could not find them upon the roll for any polling place within fifty miles. Bungling seems to have taken place all through the piece, and general dissatisfaction has resulted. The grouping system adopted by the Department was most unsatisfactory, and would not stand favorable comparison with the method adopted in connexion with the State elections. A great many electors were placed upon the roll for polling places where they had no right to be, and, as a result, many were under the impression that their names were not on the roll, and therefore refrained from taking steps to record their votes. A sweeping change was instituted, and as only the very faintest indication of its nature was given to the electors it is not to be wondered at that so many people expressed dissatisfaction. The instructions sent out, from time to time, from the Electoral Office showed that the officials, or some of them, had very curious notions as to the way in which a general election should be conducted. The usual method of counting the votes is to make up the return for each polling booth and send the information to the principal Returning Officer. For some reason, this method was departed from, and I do not think the alteration was a wise one—although possibly it may have been. The first proposal, however, was a most extraordinary one to apply to a scattered constituency such as mine. It was suggested that the whole of the ballot-boxes should be collected; and sent to the town where the Divisional Returning Officer was situated, namely, Portland, before the votes were counted. This would, in many cases, have involved carrying the boxes for 40 or 50 miles on horseback, and per-

haps another 100 or 120 miles by train. It was gravely proposed to collect all the ballot-boxes in the constituency and send them by coach or rail to one common centre to have the votes counted. If that scheme had been adopted, I doubt whether we should have learned the result of the election before the end of December. Fortunately, saner counsels prevailed at the last moment. As it was, however, the electoral officers were bewildered and confused by contrary directions, and a vast amount of work was thrown upon their shoulders, which, whilst subjecting the candidates to great inconvenience, conferred no benefit upon the public. I think that the unfortunate candidate has a right to be considered in these matters. The sooner he is put out of his misery the better. As matters turned out, the candidates were kept on tenter-hooks for an unreasonable time. It is all very well for those candidates who get here, but it is very unpleasant for those who are kept unduly waiting for the result of the election.

Mr. PAGE.—What has the honorable and learned member to grumble at.

Mr. ROBINSON.—I am not grumbling; but I am thinking of the other candidate, whose party celebrated what they deemed to be a victory, by vociferous cheers, and by indulging in liquid refreshment about two hours too early. I felt very sorry for them when the returns were completed. The conditions to which I have referred show that the system adopted was not very successful from any point of view. One point has not been touched upon yet, and that is the faulty drafting of the Electoral Act. Candidates are placed under a great many restrictions, but there is practically no penalty for disregarding the Act. It is provided that no candidate shall spend more than £100 in election expenses, but no adequate penalty can be inflicted for exceeding that amount. Such an offence does not constitute bribery, and it does not come within the definition of an "illegal practice." It is simply a breach of the Act, for which the maximum punishment is a fine not exceeding £50.

Mr. MAUGER.—Will the honorable and learned member assist us to make the Act workable?

Mr. ROBINSON.—Certainly. I shall. My own feeling is that, if a candidate does not comply with the provisions of the Act with regard to expenses, he should be unseated. That is provided for under the English law, and also in the State of South

Australia, and we should adopt the same provision in the Commonwealth Statute. If a candidate spent £1,000 in securing his election, the only penalty to which he would be liable would be a fine not exceeding £50.

Mr. CONROY.—If the expenses are to be fixed at a certain amount, the electorates should all be of the same size.

Mr. ROBINSON.—I represent one of the largest electorates in Victoria, and without revealing the secrets of the Department, I think I may say that I got through my election as cheaply as any honorable member. I do not care what amount is fixed. It should be not only illegal to exceed the maximum, but the successful candidate who did so should lose his seat. Either this penalty should be provided for, or the section should be struck out. If the provision for the limitation of expenses is to be operative, its violation should result in a member losing his seat. A number of offences are dealt with in sections 173, 174, 175, 176, 177, 178, and 180, for which no real penalty is provided. In England, where the Corrupt Practices Act is of a most stringent character, and is drawn in a very skilful and workmanlike fashion, the heaviest penalty is inflicted for a breach of the Act, namely, the loss of a seat. Our High Court, however, has decided recently that a man may be guilty of all the corrupt practices enumerated in the Act—may be a corrupt candidate, may corrupt the electors, and may be dishonest in his candidature in every shape and form—and still we have not the power to unseat him. The Act is not a credit to the draftsman, and the attempt which has been made to shorten its language by providing for a table of offences and punishments, instead of making specific provision for each case, has rendered it, to a very large extent inoperative. If it be the wish of Parliament and the public to keep elections free from corrupt practices, the punishment should be sharp and severe. Men who are guilty of corrupt practices should not be allowed to sit in Parliament. We should either strike out the restrictive clause or make them effective. I feel a good deal of sympathy for those candidates who have had to put up with improper practices on the part of their opponents, and who are powerless to visit punishment upon them. The Act reflects no credit upon the Government which introduced it, and the sooner it is amended the better. I was rather disappointed to hear the Prime Min-

ister say that it was intended to make bribery, and apparently bribery only, a ground for depriving a member of his seat. The Amending Bill must go a great deal further than that if it is to be satisfactory to the House. Adequate punishment must be provided for all cases of corrupt practice.

Mr. FISHER.—There could be no more severe penalty than to deprive a member of his seat.

Mr. ROBINSON.—In England, if a candidate is found to be guilty of corrupt practice, he is not only ejected from Parliament, but prevented from becoming a candidate for some considerable time afterwards. I do not say that we should go so far as that; but that principle has been adopted in the interests of the people, and accepted without question in a country in which the experience in electoral matters is much wider than our own. I hope that the Committee will have power to deal with these matters; that it will not be limited to a consideration of the mere question of the want of administrative ability shown by the Department; but that it will also direct its attention to the largely farcical nature of the Act, and the necessity for amending it on a proper and common-sense basis.

Mr. KNOX (Koooyong).—I agree with the honorable member who has just resumed his seat, that we shall act wisely in agreeing to the appointment of a representative Select Committee of this House, to investigate the inconsistencies shown in the administration of the Act at the last general election. I recognise that, as the right honorable member for Swan has pointed out, we must not lose sight of the fact that the Act had but recently come into operation, and that the officers called upon to administer it were entirely new to the work. The whole staff, from the highest official to the humblest assistant in the Department, was new to the procedure to be adopted, and, in dealing with the complaints that have been made, full attention should be given to that fact. I have the honour to represent an electorate which comprises a greater number of electors than is to be found in any other Commonwealth constituency, and I am aware of the difficulties which the officers experienced in seeking to put the electoral machinery into good working order. I recognise that in the discharge of that duty they displayed a degree of energy which deserves every consideration. It seems to me that a great deal of the blame attached to them individually was attributable rather to the Act itself

than to any failing on their part. One of the evils which became very manifest during the contest in my electorate was the want of proper grouping, a matter to which reference has already been made. One would imagine that in a suburban electorate, such as that which I represent, the mere fact that a polling booth was not very conveniently situated would not prevent a large number of persons recording their votes; but my experience teaches me that the inconvenient situation of polling booths very seriously reduced the number of those who exercised the franchise at the last election. In addition to the want of proper grouping there was a failure, in selecting the booths, to recognise that many voters had to travel by rail to record their votes. It was certainly desirable that the polling places should be as near as possible to railway stations, in order that those who had to go to the city might be able to record their votes with as little inconvenience as possible. In one or two cases in my own electorate, however, the polling booths were most inconveniently situated. I hope that the Committee will consider it within its province to deal with matters of this kind, and to suggest the framing of regulations under the Act that will obviate the recurrence of such defects. The point as to the desirableness of securing a thoroughly representative Committee has already been dealt with, and I am satisfied that it is the wish of the honorable member for Canobolas that the Committee shall be one that will be able to deal effectively with every phase of the question. I trust that it will supplement the able report that has been issued by the Chief Electoral Officer by placing the House in possession of the results of its investigations before we are called upon to deal with that absolute necessity, the amendment of the Electoral Act. Reference has been made during the debate to the difficulties which were experienced by many electors in ascertaining whether their names appeared on the rolls. To my mind those difficulties were due to the haste with which the arrangements had to be carried out, and to the novelty of the whole procedure; but many of those who had to administer the Act considered that the facilities offered for the inspection of the rolls were insufficient. I am aware of a number of cases in which electors who desired to record their votes found, on attending for that purpose at the polling booth, that their names were not on the rolls. I heartily agree with the motion, but the

*Mr. Knox.*

difficulties which were encountered in administering what was really a new piece of legislation should not be forgotten when we are dealing with the manner in which the last general election was carried out. It seems to me that it would be advisable to require the head of every household to fill up a form—on the lines of the papers used in the collection of the Census returns—setting forth the names of all the occupants of his dwelling. To my own knowledge a number of occupants of dwelling-houses were not included in the lists supplied for the preparation of the rolls, and I feel satisfied that if the proposal I have made were carried out it would be attended with useful results. If we do not secure a complete and perfect roll we shall defeat the aims and objects of the laws under which we exist. It is a disgrace to the community that so many persons should fail to record their votes, and I would suggest the desirableness of the Minister or the Committee considering whether it would not be wise to provide for the infliction of a small penalty on those who persistently neglect to exercise their right of citizenship.

Mr. BATCHELOR (Boothby—Minister for Home Affairs).—The tone of the debate and the reasonable attitude adopted by honorable members in urging that an inquiry should be made into the conduct of the last general election disarms any opposition on the part of a representative of the Department. No accusation has been made against any of the officers, but the request that an inquiry into the whole matter should take place has been preferred in the most reasonable terms. The motion, as amended, certainly contains nothing to which exception can be taken, and the personnel of the proposed Select Committee apparently gives satisfaction to the House. I was pleased to see the right honorable member for Swan rise to support this motion, because I certainly should have felt some diffidence in agreeing to a proposition that might otherwise have been regarded as a reflection on his administration. It is undoubtedly well that in criticising the Department, we should recognise the immense difficulties which confronted the officers and the very short period within which they had to organize a scheme for conducting the elections on a uniform system throughout the whole of Australia. They had to make arrangements so that practically from Cape York to Cape Leeuwin, and from Geraldton to Melbourne, every elector on the roll should be able on the same

day and between the same hours to record his or her vote at the polling booths provided. That giant task required some organization, and in dealing with the complaints we should certainly have some consideration for the difficulties which were encountered. It was not so much the work of organization itself as the short time in which that work had to be carried out that occasioned difficulty. Let me say that some of the grievances to which reference has been made during this debate have already been removed. The complaint as to electors who found that their names were not on the rolls is, as we all know, a perennial one. No matter what system we adopt we shall continue to hear such complaints; but the Commonwealth rolls are certainly being brought up to a greater state of efficiency than was previously the case. When purging the rolls for the electorate of Melbourne of the names of those who, because of their removal to other districts, were not entitled to vote, we also arranged for the police to collect names that were not on the list, although they were entitled to appear upon them. It is no part of the duty of the Department to confine its attention to the removal of names from the rolls. What we desire is that every elector who is qualified shall be on the rolls.

Mr. MALONEY.—The Government wish to build up as well as to destroy.

Mr. BATCHELOR.—We wish to remove from the rolls the name of every one who is not entitled to appear on them, and to see that every one who is qualified is included in the list. Great laxity is undoubtedly shown by the electors themselves. Many of them rarely take the trouble to ascertain whether their names appear on the rolls until an election is at hand. It is only at the last moment—generally when they go to the polling booth—that they make the discovery that their names have been omitted. The facilities offered to electors to ascertain whether they have been enrolled are very extensive, and should be sufficient for the purpose; but in practice we know that they are not wide enough to maintain the rolls in an effective condition. Although the South Australian system boasts of many excellent features, I cannot say that even the rolls of that State are kept up to that standard of effectiveness that we should like to see. In the course of twelve months they are often found to comprise the names of many who should not be on the rolls, while the names of others, who have removed from

one district to another, and have not taken the trouble to transfer their names from one list to another, do not appear on them. In view of the necessity for making some alterations in the boundaries of districts in New South Wales, as well as in Victoria, and, perhaps, in some of the other States, instructions are being issued to the police to purge the rolls of names that should not appear upon them, to collect the names of others that have been omitted, and, as far as lies within their power, to bring the rolls up to date. Some reference has been made to the Conference of electoral officers which recently took place in Melbourne, and I have to inform the House that nearly all the recommendations made by it have been adopted. One proposal deals with what has been a source of great difficulty—the fixing of the remuneration to be paid to assistant returning officers and other officials engaged in conducting elections. All assistant returning officers are not on the same footing. In some cases an assistant returning officer has but one polling place under his control, while in others he has sixteen or twenty, or even more, and has to travel over a large tract of country, and to transact much work that does not fall to others. In these circumstances it was difficult to fix a uniform charge, and it is due to that difficulty that so many accounts have been in dispute. Some of the electoral officers under the States system have received a very much higher rate of payment than have those of other States. In the endeavour to secure something like uniformity—because the attempt to secure uniformity had to be made—those electoral officers, who, under the State system, received a generous, and, in some cases, a lavish payment, as compared with that of others, felt that they had not been fairly treated. They expected the Commonwealth to allow them a similar remuneration, and did not think the payment made by the Federation was a reasonable one. That has been responsible for a large number of disputed accounts, more particularly in Queensland, where the scale of payments under the State system was much higher than that in some of the other States. That applies to some extent also in New South Wales. It was suggested that after the experience of the general election much better results might have been expected in the two by-elections which have since taken place, and any unbiased person will admit that there has been very great improvement. In the case of the last election held

for Melbourne the administration was, I think, fairly satisfactory, and there was very little to complain about.

Mr. G. B. EDWARDS.—Satisfactory in its results?

Mr. BATCHELOR.—It was highly satisfactory in its results, and it was satisfactory also I think from the point of view that reasonable facilities were afforded to electors to vote; also there was promptitude in the payment of accounts. It is too soon yet to say whether there have been any failures of administration in connexion with the second Riverina election. An officer of the Department was sent up to the district to organize the election, and, according to the latest report we have from the officers in that district, not a single hitch has occurred. I have no doubt that as the electors become accustomed to a form of registration and voting which is novel as compared with the practice of which they have previously had experience, all friction and grievance will quickly subside.

Mr. JOSEPH COOK.—They will subside if we have local responsible officers doing local work.

Mr. BATCHELOR.—The honorable member must be aware of the necessity for uniformity of method. So far as many matters are concerned, the practice must be uniform, and the difficulty of securing uniformity of practice where persons administering the Act have been used to an entirely different practice is so great that it is only fair we should make allowance for the difficulties which naturally existed. I am pleased with the tone of the debate, and I am hopeful that the results of the investigation by the Select Committee will assist the Department and the public generally to a better knowledge of the best methods of conducting our elections. Our object, of course, is that every possible facility shall be provided to the electors to record their votes.

Mr. CAMERON (Wilmot).—As I understand there is a desire to curtail this debate in order that a decision upon the motion may be come to before the House rises for the tea adjournment, I do not propose to occupy much time. I wish, however, to move an amendment to the first paragraph of the motion. It appears to me that it is not wise to appoint a Select Committee merely to inquire into the administration of the Electoral Act, without enabling the Committee at the same time to point out what defects, if any, are to be found in the law. The right honorable member for Swan, in the

course of his speech, said that the police were instructed to put the names of men on the electoral roll. Speaking for Tasmania, I am in a position to say that they were instructed to put the names of female electors on the rolls; but they were not instructed, and, except in one or two instances, they did not put the names of male electors on the rolls in that State. There is a certain establishment, not far from Hobart, known as the Invalide Dépôt, where there are some 300 men. These men were never placed on an electoral roll for the State Parliament, but they were put on the Federal roll, and so far as I know, the names of no other men were put on the Federal rolls by the police. Men on the State rolls were not transferred to the Federal rolls in a number of cases. I wish to move—

That after the word "House," line 7, the following words be added: "With power to suggest amendments in the existing Electoral Act."

I move this amendment with the consent of the honorable member for Canobolas, and I understand that the Government have no objection to it. It will widen the scope of investigation by the Select Committee. It seems to me that, whilst members of the Committee will have time to investigate the administration of the Electoral Act, they will also have time to investigate the defects of the Act itself, and they will be able to report to the House, for the benefit of honorable members who have not time to devote to the subject, what amendments should be made. I think that, unless these words are added, it will be of little use to appoint the proposed Committee.

Mr. SPEAKER.—I point out to the honorable member for Wilmot that there is an amendment already before the Chair, with a view to striking out certain names in the second paragraph of the motion. It is, therefore, impossible for me at this stage to accept any amendment relating to an earlier portion of the motion. Perhaps the honorable member who moved the previous amendment will temporarily withdraw it?

Mr. JOSEPH COOK.—I withdraw it with pleasure.

Amendment, by leave, withdrawn.

Amendment (by Mr. CAMERON) proposed—

That after the word "House," line 7, the following words be added—"With power to suggest amendments in the existing Electoral Act."

Mr. REID (East Sydney).—I am very glad to hear that the tone of the debate has been a pleasant one. I am afraid that was not the disposition of thousands of

electors, who found themselves robbed of their votes at the last general election. We are here preserving perfect impartiality in view of the fact that, until the proposed inquiry is made, we cannot have any sound opinion upon matters of which we have no personal knowledge. I quite applaud the disposition to be absolutely impartial until we have a proper inquiry. I am satisfied that that is the disposition of the Government, and after the inquiry we shall see whether all the strictures which have been uttered were justified. I rather approve of the suggestion contained in the amendment moved by the honorable member for Wilmot, because I think we can scarcely inquire into the administration of the Electoral Act without giving the Select Committee some power to make suggestions for its amendment.

Mr. WATSON.—Is not that conveyed by the motion?

Mr. REID.—If it is so understood that is all that is required.

Mr. WATSON.—I have no objection to the insertion of the words proposed; but I think it is understood.

Mr. CAMERON.—We ought to make sure of it.

Mr. REID.—I am afraid that it might not be so understood by the members of the Select Committee. For instance, during the deliberations by the Committee some suggestion might be made with respect to an alteration of the Act, and a discussion might then arise as to whether the suggested amendment dealt with a matter of administration. If it were decided that it did not, it might be contended that the Committee was appointed only to inquire into the question of administration. Perhaps it is somewhat novel to delegate to a Select Committee of the House a duty of this kind.

Mr. WATSON.—That difficulty has just been suggested to me by the Minister for Home Affairs.

Mr. REID.—That may be so; but I do not see why we should be tied up by somewhat musty rules. There is no party complexion about the Electoral Act.

Mr. WATSON.—The proposed Committee is fairly representative of the whole House.

Mr. REID.—There being no party feeling in connexion with this motion, I think that what is proposed might safely be done in this instance.

Mr. WATSON.—The right honorable and learned member will see that another difficulty is that this may hang up unnecessarily the introduction of an amending Electoral

Bill, as the proposed amendment may be taken by the Select Committee as an instruction.

Mr. REID.—It must be understood that it is not to do that. It must be understood that we do not desire the Select Committee to draw up a new Bill for us, or anything of that sort. What is intended by the amendment is that, if the Committee, in the course of their labours, discover something of so much importance that they think it necessary to suggest some alteration of the law, they should be at liberty to do so.

Mr. WATSON.—I think that is already conveyed by the motion.

Mr. CAMERON.—The amendment would do no harm, as the Select Committee need not make any suggestions unless they like.

Mr. REID.—I notice that the Minister for Home Affairs will be one of the members of the Committee, and I think I might ask my honorable friend the member for Wilmot to accept the statement of the Prime Minister, as the amendment he proposes might, if agreed to, lead to a lot of idle discussion in the Committee about the Electoral Act.

Mr. CAMERON.—I propose only that the Committee may make suggestions for the amendment of the Act if they think it desirable to do so.

Mr. REID.—My honorable friend might accept the assurance of the Prime Minister that there will be no difficulty about that being done if it is found desirable.

Mr. CAMERON.—If that is understood, I have no objection to withdraw the amendment.

Mr. WATSON.—There might be an election at any time, and it would be wise to secure admittedly necessary amendments of the law before other matters are considered.

Mr. REID.—I have no desire at present to suggest any controversial matters, because we should not involve a Select Committee in matters of heated controversy. But I do hope that the Committee when appointed will inquire into the basis of information conveyed to this House and which led honorable members to practically disfranchise thousands of people, upon considerations of political equality. Certain statements were made in this House about towns, and even whole districts, being depopulated and denuded of electors, and upon the faith of those statements the House took a course of action which honorable members will remember met with my very strong protest. It will be admitted as essential to the usefulness of a public

Department of this kind that when matters involving important issues affecting the electors come before the House the Minister in charge of the Department should be supplied with the fullest and most reliable information, whatever way it may happen to tell.

Mr. WATSON.—The amendment as proposed by the honorable member for Parramatta will place certain members on the proposed Select Committee who will have an opportunity of ascertaining the facts in connexion with that matter from the right honorable member's point of view.

Mr. REID.—My somewhat strong attacks upon the Chief Electoral Officer have been made in connexion with this question. If the Select Committee find in the Electoral Department business-like data collected in a business-like way justifying the statements made by the late Minister for Home Affairs, Sir William Lyne, in connexion with the matters which I am talking about, I should almost look upon that as a sufficient answer to everything I have said. It is a mere question of the existence of documents or information in the office at the time. The honorable gentleman who was in charge of the Commonwealth Electoral Bill made certain statements as to population and inequalities, which justified members of this House in doing something which I am sure would have been considered contrary to their principles if the information upon which they acted could have been shown to be wrong. This is the only request I make. If it is discovered by the Select Committee that there is business-like data, such as any business man would have to enable him to settle a question involving £50, I shall be prepared to withdraw almost everything I have ever said against the Department.

Mr. CULPIN (Brisbane).—I think that some points have not yet been touched upon in this debate. The right honorable member for Swan has said that electors who fail to take the trouble to see that their names are on the roll deserve to have them left off.

Sir JOHN FORREST.—I did not say that, I said that they should bear half the blame.

Mr. CULPIN.—I accept the right honorable gentleman's correction. It seems to me that the difficulty arises from the construction of the roll itself. Instead of one alphabetical list, there are a number, and in some cases one has to look through about 200 alphabetical lists before he can be sure that a particular name is not on the

roll. In the face of that fact there is great excuse for any person failing to see whether his name is on the roll or not. I know that I have personally wasted a tremendous amount of time in looking through alphabetical lists to ascertain whether some name appeared on the roll; but strange to say the person was on the roll for another electorate. He was living on the border line of two electorates, and was placed on the roll for the electorate in which he was supposed to reside, although he had applied to be placed on the roll for the electorate in which he actually resided. When the election took place, as his name appeared on two rolls, he took his choice as to the electorate in which he should vote.

Mr. PAGE.—He was a wise man.

Mr. CULPIN.—He asked himself the question, "Which of these candidates am I most anxious to see returned?" and voted for him.

Mr. PAGE.—He voted for the honorable member, I hope?

Mr. CULPIN.—No; he voted for one of the members of the Ministry. It is clear that an alteration should be made in the method of compiling the rolls. They should all be compiled on one alphabetical basis. Much trouble would be saved by that plan. It is said that we ought to get the States to act in conjunction with the Federal authorities in the compilation of rolls. But we know very well that some of the States are terribly behind the times in not having a fairly liberal franchise. Until there is a reform in that direction it is of no use talking about compiling the States rolls and the Federal rolls on a uniform basis. That reform cannot be accomplished until the laws of the States with regard to the franchise are brought into harmony with the Federal law. There is one other matter which I should like to mention in regard to this subject, and that is the complaint I have heard made as to the want of payment by the authorities in connexion with the recent elections. It appears to me that some of the trouble has arisen owing to the fact that returning officers having been appointed to make arrangements for the elections, they, instead of organizing the various electoral districts and polling booths themselves, deputed the work to deputy returning officers, who, consequently, did a large amount of work which should have been done by the chief returning officers. They have been used to doing that work in the

State electorates, and were called upon to do practically the same work during the recent Federal elections. That has had something to do with the excess charges made, which are in dispute in some cases. But consideration should be shown to these men in arranging for their payment.

Mr. BROWN (Canobolas).—I do not propose to traverse the arguments used by the different speakers on this question. They have been mostly favorable to the proposal. With regard to the amendment of the honorable member for Wilmot, I may say that I understood that my motion embodied his proposal. I think it is desirable to make the point clear, and, therefore, I shall have no objection to his amendment.

Mr. WATSON.—He has agreed to withdraw it, and has accepted the understanding.

Mr. BROWN.—I understand that the honorable member agrees to withdraw his amendment, on the understanding that my motion covers it. With respect to the amendment suggested by the honorable member for Parramatta, making some changes in the personnel of the Committee. I wish to say that I have no objection to the honorable members whom he puts forward. My nominations were made with a view of securing as fair a representation as possible of the States. I did not concern myself so much with the representation of parties as seems to be the wish of the House. I desire that justice should be done to the question, but I am in this position. I have asked the honorable member for Bass and the honorable member for Grey to be members of the Committee, and I consider that they are well qualified to serve upon it. But the honorable member for Parramatta proposes to omit them.

Mr. WATSON.—Why not have those honorable members also?

Mr. BROWN.—I shall vote for my own proposal, as the two honorable members whom I have mentioned have kindly consented to be placed upon the Committee, and I trust that the House will elect them.

Mr. G. B. EDWARDS.—Do not the Standing Orders provide for the number of a Select Committee?

Mr. SPEAKER.—The Standing Orders provide a certain number, unless the House orders otherwise. If the House adds additional names, it will be ordering otherwise. The honorable member for Wilmot is not present, so that I cannot ask him to withdraw his motion. I will, therefore, put it.

Amendment negatived.

Amendment (by Mr. JOSEPH COOK) negatived—

That the name of Mr. Poynton be omitted.

Amendment (by Mr. JOSEPH COOK) agreed to—

That the names of Mr. Maloney and Mr. Dugald Thomson be omitted, with a view to insert in lieu thereof the names of Mr. Cameron, Mr. Kelly, Sir William Lyne, and Mr. McLean.

Question, as amended, resolved in the affirmative.

*Resolved—*

1. That, in view of the unsatisfactory manner in which the last general elections were conducted throughout the Commonwealth, a Select Committee be appointed to investigate and report upon the administration of the Commonwealth Electoral Act, and to report results of such investigation to this House.

2. That such Select Committee consist of Mr. Batchelor, Mr. Fowler, Mr. Groom, Mr. Mauger, Mr. McCay, Mr. McDonald, Mr. Poynton, Mr. Sydney Smith, Mr. Storrer, Mr. McLean, Sir William Lyne, Mr. Cameron, Mr. Kelly, and the mover.

3. That the Committee have power to send for persons, papers, and records; and that four be the quorum of such Committee.

Motion (by Mr. BROWN) agreed to—

That the Committee do report this day month.

#### NATIONAL MONOPOLY IN TOBACCO.

Mr. SPEAKER.—I have to report the receipt of a message from the Senate requesting the concurrence of the House of Representatives in the following resolution:—

That, in the opinion of this Senate, in order to provide the necessary money for the payment of old-age pensions, and for other purposes, the Commonwealth Government should undertake the manufacture and sale of tobacco, cigars, and cigarettes.

#### MINISTERIAL STATEMENT: PAPER.

Debate resumed from 18th May (*vide* page 1287), on motion by Mr. WATSON—

That the letter from the Secretary of State for the Colonies regarding the use of the title of "Honorable" by members of the first Parliament of the Commonwealth of Australia be printed.

Mr. DEAKIN (Ballarat).—The sentence or two which I had the opportunity of addressing to the House last night with reference to the programme submitted by the Prime Minister will suffice for my present purposes, more especially as any task of criticism which may be required in that direction will no doubt be supplied by other



speakers. It did not fall within the province of my honorable friend to call attention to the correlative accompaniment of the programme, which, to my mind, is perhaps of profounder importance. What I feel we are called on—and at no distant date—to deal with is not simply a programme with which we are familiar, but a situation with which we are familiar. With your permission, sir, I shall trespass on the attention of the House for a few moments by referring to the circumstances out of which that situation has arisen, because it commenced at the very inception of the Commonwealth, and arose almost naturally out of that occasion. The Government who took office at the outset were drawn together by general considerations, and required, for the most part, to frame their programme after they took office. They were returned to this House in a majority upon the main issue submitted—that was the fiscal issue—and their first and deepest duty to the country lay in their endeavour to deal with it in accordance with their principles. The issue had a twofold importance, which caused it to overshadow every other interest of the Commonwealth at that time. In the first place, under the Constitution, the States were left dependent on this Parliament for the revenues which they should receive from the Customs duties, hitherto wholly appropriated by them according to each of their Tariffs. The States were granted three-fourths of the sum to be raised by the Commonwealth from this source; but, as there was no requirement as to the sum, that meant three-fourths of *x*. Consequently, the study how to meet the demands, and even the necessities, of the States, without plunging them into the direst financial difficulty, was one overruling consideration in dealing with the Tariff. The other consideration was the task which we believed allotted to us, not of extending protection—as many of us would have desired—but of preserving all industries already in existence in Australia. On that head a deep division of opinion existed, which made the passage of the Tariff a matter of the greatest difficulty and peril. But, for my own part the obligation which rested on members always appeared to exist independently of our responsibility as protectionists. It seemed to me—though I unhappily proved erroneous in my forecast—that even those who differed from us on the fiscal question might well have united in conceding to the existing industries of the Commonwealth a few years

*Mr. Deakin.*

within which to adjust themselves to the new conditions created by Inter-State free-trade. I mention these facts briefly, to remind us why we felt that to the passing of this Tariff all other interests must be subordinated. In whatever form it might be shaped, no beginning was possible for the Commonwealth, and no security was possible for the States in their financial relations, until the Tariff became law. During its passage, which occupied the whole of the first and longest session, we were, as a Government, in the position of men with a charge on them from which it was impossible to escape. We were tied, so to speak, to the post, and, at whatever cost and whatever sacrifice, it was our duty to live until we had passed the Tariff. That forced us to face the fact that, even at that early stage, there were three parties in the Chamber. Our fiscal party, which was in a majority, included a number of members who belonged to the Labour Party, and who, on other questions, adopted an entirely independent or hostile attitude. Consequently, except on the fiscal question, the Government had no consistent majority in the Chamber. Under these circumstances, the Government carried on their legislation and administration—under these circumstances, some of the members of the Government were called on to submit to what they felt to be sacrifices almost of principle. I belonged to the wing of the Cabinet which felt no such compulsion, and made no such sacrifices. I was happily not called on to consent to anything repugnant to my opinions and principles, though I was called on to assent to some proposals which were contrary to my judgment, because I believed them to be either in anticipation or in excess of what was necessary at the time. But, of course, in a Ministry formed as ours was, a different measure of sacrifice was demanded from different members; and there is no doubt that many of us felt that even if their principles were imperilled, they were bound to remain at their posts and submit to extremely irritating reverses. That was because the Labour Party at that time, though not in its present strength, held the balance of power, which it used, I may say, without fear, and certainly without favour or affection either to the Government or to the Opposition. To the members of the Labour Party who shared our fiscal faith we were indebted for continuous support of varying degrees; but never, so far as I can recall,

did the party, as a party, on any critical occasion cast its vote in favour of the Government.

Mr. HIGGINS.—There was the want of confidence motion.

Mr. DEAKIN. — But that was a fiscal question.

Mr. MAHON.—And there was the white labour question.

Mr. McDONALD.—What about my case?

Mr. DEAKIN.—There was no division on that.

Mr. MAHON.—Yes, there was a division on the motion of the honorable member for Parramatta, as I know, because I voted with the minority.

Mr. DEAKIN.—It has escaped my memory; but I believe that, in all such cases, members were voting for the Labour platform, and not for ours. Many times those fiscally associated with us strained points in our favour, and several times those who were not fiscally attached to us cast votes in our favour; but that was all because, at those times, a White Australia, or some similar matter, affecting their programme, was before the House. What I mean is, that never at any time did the Labour members vote against anything in their programme, or for anything which was not immediately associated with it. That is what I mean when I say they used the balance of power without fear, favour, or affection.

Mr. HUTCHISON.—There is no disagreement in the present Government, at all events.

Mr. DEAKIN. — My point is this: we have acknowledged, and I am prepared to acknowledge, as I have said, our indebtedness to those who shared our fiscal opinion. But that indebtedness was only incurred in relation to matters outside the programme of the Labour Party, so far as my memory at present serves me. I speak to-night at much shorter notice than I could have wished. It was not until after mid-day to-day that I thought of speaking, and since then many occupations and anxieties of another kind have occupied my attention. I am, therefore, speaking without book, and trusting to my memory, which may be at fault; but, so far as I remember, on no critical occasion did the Labour Party as a party cast its solid vote in favour of a Government proposal. If they did so I do not remember the circumstances.

Mr. O'MALLEY.—Yes; they did on the night that the honorable and learned member

for East Sydney moved the adjournment of the House.

Mr. DEAKIN.—I have also to state, in justice to the members of the Labour Party—and having regard to statements that have been made—that never at any time, to my knowledge, did they apply private pressure to that Government or to its members. The Labour Party applied public pressure whenever they had the opportunity, and in that they were, of course, well within their right.

Mr. WATSON.—And always upon public questions.

Mr. DEAKIN.—Yes. On no occasion did the Labour Party apply private pressure—on no occasion did they, so far as I remember, take any attitude of a personal character. So that when I criticise them I hope honorable members will agree that I am anxious to do justice to those with whom we were associated on the fiscal question, and on some other questions during the life of that Parliament. I wish also, incidentally, to point out that this alliance was one which never involved the Labour Party in any sacrifice of a tittle of their programme, or in regard to any question on which they felt strongly. Nor do I say that the Labour Party ought to have made any sacrifice; but comments are made on the conduct of the affairs of that Parliament which would lead people, unacquainted with the facts, to suppose that private pressure was continually applied, and that on other occasions sacrifices were made.

Mr. HUGHES.—Who makes those comments?

Mr. DEAKIN.—The comments are familiar to us; I have heard them even in this House. Then came the close of the Parliament, and the appeal to the country. The three parties in the first Parliament approached the electors independently, and the contest was carried on by each without regard to the fortunes of its neighbour. Of course, my honorable friends opposite prospered on the antagonism which existed between the two parties now sitting on this side of the House; but I am not aware of any cases in which any party extended quarter to the other, unless it were in the compliment paid to a few of us of allowing us to enter the House without a contest.

Mr. O'MALLEY.—That was a mistake.

Mr. DEAKIN.—The Government, for which I had by that time become spokesman, submitted to the electors one fundamental question upon which we had been absolutely divided from my

friends on the other side of the House. We told the country that, in our opinion, the extension of the awards of the Arbitration Court so as to embrace the public servants of the States was not authorized by the Constitution, was contrary to its spirit, and in any event at this juncture was injudicious. On that doctrine, such as our strength was, we were returned, and honorable members opposite—so far as I know without exception—were returned on an exactly opposite proposal in that regard. Then the fiscal question, which loomed very large at that election in more than one shape, at least, was successfully disposed of, because the effect of the return of honorable members was that it became evident that no re-opening of the Tariff war would be possible in this Parliament.

Mr. REID.—Hear, hear.

Mr. DEAKIN.—That was not a thing desired by my right honorable and learned friend.

Mr. REID.—When I get a licking, I take it. I got a licking, and I admit it.

Mr. DEAKIN.—Consequently, I am somewhat at a loss to understand on what ground we are now informed that a proposal submitted yesterday that the actually existing Tariff truce should become open and avowed for the duration of this Parliament is in some mysterious manner a sacrifice of protectionist interests. The Protectionist Party went to the country proposing that fiscal peace should obtain for this Parliament. On that one proposal they succeeded by a great majority, and, having secured that, they are bound in loyalty and honour to observe it. I hear, therefore, with considerable amazement some suggestions that to make an open avowal of what is the obvious fact—expressed in the living presence of honorable members in this House, distributed as they are on this question—is a surrender in some mysterious manner of the protectionist interest. It appears to me that the statement which was submitted yesterday to a meeting of the party with which I am associated puts the situation in unimpeachable terms when, referring to a coalition, it says—

The fiscal question is the one insuperable obstacle, and a truce upon that question is imperative. It is accordingly agreed that, during the natural term of the present Parliament, a truce shall be observed undisturbed by a premature dissolution. But no member of the united party shall be deemed to have forfeited

his full liberty of action at the expiration, by effluxion of time, of the present Parliament.

That is a statement which might have been made, or which might be made, just as much in regard to my honorable friends opposite as to honorable members sitting on this side. So far as the whole House is concerned, that simply puts into plain words the facts of the present situation. Beyond that, comment on differences is, to my mind, unnecessary from me, because I hope to focus attention on the situation. I ought not, however, to pass from the question of the inclusion of public servants within the operation of the Conciliation and Arbitration Bill without a further reference, because, during the consideration of that measure, the Prime Minister, as he reminded us last night, in September last, and on occasions since I think, at all events in conversation, had communicated his view that the issue as to whether Federal control could or ought to be extended to them was not, in his opinion, a question of principle, or, at all events, ought not to be made a matter of confidence, or no confidence in the then Government.

Mr. WATSON.—Hear, hear.

Mr. DEAKIN.—Not only were those the views of the honorable gentleman, but they were the views of a number of other honorable members, mostly on his own side, who took sufficient interest in the fortunes of the Government that met the House to endeavour to arrange some device by which that particular difficulty could have been surmounted without sacrifice of principle. A great deal of time and thought was very kindly spent in that regard, which was much appreciated by myself, though I took next to no part in it, because, in the first place, to me it appeared to be a question of vital principle. It seemed to me that it was a touchstone between what I called the Federal and the Unitary parties in this House. But any other touchstone would perhaps have served as well to remind us that in this House the three party position continued in an exaggerated, or, as some would term it, an aggravated form. The Labour Party, instead of merely holding the balance of power as between the two sides, had itself become one of the powers of this House. It seemed to me therefore inevitable that with the House divided in that particular, and with the Labour Party organized on principles which make it a party in a sense differing from that which pertains to honorable members on this side—it seemed to me immediately after the election that any

endeavour to evade or postpone the arbitration or any similar issue must be futile. The solution arrived at in regard to it must go more deeply than that particular question went, to the root of the three party situation, and resolve the three parties into two. Nothing short of that, it seemed to me, could give the Government of the day power to proceed with their administrative and legislative tasks with that certainty of duration which would enable them to discharge those tasks to their entire satisfaction. No other condition of things could prevail which would enable the members of this Chamber to discharge their obligations to their constituents until a majority was found united on questions of principle and on a practical policy, opposed by those who differed from it, but who were on these questions in a minority. Until that normal condition of constitutional government was restored, it was vain to seek by any device or expedient to postpone the inevitable.

Mr. HUTCHISON.—There is no difference in the policies now; we can go on.

Mr. DEAKIN.—That is a matter for discussion a little later. At the present moment it appears to me that it is the duty of the House—and at all events, erroneously or not, I have conceived it to be my duty—to expedite the solution of that condition of affairs as early as possible. It seems to me that no party in this House can satisfy itself or its constituents while that condition remains, and that, in the interests of each and every member, and in the interests of the country which we all serve, it became the crux of the situation how to restore the normal conditions, as I have termed them, of constitutional government. Honorable members will perhaps recall some remarks addressed to the Australian Natives' Association nearly four months ago, in which as clearly as possible I called attention to this state of affairs. Censure followed from some quarters, because on that occasion I carefully and deliberately refrained from indicating which of the two parties were to unite. I did that of set purpose, partly because I thought that a condition of things had occurred in which it was possible for members of all parties to practically unite in a patriotic endeavour to restore the necessary conditions of constitutional government, while, if that were not possible, I wished to make it perfectly plain that, so far as the Ministry was concerned, there was no party movement on foot for its own interest. We

were at that time under the disability of having it supposed that the proposition submitted was made with a view to our own retention of office, since as we were the Ministry of the Commonwealth, any party approaching us would do so on the basis of finding us in possession, and of leaving at all events some of our representatives in possession. We were under that disability, and for that reason, too, I endeavoured to make it perfectly clear, and thought I had succeeded, that, while the situation imperatively must be resolved by the re-establishment of majority rule, I was following a policy which has been sometimes referred to in another country as the policy of the open door. There were two doors, one on each side of us, and we left both open. Honorable members will see that the party to which I have the honour to belong had a peculiar right to take that course without being accused of any attempt to curry favour, because it had a wing which touched the Labour Party so closely as to be almost indistinguishable from it, and another wing which touched their opponents in this House almost as closely. Constituted as the Liberal Party always has been of those who stand between the Labour Party and the so-termed Conservatives, it was perfectly natural for us to open the doors in both directions, and to indicate that proposals which were in accordance with our programme and were open and above board, involving no secret compact, could be made either to us, or, if it pleased them, between the two other parties in the House apart from us. The essential was the restoration of majority rule. The particular combination for that purpose was left to honorable members themselves to determine, bound as they are by their declarations to their constituents and to the country at large. Those remarks were the prelude to much interesting private discussion, but no public overture followed. I hope that it prepared the public mind, and directed the attention of the members of this and the other Chamber to the emergencies of this Parliament. But nothing definite followed—no precise overture.

Mr. HIGGINS.—Did the Ministry of the day wish for an overture?

Mr. DEAKIN.—Decidedly. We wished to know which party, or whether both parties, could find that there was in their programmes a common ground upon which there could be a blending of forces, so as

to secure a durable and trustworthy majority to carry on the affairs of the country. There was one difference which was not forgotten, and it was this: if, at that time, overtures had been received from those who are now sitting on this side of the Chamber with us, the questions at issue would have been narrowed down to those of policy. If the overture had come from members opposite there would have been equally serious questions of organization. Honorable members opposite are returned in accordance with a particular method, which, I understand, begins with local selection. They are bound in writing to a particular programme. Their minority is required on certain questions—the range of which I do not pretend to precisely understand—to bow to the majority.

Mr. WATSON.—Only so far, as the programme is concerned.

Mr. DEAKIN.—The programme, and giving effect to it; questions arising out of it. I am informed that upon matters relating to the programme there is no minority; the majority expresses its will and the minority concurs.

Mr. HUGHES.—The Cabinet does no more and no less.

Mr. DEAKIN.—It usually does much less; it cannot do more. In addition to that, they are, I understand, largely, if not wholly, governed in their electoral campaigns by local organizations, with which it is necessary to count as well as with the representatives in Parliament.

Mr. WATSON.—What does the honorable and learned member mean?

Mr. DEAKIN.—Should the parliamentary party think fit to recommend a particular candidate, the local organization is not bound to accept him.

Mr. WATSON.—There is local autonomy so far as the selection of candidates is concerned.

Mr. JOSEPH COOK.—Subject to the ratification of the central committee.

Mr. WATSON.—So it is with the Free-trade Organization in New South Wales.

Mr. MAUGER.—And with the Reform League in Victoria.

Mr. DEAKIN.—I do not wish to do more at this stage than to point out that those questions will require to be taken into consideration, because, although honorable members say that similar practices to some extent exist in connexion with the other parties, we must confess, whether reluctantly or not, that they are not observed in anything like the same degree, and have

nothing like the same potency, either in connexion with elections, or in this Chamber.

Mr. WATSON.—The principle involved is the same.

Mr. DEAKIN.—The Prime Minister will have many trials and difficulties, but he possesses, so far as their numbers go, a body of supporters more united, not only than any other body of members in this House, but than any other body of members, except the Labour Party, in any other House.

Mr. WATSON.—That is because they believe in their principles.

Mr. DEAKIN.—I am not called upon to impugn their belief in their principles; it is sufficient for me to point to the fact that they act unanimously, and that they do so in consequence of the mechanism to which I have alluded.

Mr. McDONALD.—We fight for them, and we do not abandon them when we are defeated.

Mr. REID.—The honorable member belongs to a party whose members are perfect.

Mr. DEAKIN.—Although those questions were raised informally at various times between honorable members opposed to myself and my colleagues, the fact remains that, prior to the exit of the late Government, nothing formal was done on either side. We retired from office, and my honorable friend succeeded us. It became necessary, when the Ministers whom I see before me met the House, for those who had been the Ministerial Party to consider their position in regard to the new Government. They debated it, and upon their authority I ventured to express their opinions in this House, to which I will briefly refer by quoting from page 1248, No. 7, of that inestimable record *Hansard*. The words used were these—

I am charged to extend to the Government the assurance that the Opposition propose to extend to them the utmost fair play. We feel that the tasks which they have shouldered merit forbearance, and we hope that they will receive it. We await with anxiety the statement of the proposals they intend to submit. When they are submitted, of course, the imperative duty of an Opposition—not necessarily to oppose, but to criticise and examine—will be fearlessly exercised.

That referred to the programme of the party. I spoke of the situation in these terms—

The obvious and sensible fact which stares us in the face when we look at these benches, and

which stares the country in the face, is that honorable members opposite have no such majority.

That is the majority to which I have just been referring.

The two parties who hold opinions differing from them and from each other are necessarily, by the circumstances of the situation, ranked on this side of the House in overwhelming numbers. The position of instability which existed when I spoke two or three months ago exists to-day, in an emphasized manner. While the late Ministry lived, it was possible for honorable members to group themselves upon a question which took honorable members opposite outside their own direct programme, outside their strict party union. The disappearance of the fiscal question from the arena, at present, has recast the main issue, and brought about the transformation which we witness to-day. I am sure that the country will see in this grouping of honorable members—necessitated by the very circumstances of the case—no indication of any individual changes of opinion, but unmistakable signs of a new development. The situation was bound to develop; the situation could not remain as it was, and I venture to think cannot remain long as it is. It is for my honorable friends who now hold the reins of government to realize, as I believe they soon must, that there rests upon them to-day, with clearer perception than perhaps most of them have hitherto enjoyed, a conviction of the necessity for the constitutional rule of a majority in this House, and the necessity of acquiring that majority, if they are to do justice to themselves and the measures of legislation which they propose to introduce.

Mr. WATSON.—That is something upon which we have made up our minds.

Mr. DEAKIN.—I went on to say—

At the present moment the part numerically played by the Opposition or Oppositions in the business of the country will be actually greater than the part played by the Government. I do not think that any one will suppose that such a condition of things can be maintained. I think that we must all agree that it can only be maintained even temporarily by that honorable granting of fair play to which I have already alluded, by that extension of consideration from one side of the House to the other which enables us to discharge our common duties to the public.

The reference to legislation was repeated a little later on. It will be noticed that the fact that I spoke from the opposite side of the table did not in any respect alter the attitude which I had previously assumed. Both doors were still wide open, and the necessary—the inevitable—coalition might have taken place between my honorable friends opposite and the followers of the right honorable member for East Sydney, or between ourselves and either of the other parties. When I spoke in this House three weeks ago the doors were also wide open, and I do not think my honorable friends on the opposite benches can complain that

I did not point out to them with sufficient clearness that the immediate obligation rested upon them to secure a majority, if they had not one already. Since then they have taken the question into consideration, and only two days ago, as I understand, they arrived at the conclusion that on their part no coalition is desirable. It appears to me that so far as the maintenance of majority rule is concerned, they do not at present intend to achieve it. They hope for a majority in favour of each of the proposals which they submit to this House, to be drawn from either one flank or the other of the parties on this side of the House. At any rate, they have not yet realized the necessity, which I took the liberty of pressing upon them, of acquiring a majority which should sit and vote with them on the main articles of their programme, and also with regard to the character of their administration. I regret that they have not taken any steps beyond the purely negative course which appears to have been adopted. I do not think that when honorable members look at the document submitted to both parties on this side of the House yesterday they can take exception to the statement of the situation therein contained. My right honorable friend and myself agreed to state it in this fashion—

Under the extraordinary circumstances at present obtaining, it might be said that all parties in Parliament could have been invited to unite, so far as their principles would allow, for the purpose of carrying on the Government. Unfortunately the party now in office, quite apart from any questions relating to its programme, maintains a control of its minority by its majority, and an antagonism to all who do not submit themselves to its organization and decisions, which seems to make it hopeless to approach its members upon any terms of equality, even under the present exceptional conditions.

Mr. HUGHES.—That document was drawn up at a time when the honorable and learned member still hoped to coalesce with the Labour Party.

Mr. DEAKIN.—It was not issued until the attitude of the Labour Party was definitely known. Whatever my honorable friend may have thought, I had the best reasons for believing, from what I had heard before the document was drawn up, that no offer would result from the meeting of honorable members opposite. Under these circumstances honorable members will realize that the position occupied by the party to which I have the honour to belong was a critical one—in my eyes more serious and more critical than it possibly seems, or

appears to have seemed, to many of my honorable friends who are associated with me. At the meeting to which I have referred, they formally adopted the policy of the open door, and they also authorized me to consider any proposals which might be made by either of the other parties, with a view to obtaining a majority upon some ground of public principle. I was expressly authorized to do that, and the fact was publicly announced. It did not then rest with me to sit idle, with that mere intimation, when overtures for the consideration of the principles which we professed, and of the circumstances which surrounded us, were made by my friend the right honorable member for East Sydney. The interjection just made by the Minister of External Affairs appears to suggest that, acting on behalf of the party which had authorized me to take this action, I could not have received any proposal from my honorable friends opposite, while proposals were being made by my honorable friend the right honorable member for East Sydney. But, as the right honorable gentleman knows, and the public knew, I was authorized to receive proposals from either party, and my right honorable friend knew also, as I pointed out, that I was perfectly open to receive a proposal from honorable members opposite. At the time this document was drawn up, three days ago, I was acting under the belief, although not with knowledge, that there would be no such proposal. Consequently, in this matter I have been perfectly frank with both sides. I did not conceal the facts from my right honorable friend, or from honorable members opposite, and it became my duty, not only to consider any overtures which were made, but to use every endeavour to arrive at a ground of common agreement. As I have often stated, I believed such an agreement was a great necessity in the interests of the country, and I had a further motive, to which I am about to allude, in the conviction that it would be in the interests of the party for which I was commissioned to act. Now, unfortunately, I have to depart from the practice which I always endeavoured to follow as far as possible, namely, of excluding personal considerations or statements as to my personality when dealing with questions before this House. So far as I can judge, that course, which I would infinitely prefer to follow, is not possible for me to-night. I must necessarily occupy a few minutes in speaking in regard to my own position and action at greater length than I have any

*Mr. Deakin.*

taste for. As a rule it appears to me that matters such as those with which we are now dealing can best be settled upon general grounds, without reference to particular persons, or their obligations, or intentions. When overtures were made to me by the right honorable member for East Sydney, I had already pre-considered the attitude which I should adopt in regard to any proposal from either side. I had been trusted in the fullest manner by those associated with me. They had imposed no embargo. They were, of course, not to be bound except by the consent which they might subsequently give, but they had imposed no preliminary conditions. I felt the imperative necessity of doing whatever lay in my power to resolve this situation—to create a majority based upon principle publicly announced, and I felt the diffidence which any agent, acting for principals, must feel as to what part I was authorized to take in any future combination that might result. I do not put the parallel as an exact one, because it differs very materially. On most occasions when negotiations of this kind are intrusted to a leader for the time being, it is with the implied understanding that he himself is by no means to be debarred from sharing the positions which are to be filled in the combination to be formed; but in the special circumstances of this case it seemed to me that ordinary conditions did not apply. So far as I could see, they did not apply to any circumstances of this situation, which is unprecedented, not only in our history as a Commonwealth, but in many respects, if not in all, in the history of the States. It therefore calls for a course of action which we could not foresee or find precedents for. I could not but foresee that if this majority were obtained by a combination with honorable members opposite, there was a section of the party associated with me that would be likely to be compelled, sooner or later—and probably at once—to sit in opposition to that coalition, and to me, if I were a member of that Government. On the other hand, I recognized that if the combination were made with my right honorable friend the member for East Sydney, and those associated with him, there was another section of the party which would probably feel called upon immediately to sit in opposition to me. I had further to face the fact that colleagues of my own—more loyal col-

leagues no man ever had—were divided in the same manner, and that I was to be asked to form or to join a Government which some of my old colleagues would be forced to oppose. In these circumstances, what might appear an unusual action will surely begin to be clear to honorable members. I was called upon to act for a party which it appeared certain must be divided and rent asunder soon in any case by events or by the effect of a combination, that would call upon me to take office at a time when old colleagues were out of office and old supporters were in opposition. I admit and accept my full responsibility for endeavouring to bring about a coalition of some kind in the public interest, and although I did not shrink in the least degree from the responsibility that thus devolves upon me—and must remain—I feel that in the circumstances I have discharged my duty. I have assisted to the best of my ability in the task of restoring responsible government by a majority, and should have proved my sincerity by sitting behind whatever Government might have been formed by my party. It was my intention to support it loyally and honestly, and so accept the full responsibility of my action, but I considered that I was not called upon to undergo the personal trial of separation from old colleagues and supporters. It is with disgust that I discuss myself, but in this instance it seems unavoidable that I should do so. No man is indispensable. What is more, I venture to think—as I submitted to those of my own party who have in the most generous manner criticised my actions—that my own usefulness would not be impaired by my standing out of office. When I speak of office, I include even the highest. I had made up my mind that whatever coalition might be formed—with whatever party the combination might be made—I should take no office, not even the highest; that my usefulness would not be impaired by my remaining outside the Government, and that the fact that I did not take office would be another guarantee to those of my party, which, probably as divided, would be the weaker of the two in either combination, that there would not be any sacrifice of our principles or of the programme on which we were elected. I felt that the coalition would be called upon to honestly and faithfully state its programme before the public, and I was prepared to follow and support it. I believed that if my party joined either one side or the other it would,

if divided, be the weaker of the two, and that if, whilst being loyal to the coalition, I stood out of the Government, it would be a further guarantee—although a guarantee of fair terms was not required—that no danger or peril to the party I had induced to join, and no injury to its interest would follow as the result of the coalition. As a member of the Government I should have had the ordinary ties which bind the members of a Cabinet. I must have been loyal to them, and could not have broken away even to prevent what I thought might become a danger. As an ordinary supporter I should have had an honest duty to perform; but if at any time I by any chance was led to believe that danger would arise to the principles which my party professed—and I do not think that any danger would have arisen—I should have been perfectly free and vigilant in their defence. I felt also that I was justified in the view of my Victorian friends in taking up this stand, because I had acted in a like manner on a previous occasion. My political co-mate and brother in office, the right honorable member for Balaclava, knows how anxious he was to stand aside for me when he formed his first State Government, which did so much for Victoria. He knows, too, that I felt at the time that my public duty lay, not beside him, where it otherwise would have gladly been, but in giving him my support. For five years he never relied upon me in vain. Although I was not a member of his Government, we worked loyally and faithfully together. He was the man in whom I relied—and I rely upon him now—as the representative of Victoria and of our party to take a position which all would willingly accord him, with the confidence that he had earned it by his long and honorable career. The fact that I had acted in this way on a previous occasion led me to feel that I might satisfy my Victorian friends and allies who are so zealous at present for my undesired advancement, that any Government which relied upon my support would have no reason to fear that my support covered any ulterior motives. There is another personal incident to which I venture to allude, and happily it is the last. The secret history of Cabinets is not written, or to be written; but once in my lifetime I made the fatal mistake—and it was in connexion with a State coalition Government—of failing to insist on the acceptance of the resignation I had tendered. I saw plainly enough that what I believed to be mistakes in policy were about



to be made. I was entirely opposed to the particular policy then suggested, but allowed myself to be persuaded that consideration for my party and my colleagues, in which I hope I have never failed, demanded that I should sacrifice my own views to those of others. I did sacrifice my own strong views to those of others. I did so on that occasion, but shall not do so again. Happily I can now pass from individual considerations, feeling that I can legitimately say that it is no failure of duty, it is no shrinking from responsibility, and it is no evasion of obligation, when I ask my party to allow me to stand aside and support the Government which is to be formed, instead of taking any active part in its administration. In considering the overtures that were made to us by my right honorable friend the member for East Sydney, we had after all only to determine a programme. Great minds agree. The three parties in this House are able to congratulate themselves upon that undoubted mental attribute, and, with the exception of the tobacco which the Prime Minister puts in his pipe, and the national note he hopes to be able to put in his pocket, my honorable friend has practically adopted our programme.

Mr. WATSON.—That is surely a humorous allusion,

Mr. DEAKIN. — I hear that my honorable friend's programme was framed first. That, I submit, is a detail, because I have had quite sufficient evidence in times past of the honorable gentleman's ingenuity and foresight to believe that when he framed his programme he was really reading the programme we were going to frame, in advance. My honorable friends opposite say that for the present session we are agreed practically upon a programme, and they ask what need there is for any further agreement.

Mr. WATSON.—None whatever.

Mr. DEAKIN.— But I have heard that at election time, and have heard it put in very different words. Candidates whose policy was indistinguishable from that of my honorable friends opposite, candidates who were practically labour members in every proposal they submitted, have said, "Why oppose us, when our proposals are precisely the same as yours?" What has been the reply of my honorable friends opposite? That unless those candidates were prepared to accept the full respon-

sibility and ties of the organization to which they belonged, their programme went for nothing. We know, and know unhappily at the present time, that the fiercest contests waged, and most frequently waged by my honorable friends opposite have been, not against men most removed from them in politics, but against those who have approached most closely to their political programme.

Mr. WATSON.—The men who believe we are right, and will not go with us, those are the men we oppose.

Mr. DEAKIN.—Exactly. How do my honorable friends like to be measured by their own bushel? How do they like to have that applied to them by a majority in this House saying "Your programme is the same, but unless you join our organization we are reluctantly compelled to oppose you."

Mr. G. B. EDWARDS.—The parties are too nearly related to be married.

Mr. DEAKIN.—I take it that I have supplied an absolutely parallel illustration.

Mr. HUTCHISON.—No; because honorable members opposite have not got an organization.

Mr. DEAKIN.—We are proposing to frame one, upon such terms that all the most thoughtful and able amongst honorable members opposite may readily join it. What I have to point out is that no game is a good game which two cannot play at. I do not need, nor have I any desire, to reflect upon the organization of the Labour Party. I do not think it would help either them or ourselves in this discussion. But it must drive home to them the real urgency of the present situation when they realize how poor a game it is that only one can play at. If each of the three parties in this House chose to adopt their principles and their organizations, the result would be disastrous, I think, to my honorable friends opposite, as well as to the other parties.

Mr. WATSON. — There has only been a difference in methods. We stole the methods of honorable members opposite, and they have stolen our clothes.

Mr. HUGHES.—And they have now stolen our methods as well as our clothes.

Mr. REID.—You are only giving a little milk to the young tiger you want to train. This is your milk and water diet.

Mr. DEAKIN.—The argument I again submit to my honorable friends opposite is the necessity of acquiring a majority in order that they may be constitutionally, what they are now in fact,

the Government and leaders of this House, and it will be impossible for them, in this House, and I think in any other House, to secure that majority under their present conditions of organization. Unless they are prepared to throw open their doors to a free influx of the Liberals of the community, and to accept the joint burden of responsibility with them, there can be no hope for their retaining, even though they momentarily gain, a majority in this Chamber. I am not without hope in this regard, because, so far as I can judge, there are symptoms of relenting on their part already. We deeply regret that to-night we have not with us the right honorable member for Adelaide, who sat yesterday in the Ministerial corner, happily in very much improved health, and whom we hope to welcome back before long. That right honorable member, so far as I am aware, is not, strictly speaking, and never has been, a member of the Labour Party.

Mr. BATCHELOR. — The right honorable member was never opposed by the party in South Australia.

Mr. DEAKIN.—Exactly. He has been treated, so far as his election was concerned, as if he had been a member of the party. That is a good beginning. I look now at the Attorney-General, and see in him a second illustration of what may be considered a relaxation of the rule.

Mr. REID.—Was he ever admitted to a meeting of the caucus, or is he still outside the door?

Mr. HUGHES.—The right honorable member for East Sydney sat outside our caucus for five years, and did remarkably well.

Mr. DEAKIN.—I look upon the right honorable member for Adelaide as the first dove, and am happy now to be able to see the second dove, if I may liken so harmless a bird to my able friend the Attorney-General. I am encouraged to hope that the door is being put even more ajar, and that, while the light of the present debate holds out to burn, there is no sinner even on this side of the House who is without hope of receiving a welcome from honorable members opposite.

Mr. REID.—Then we had better adjourn the debate for a week.

Mr. HUGHES.—Let them all come.

Mr. DEAKIN.—I am unacquainted with the conditions upon which admission will be granted.

Mr. REID.—By ticket only.

Mr. DEAKIN.—I am unaware whether any ceremonial such as is associated with

certain friendly societies is insisted upon; whether candidates for instance are blindfolded before being admitted.

Mr. REID.—No; only gagged.

Mr. HUGHES.—It is only upon admission to coalitions that they are blindfolded.

Mr. DEAKIN.—Until my honorable friends opposite are prepared to accept the burden of the situation by making it absolutely public on what conditions new recruits are admitted to their ranks, and until we are informed of the programme to which they are expected to subscribe, the Prime Minister must see that he is raising between himself and this House, or, to be perfectly fair, that he is allowing to remain between himself and this House, a barrier which not only separates honorable members of his party from other honorable members, but emphasizes the fact that a party sits on the Government benches which is a visible minority in numbers in this Chamber. What is the danger signal for the Labour Party, and for every thoughtful man on this side of the House? It is the knowledge that if my honorable friend the Prime Minister could obtain a dissolution in the course of the next few weeks or months, as the case may be, and were to go to the country, unless the conditions of all recent elections, and of the present elections in Victoria are altered, we shall see my honorable friends turning upon the very men who have been associated with them, who have helped them, who have kept them in office, and who have assisted to pass their legislation.

Mr. WATSON.—We guarantee that we will not do that.

Mr. HUGHES.—They know the reverse.

Mr. DEAKIN.—But do they know the reverse?

Mr. REID.—Then honorable members opposite have made a bargain with them?

Mr. HUGHES.—The right honorable member for East Sydney himself can tell the House all about bargains.

Mr. REID.—I should think so!

Mr. SPEAKER.—I must ask honorable members not to interject so continually, and particularly not to interject by answering each other across the Chamber. It is quite impossible for the honorable and learned member for Ballarat to proceed under such circumstances.

Mr. DEAKIN.—Mr. Speaker, though regretting that the decencies of debate should be disturbed, I do not complain of receiving valuable and useful information;

because I have realized, as we must all realize, how superior—if I may venture to say so without disrespect—is the personnel of the Labour Party in this House to the Labour Party in any State House with which I have the opportunity of being acquainted. I am quite prepared to learn, therefore, that Federal Labour Party methods will be in advance of those which are followed in the States. But I have before me in my own State, and under my own eyes, at the present time, in the person of two men whom I will not name, because I do not enter into the discussion of State politics, examples of men who have been associated with the Labour Party in Parliament, who were indistinguishable from it in the policy which they supported—except that for some reason unknown to us they have not signed the pledge—who have sat shoulder to shoulder with the Labour Party and have never separated from them on any vital question, so far as my own knowledge goes, but who are yet being opposed to the death in this very State of Victoria.

Mr. TUDOR.—Who are they?

Mr. DEAKIN.—It is unnecessary to answer that question.

Mr. TUDOR.—I do not know the two men referred to, and I think I know the affairs of the Labour Party in Victoria very well.

Mr. DEAKIN.—When I give the names to the honorable member in private afterwards he will admit that I have given a fair statement of the facts. In entering into any consideration in respect to the future of parties, does it not rest upon every man of us to have a fair and explicit understanding that the men who unite in this House to support important principles, and to follow the same Ministry, shall not be found flying at each other's throats the instant there is an appeal to the country?

Mr. WATSON.—We will guarantee that with regard to those who support us. Has the honorable member a similar guarantee for those who support the agreement which was published yesterday?

Mr. DEAKIN.—None; but there is this that I will say upon that point. The honorable gentleman's party—the party which surrounds him—is, I believe, a party of great power and authority throughout the Commonwealth, and deservedly so. But he is not in a position to be able to say, so far as I know, that even his recommendations can be given effect to, or will be given effect to.

Mr. FISHER.—We can find a means.

Mr. WATSON.—Just to the same extent as the honorable member can with regard to his supporters.

Mr. HUGHES.—It was just the same in the last elections in New South Wales, and the honorable member for Lang is a living instance of it.

Mr. REID.—Of what is that?

Mr. WATSON.—That the right honorable member for East Sydney could not control the local organizations of his party.

Mr. DEAKIN.—Mr. Speaker, I am certain that honorable members opposite will not regard these remarks as idle. They seem to me to go to the root of this situation, because the situation cannot be resolved, nor majority rule restored, unless we clearly recognise the need of parliamentary freedom within the bounds of party discipline. I must say that, so far as regards freedom, my own party is the most practical instance on the face of the earth. As regards its unity or discipline I have less to say. I dare say that the right honorable member for East Sydney possesses more coherent organizations, at all events on some questions; yet I doubt if even his organizations can compare in any particular with those of my honorable friends opposite. In policy, in conduct, and in outward appearance, there is much in the party machinery of my honorable friends opposite that resembles, not the party machinery that we employ, but resembles the party machinery which my right honorable friend employs. One of the chief differences is that ours is inefficient and his is efficient. But another difference is—and this is the important point—that I believe that if our party machinery is inefficient, it is largely so because of the individual freedom which it conserves.

Mr. WATSON.—Freedom to depart from pledges to the electors? Because that is all we are pledged not to do.

Mr. MALONEY.—We are able to fight the Age; the honorable member must know that.

Mr. DEAKIN.—What I venture to say they have to consider is this—whether their efficiency is not secured at the cost of individual freedom. Of course, honorable members opposite reject that implication. I invite a reconsideration of the point, because it is difficult to determine when party machinery passes into what is termed in America "the machine." What we have to fear here is that the machinery—so useful as long as you are not in a majority, so extremely efficient while you are fighting an uphill fight on the way to power—may, when you become possessed of power, repre-

sent almost exactly the machine as it now exists in America, worked in the primaries by interested persons, and afterwards by organizations and combinations for personal ends until it becomes represented in the Legislatures by men who move just as the strings are pulled outside.

Mr. FISHER. — Is it not to America to which we look for examples?

Mr. DEAKIN.—For some, but not for the model of a party machine, nor for the use of such machines under all circumstances. My honorable friends will, I hope, take the lesson from America to heart, and realize that it is high time to depart from the strictness of what I may call the protection maintained during their early youth. They should recognise that their party, represented by this Ministry, is now fully developed, and that what I may call their political native industry no longer needs that protection; but that its machinery is liable to precisely the same dangers as have laid the most democratic country in the world open to such scandals as we have witnessed recently in connexion with the Congress of the United States, and which deprive the Legislature of dignity and of the confidence of the people. That is inevitable when party machinery becomes a party machine. Party machinery is in existence in England, but nowhere in England do we find the "machine." There we find that in times of great stress, or change in the development of public opinion, new organizations arise, while older organizations are modified or pass away; and, consequently, there is that freedom of action preserved by the freedom of the individual representative and the individual elector. But my honorable friends are approaching—and if they become a majority will be tempted perhaps to embrace the methods of—the machine which is fatal alike to the liberty of the individual elector and the liberty of the individual representative. And so it is that I have ventured to occupy this time in criticising the methods of the Labour Party, because they form so important a feature of the situation which we are called on to face. I take it that the ideal of those honorable members which, within my own experience, has broadened very considerably, and which commenced its realization as an organization practically of manual labourers, represented by manual labourers—

Mr. FISHER.—Never!

Mr. MALONEY.—The honorable and learned member for Ballarat knows that that is not true.

Mr. DEAKIN.—That is my recollection.

Mr. SPEAKER.—Perhaps the honorable member for Melbourne will withdraw the statement that something which the honorable and learned member for Ballarat has said is not true.

Mr. MALONEY.—The honorable and learned member for Ballarat knows that I am a living instance—

Mr. SPEAKER.—The honorable member for Melbourne must withdraw his statement without qualification.

Mr. MALONEY.—I withdraw with pleasure; but I appeal to the honorable and learned member for Ballarat as to whether he does not know that I was the very first labour member returned in Victoria.

Mr. DEAKIN.—The honorable member was the second or third labour member returned to the Victorian Parliament.

Mr. MALONEY.—I was the first.

Mr. DEAKIN.—I beg the honorable member's pardon; but Senator Trenwith was the first labour member, when he was returned as the representative of Richmond in the Victorian Parliament.

Mr. MALONEY.—No; we were returned together, but the poll in my case was declared first.

Mr. DEAKIN.—The fact is not material, and if my statement is objected to I do not wish to press it. I have spoken according to my recollection. I have heard the statement made from the platform; but whether it represents a general principle of the party does not matter on the present occasion.

Mr. WATSON.—All classes have been returned in the labour interests from the very first, including journalists, as well as manual labourers.

Mr. DEAKIN.—I do not dispute that the organization, or its principles, have broadened, and have only to look at the Labour Party in this House to realize how it has outgrown the stage to which I have referred.

An HONORABLE MEMBER.—It was never in that stage.

Mr. DEAKIN.—If honorable members opposite consider it a reflection to be associated with manual labour, then I withdraw.

Mr. WATSON.—All I desire to make clear is that the Labour Party was never restricted to manual labour.

Mr. DEAKIN.—I do not think it was;

but the Prime Minister will admit that there was a strong tendency in its first years—and I am afraid the tendency exists still to some extent—to constitute it a merely class organization. That phase, however, is becoming less—it is passing away, as honorable members will agree it is desirable that every tendency of that kind which exists should pass away. Representation, when it was that of the landed class only, was injurious to the country; that class looking uncommonly well after themselves, and only in a very secondary sort of way after other interests. And in the same manner as the representation of the landed class passed away, so should pass away the representation of class interests of every kind. We have no ground of complaint if honorable members opposite look after the interests of manual labour; on the contrary, they will only be following the example of the class previously in power. But as we have grown out of one domination, we hope to grow out of the other, and see honorable members in this House derive their representative power from all classes of the community. While my friends are free to term themselves a Labour Party, they, I hope and believe, do not by that claim an exclusive representation of labour.

Mr. WATSON.—What about the squatters, doctors, lawyers, and so on?

Mr. DEAKIN.—If then we meet on the common ground that we each of us appeal to all classes of the community, that we each of us claim to study the interests of all classes of the community, and that we each of us alike enter this House pledged to give due regard to the interests of all classes of the community, we have taken the first step to meet on the common platform which properly belongs to us. But there are other steps which it is necessary to take. Honorable members will require to see that the man who represents all classes of the community does not himself belong to an exclusive class in Parliament, to an organization which imposes shibboleths and restrictions on his action, but leaves him, as between his pledges and his constituents, to the verdict of those constituents, and the criticisms of his fellow members and associates—which does not seek to ostracise those who hold similar opinions, nor to represent one class of the community, nor insist that they should be marked with a particular mark, or branded with a special brand.

Mr. THOMAS.—Would not the honorable and learned member drive every free-trader out of politics if he had the power?

Mr. DEAKIN.—I should like to have a good working majority. I am not anxious to drive any section out of politics. In the next place, may I submit that my honorable friends opposite scarcely lay enough stress on more than the first function of a Legislature. The first function of a Legislature is necessarily legislation; but under our system of government there is indissolubly associated with that the work of administration, which is as fundamental and important, as my honorable friends are rapidly learning.

Mr. FISHER.—We do it.

Mr. DEAKIN.—Realizing the burden of Executive power which now rests upon them they feel that the charge of the administration bulks as large in their every-day thoughts as the task of legislation, that without administration legislation can be rendered of little effect. In that democratic country, the United States of America, the Executive, although absolutely without legislative authority, represents even more than the Legislature—its great national ideal. Under these circumstances, it is scarcely sufficient to say that the programme which we suggest is the programme of all parties in the House. They require to give guarantees as to administration.

Mr. WATSON.—We are glad to see that there is such general conversion to our programme.

Mr. MAHON.—We are always at our offices, anyhow.

Mr. DEAKIN.—I believe so.

Mr. REID.—That is where they are doing the most harm.

Mr. DEAKIN.—I hope that the Postmaster-General does not think that I insinuated anything to the contrary, because that was the last thing in my thoughts.

Mr. MAHON.—If we are there we are supposed to attend to our work, anyhow.

Mr. DEAKIN.—Certainly. Does the honorable gentleman think that I had any suspicion of the contrary in my mind?

Mr. MAHON.—The whole tendency of the honorable and learned member's remarks has been to the effect that we are not taking enough care about administration.

Mr. DEAKIN.—It is well to learn how one's observations are being received. I can assure the honorable gentleman that if he could see my thoughts crystal-clear, even clearer than I can see them, he would say nothing of that kind.

Mr. MAHON.—I beg pardon. That is what I inferred.

Mr. DEAKIN.—I can assure the honorable gentleman that he has been quite wrong. I was endeavouring to pursue the train of thought that it is not sufficient to deal with legislation only, because in this country legislation and administration are inseparably associated. Administration is of the highest importance, as the honorable gentleman perfectly well knows, and is united with legislation by the system of responsible government. It is to that consideration that my remarks are leading. We cannot look on this Chamber as simply a parallel to the American House of Representatives. We have to recall that its task is not simply legislation, but to control the Executive by means of that responsible government which we believe keeps both administration and legislation in closer touch with public opinion than any other form of government yet devised. Now, responsible government depends on a consistent majority being found behind the Government. Perhaps honorable members will find after all that the position I have been putting incessantly for the last four months of the necessity for two parties only—of the absolute necessity for majority rule—is bound up with the existence and exercise of the powers of responsible government, with the due control of administration as well as with the passage of proper legislation. Our system of government, unless it be seriously and, to my mind, fatally altered, demands for its preservation and continuation the existence of a majority behind the Government. Considering the uncertain majority we had in the first Parliament, we did wonderfully well. But those were the days of the beginning.

Mr. HUTCHISON.—You always had a minority.

Mr. DEAKIN.—No; we always had a majority on the fiscal question and on the White Australia question—our two chief planks. Responsible government being imperatively necessary, my honorable friends will see the lines I have been following when I say that it is a situation with which we have to deal, and not merely a programme of legislation. We have to deal with a situation, which so long as honorable members opposite are in a minority, leaves them in a position of insecurity, and this side in a position of temptation. The difference should be that their side should be sitting in a position of security, and this

side should occupy an attitude of watchfulness, for then, and then only, will there be responsible government and sufficient guarantees for administration as well as legislation.

Mr. FISHER.—Is not the administration more likely to be safe with the majority sitting over there?

Mr. DEAKIN.—I am very grateful to the honorable gentleman for the implied compliment. He implies that he wishes us to protect him against himself.

Mr. FISHER.—Indeed, not.

Mr. DEAKIN.—Partly from want of sufficient time in which to arrange and collect my thoughts, and partly owing to the queries with which I have been met, I am afraid that I have been straying from the line of argument that I intended to follow. I was about to approach more closely the immediate situation, and to leave the general considerations with which, perhaps, I have dallied too long. Good work as we did in the first Parliament—marvellous work, I believe, the people of future times will say—we necessarily were engaged in the preliminary task of clearing the timber, not for the Federal Capital, but to permit of the necessary organization which has followed. That time has passed away. The fiscal question for the time being is buried. With the fiscal question the cardinal difference that separated honorable members has also disappeared, and, consequently, the situation by which we are faced to-day is one which never occurred during the last Parliament, which is peculiar to the present Parliament, and which must, therefore, naturally, and by the necessity of the case, lead to new groupings of honorable members. Previously the members of the Labour Party were themselves divided—outside their platform—when the fiscal issue was raised.

Mr. WATSON.—We have some freedom then?

Mr. DEAKIN.—Outside the platform, and outside certain other requirements. The same division has been removed from between honorable members in other parts of the House. We are face to face, therefore, with a fresh set of circumstances, which must necessitate a fresh determination of members and alliances. Honorable members opposite recognise that. Their programme for this session might be termed colourless, except in regard to the social measures which have been already laid before us, and that of itself points to the removal of that Alpine chain over which

previously we used to climb in the endeavour to assail each other's pastures. We find ourselves now in the plain open country. We have passed through Korea and the Manchurian mountains, and have come out into the open, where the forces on each side can be distinctly seen. Under these circumstances, is it not time that whatever course be followed, in this House at all events, as much as possible of the inseparable excrescences of strife should now be laid aside? We have seen the differences of separate States in the Commonwealth unhappily forced upon us by the fact that—at all events in the two most populous—diametrically opposite fiscal policies have found favour. We are now upon a ground which offers a means of avoiding the discord which has been occasioned by that separation. After the sweeping away of the fiscal barrier, if only for a time, there will be the possibility of better relations between the States of New South Wales and Victoria. In the other States the division has been far less acute, but even in them an opportunity is now afforded to thoughtful men to reconsider the new situation without continuous reference to their old ties. May I suggest, with bated breath, that the time has come when the personal bitternesses which have arisen out of prolonged fiscal and other strife may well be laid aside, let us hope for ever? When the fiscal strife revives, if it ever does, it may generate similar warmth of feeling, which will lead to similar exaggerated expressions, but at the present time we surely have no need to resort to those personal weapons, to bring back those unhappy recollections, to re-open those ancient sores. That enables us to face the new situation as we should face it, with open and free minds. I have found, in the course of the informal discussions between some honorable members opposite and myself, a disposition to look more frankly at the future, and more openly upon their difficulties, than I have ever known before. I must confess that, in the course of the discussions which have led to the preparation of this document, notwithstanding the warnings which I have received as to the astuteness of my right honorable friend—

Mr. REID.—Oh! I am only the harmless comic man.

Mr. WEBSTER.—That is quite true.

Mr. DEAKIN.—Notwithstanding the caution that, under his gay exterior, he veils the most dangerous and subtle designs,

he and I, though he has been by no means easy to move, and possesses sufficient Scotch blood to prevent him from giving anything away, have met in a perfectly fair spirit, and I am, therefore, prepared to find that the attitude which members generally have adopted towards each other may need to be reconsidered. It is the situation which forces this reconsideration upon us. It needed a good deal of pressure to bring together my right honorable friend and myself to consider these documents; and it needed a good deal of pressure to induce my honorable friends opposite to enlarge their boundaries. But we must realize that, in this House, circumstances will be too strong for the wishes of many of us. The pressure must become responsible. For my own part—and I should have said it in its proper place had not a diversion led me astray—with responsible government as we know it, the party system, speaking of it in a parliamentary way, requires to be carefully preserved. With the existence of a majority and a minority comes the condition that the members of the majority shall be united on all their main principles, and shall govern, while the minority act in opposition to them. I hold so strongly to the party system that I contend for it that we must always be prepared to make reasonable sacrifices, representing that fair consideration for the difficulties of others which we expect for our own. I hope to be loyal, so long as may be possible, to all the members with whom I have been associated in past years. Nothing but circumstances of the extremest urgency shall lead me to consent to a severance of our relations. What we have to face in this House is the possibility, arising from beyond and outside ourselves, of circumstances that require us definitely to take one side or the other. It was not under a perfectly clear sky and without any pressure of necessity that my right honorable friend and myself met together to endeavour to consider a common platform, and that my party threw open its doors in the endeavour to obtain a majority favorable to our political principles. It was because any one who considers the state of this Parliament must realize its utter instability, the constant temptation which its present condition affords, both to those in Opposition who lead and to those who usually follow, so that we may at any moment, and without warning, be confronted by crises which would not be possible if a firm and consistent majority sat behind the Government of

the day. We did not create this unstable condition of things; the country created it when it returned three equal parties. Those parties were re-elected after a triangular duel. If the electors had been confronted by two parties only, they would have given a decisive verdict, and in order to obtain a decisive verdict from the country in the future, it will be necessary to divide this House into two parties. It is only in that way that we shall be able to obtain the verdict of the majority, and secure the proper working of responsible government.

Mr. WEBSTER.—Why was it not done at the last elections?

Mr. DEAKIN.—Because three parties persisted in fighting each other, instead of two of them combining, as circumstances are now compelling us to do.

Mr. TUDOR.—There were very few triangular fights.

Mr. DEAKIN.—There were a great many. A number of seats, equal at least to the number of supporters lost by the late Government, were lost in consequence of triangular duels. The situation is partly an inheritance from the last Parliament, and partly from the fierce fiscal contest at the last election, coupled with the effective organization of my honorable friends opposite. Under our system of government the situation is one of peril, uncertainty, and instability, and cannot be maintained. That is why it deserves the consideration of the House. It is for my honorable friend to make such proposals as will enable him to acquire a majority which can keep him in office in spite of the criticisms of the minority on this side of the Chamber. Otherwise it is inevitable that, so soon as a fair opportunity offers, a majority on this side will displace him, and cast upon him the responsibilities of leader of an Opposition. If honorable members have followed my long and rambling speech, they will see that from first to last it has sprung from one root. I have endeavoured to faithfully and consistently follow one course since the last election. I realized that we needed not so much a new programme as a new distribution of parties, and the restoration of responsible government, with majority rule, covering all the powers of administration and control that such a majority would give. I am sure that all honorable members must agree upon this point, and trust that in loyalty to the country which sent us here, and to our constituents, we shall with the least possible delay recon-

sider our position, so as to group ourselves into two parties in accordance with the principles upon which we are returned. If the principles of my honorable friend the Prime Minister meet with most general acceptance, let him have his majority sitting with him, and let those who cannot support him sit on this side in opposition. Legislation must be more or less perilous, and our administration ineffective, because uncertain, until this condition of affairs is brought about. It therefore lies with honorable members to consider the situation as well as the programme submitted by the Government. We can no longer shut our eyes to the dangers by which the present position is surrounded, and the assaults which may be sprung upon us as surprises. It was in order that there might be timely consideration beforehand that the proposals to which I have referred were laid before the two parties. It was in order to guard honorable members against being called upon in the haste and urgency of some vote which would affect the life of the Ministry to consider their position suddenly and unexpectedly. We have partly met the necessities of the case by suggesting a basis for our union, and ought to be prepared to deal with it further. It was solely on account of the serious nature of the situation, especially to my own party, that I have thought it necessary to offer these remarks in justification of our attitude, and of the course we have followed.

Mr. HIGGINS (Attorney - General—Northern Melbourne).—We have all listened with great interest and sympathy to the honorable and learned member, especially to his remarks relating to his personal experiences and the difficulties which have beset him during the present crisis. I can assure him that he never stood higher in the estimation of Australians than he does today, and that nothing in his official life has become him better than the manner of his leaving it. I say that without the least irony, because I believe that the manner of his leaving official life, and his manner of receiving the present Ministry, are worthy of the highest admiration. I propose to make only a short speech, and I hope that my honorable friend will not regard the brevity of my remarks as any disparagement of his speech.

Mr. DEAKIN. — The Romans shortened their swords, and widened their Empire.

Mr. HIGGINS. — My remarks will be brief, because there is so little to find fault



with in the deliverance of the honorable and learned member for Ballarat. It was probably expected that owing to his recent experience the honorable and learned member would come here to curse us, but instead of that, like a certain prophet of old, he has remained to bless. It is quite true that the prophet had interviews and conferences by the way with a certain animal. I understand that the honorable and learned member for Ballarat had the advantage of conferences with the right honorable member for East Sydney. I am speaking only by way of analogy, and not with any offensive intent, so far as the right honorable gentleman is concerned. The honorable and learned member for Ballarat, in waiting for overtures from the representatives of the two other parties, reminds me very much of the young lady to whom he referred at the A.N.A. banquet. If I might press the comparison further, I would suggest that he is like one of the characters in *A Midsummer Night's Dream*, which was very admirably presented to us last year. There Demetrius is pursued by Helena, and he pursues Hermia. I venture to suggest that the right honorable member for East Sydney is Helena, and is pursuing Demetrius, in the person of the honorable and learned member for Ballarat, who in his turn is pursuing Hermia, in the shape of the Labour Party. I really think that my honorable friend makes too much altogether of the three parties bogey. I know that there is a great deal in what he has said, but he must not forget that, although it may be very convenient and nice for a Government to have a majority, a number of Governments have been carried on without majorities. I do not allude to the German Parliament, where the Ministry never had a majority, because it may be urged there are differences between the Constitution of that country and our own. It will be found, however, that in England when the Corn Laws were repealed by Sir Robert Peel, in 1845, the Government were in a minority, whilst the Great Reform Law was carried in 1867 by Mr. Disraeli, when his Government were in a minority. Again, in the initial stages of the working of the Federal Constitution some of the greatest and most far-reaching measures that any Parliament has ever passed were introduced by a Government who were in a minority from first to last.

Mr. HUGHES.—The Government led by the right honorable member for East Syd-

ney in New South Wales was in a minority in the Parliament of 1898.

Mr. HIGGINS.—I understand that the right honorable gentleman carried on his Government for five years upon lines of which he could fully approve, whilst he was dependent on an alliance with the Labour Party.

Mr. JOSEPH COOK.—We had a majority against both the other parties at the beginning.

Mr. HUGHES.—That's absurd.

Mr. SPEAKER.—I must ask the Minister of External Affairs not to interject across the table. It is very disorderly.

Mr. HIGGINS.—The House has during the last few years heard more than enough of the domestic quarrels of New South Wales, and perhaps I ought not to have digressed to the extent I have done. Three weeks ago the honorable and learned member for Ballarat promised us fair play, and said that he would wait for our programme. He always keeps his word, and now that our programme has been disclosed he finds that our measures are exactly those which, of his own accord, he thought fit to present to the people of Australia. In the programme put forward, not only by the honorable and learned member, but by the right honorable member for East Sydney, there is not one proposal which has not been included among those of the Ministry. Therefore, I suggest, with all respect, that until my honorable and learned friend is in a position to judge as to the manner in which the Government will administer the affairs of the country, his proper place is on this side of the House. We know that the honorable and learned member's sympathy is, and always has been, with progressive legislation, and therefore there is no one in the House we should more warmly welcome as an ally and a guide. There is only the one point in dispute between us—the point on which he thought fit to stake the life of his Government. I refer to the proposal to include railway and other public servants within the operation of the Conciliation and Arbitration Bill.

Mr. McCOLL.—A very important point.

Mr. HIGGINS.—It may be. The honorable and learned member for Ballarat appeals for government by majority, and I would remind him that so far as that point is concerned, we certainly have a majority. That fact was demonstrated by the result of the division, and those who voted with us on the last occasion will, if they

remain true to their principles, vote in the same way again. We have a majority on that question, and, adopting his advice, we govern in that respect by a majority. As soon as we pass from that matter we have the honorable and learned member's full approval of our programme. It is, of course, very convenient for Governments to feel that they have only one party with which to deal, or, in other words, to know that they have a majority; but it is not always convenient for the country. My experience and reading are that Governments are best held in check and controlled when they feel that they have to commend their principles not merely to the party supporting them, but to the majority of the House, and some of the best measures that have been passed into law have been framed by Governments at a time when they felt that they had to please a certain number of honorable members of the Opposition.

Mr. REID.—Hear, hear. A glorious fighting platform!

Mr. HIGGINS.—At the present time the question is really not one of two parties. Having regard to the fact that the honorable and learned members who lead the two branches of the Opposition have joined in proposing to the Commonwealth the same programme that we have put forward, I submit that the Ministry is in the happy position of being able to feel that there is now only one party in the country—one party supporting old-age pensions, one party supporting all the minor measures, and one party evidently supporting the building of the Federal Capital and the transcontinental railway. I shall go one better than the honorable and learned member for Ballarat. He says that we have at present three parties, and that we require but two. I assert that we need only one. May I also say that but for a very peculiar development during the last general elections, we should have had only two parties—even nominal parties—in this House. In what I am about to say I have no desire to attribute blame to honorable members. I simply wish to state the fact that in New South Wales it was determined that the fight should be based upon an issue which had really been abandoned for the time being in all the other States—the issue of free-trade or protection. The question had been discussed in the first Parliament, but recently we witnessed the extraordinary spectacle of the representatives of one of the

six States, with the exception of the members of the Labour Party, basing all the essential voting upon the issue of free-trade or protection, although the issue was dead, and of no practical purpose. The result of the attitude taken up in New South Wales at the last general elections was that in Victoria the Ministry was forced to a large extent to see that protectionists were returned. But for that peculiar development—one State going to the poll upon an issue different from that which was taken up by all the others—we should have had only two parties, and they would have been what we are going to have in the course of a very short time—the parties of progress and of reaction. There are going to be two parties, but, with all respect to my honorable and learned friends opposite, they are not going to be the parties of Mr. Deakin, or of Mr. Reid, or of Mr. Watson. We shall settle down in a very short time to the old time-honoured cleavage which history has shown to be universal, the distinction between those who are for progress and those who, if we may put it in a mild form, are for caution. Although, as the honorable and learned member has said, I am not a pledged member of the Labour Party, I view with a great deal of indignation—and I can speak more freely than can those who are pledged—the statement that the Labour Party is a class party. That misrepresentation has been sedulously fostered in newspapers, on public platforms, and, I am sorry to say, even in Parliament. No doubt the Labour Party has rightly endeavoured to strike at the root of the evils that exist, at the lowest part of the tree, but at the same time its members avow their intention to do their best for the whole community. If there is one thing more than another which has driven me and a number of men into sympathy with the Labour Party, it is the gross and cruel injustice to which they have been subjected.

Mr. O'MALLEY.—We are martyrs.

Mr. HIGGINS.—My honorable friend always spoils my periods. In my opinion, the outcome of this crisis must be very beneficial to the whole community. I do not put it as being beneficial to any party; but for years past I have watched with concern a party growing in influence, in numbers, and in power, yet never facing responsibility. The effect of the creation of the present Ministry, be it short-lived or long-lived, will be good for Australia. It will help to sober those who are in power, it will make them see the limita-

tions within which they must work, and at the same time it will help to sober—and they need sobering even more—their unjust critics. It will enable the people of Australia to see that the affairs of the Commonwealth can be managed as coolly, as sedulously, and as honestly by members of the Labour Party as by any other group of honorable members that could be found in the House. In the Attorney-General's Department there is not that departmental work that is associated with other branches of the Government service, and therefore I am free to say that I never saw a group of Ministers tackle the work of their Departments with such earnestness, honesty, industry, and care, and with so strong a determination to do right to all classes, as have been exhibited by my honorable colleagues. I can make that statement with more freedom than can others, and I have only to say in conclusion, as my honorable and learned friend said the other day, that the people of Australia may consider their destinies and affairs as safe in the hands of the Labour Party, of whom some people speak sneeringly, as they would be in the hands of any other body of men that could be found.

Mr. SYDNEY SMITH.—I believe that the right honorable member for East Sydney desires to speak on this important occasion, and I propose to ask for the adjournment of the debate in order that he may do so.

Mr. McDONALD.—The honorable member can keep the debate going.

Mr. SYDNEY SMITH.—I have not prepared a speech for delivery on the situation. I think it is right that the leader of the Opposition, Mr. Reid, should be heard.

Mr. POYNTON.—Who is leader of the Opposition?

Mr. McDONALD.—Why did not the right honorable member for East Sydney take up the position of leader of the Opposition?

Mr. SYDNEY SMITH.—Honorable members think that by making interjections of that kind they will cause division in our ranks.

Mr. SPEAKER.—Is the honorable member speaking to the question?

Mr. SYDNEY SMITH (Macquarie).—I move—

That the debate be now adjourned.

Honorable members will admit that the right honorable member for East Sydney should be heard upon this question, and the right honorable member is not now present.

Mr. PAGE.—He is just outside the chamber.

Mr. WATSON (Bland—Treasurer).—I may be permitted to say that I quite recognise that the right honorable member for East Sydney has a right to be heard on an occasion of this sort. If I did not immediately consent to the adjournment of the debate suggested, it was due to a feeling that the hour is somewhat early for the House to adjourn, and I thought other honorable members might be willing to continue the debate, and thus avoid taking up time at a later stage.

Mr. JOSEPH COOK.—Would it be quite fair, in the circumstances, to expect honorable members to speak until the two leaders on this side have spoken? The circumstances are peculiar.

Mr. WATSON.—I quite admit that. Honorable members will determine for themselves whether, at this stage, they are justified in speaking. If no other honorable member desires to speak I consent to the adjournment of the debate.

Motion agreed to; debate adjourned.

House adjourned at 9.34 p.m.

## House of Representatives.

Friday, 20 May, 1904.

Mr. SPEAKER took the chair at 10.30 a.m., and read prayers.

### PAPER.

Mr. WATSON laid upon the table the following paper:—

Copies of telegrams between the Prime Minister and the Premier of Western Australia, with reference to the Kalgoorlie to Port Augusta railway.

Ordered to be printed.

### PROMISES TO MINISTERIAL SUPPORTERS.

Mr. KELLY.—Has the attention of the Prime Minister been directed to the following statement which appears in this morning's *Argus*?

Labour Ministers and members, who were treated as persons of no importance, buttonholed all the disaffected radicals, and showed them official labour league letters, promising that they would not be opposed at the next election if they supported the Ministry in its hour of need. If so, I wish to know if that statement is correct, and if he will give the House full particulars of these "official labour league letters."

Mr. WATSON.—I think that notice might be given of that question.

**IMPERIAL PENNY POSTAGE.**

Sir LANGDON BONYTHON.—I wish to repeat the question I put to the Postmaster-General yesterday as to whether he is in a position to say what stage has been reached in the negotiations for penny postage between Australia and Great Britain.

Mr. MAHON.—Since the honorable member mentioned the matter yesterday, I have obtained the following statement from the Secretary to my Department:—

Beyond what has recently appeared in the newspapers with respect to a statement that is said to have been made by the Government in the House of Commons, nothing is known in this Department as to any recent developments in connexion with the penny postage rate on letters.

From the statement referred to, it appears that the British Government is now disposed to accept the offer made by that of the Commonwealth, viz., to accept and deliver as fully prepaid letters from Great Britain bearing the penny rate, while maintaining the existing rate of 2½d. from Australia.

The estimated loss that would accrue to the Commonwealth by the adoption of the penny rate to the United Kingdom and British Possessions is £21,000 per annum.

The estimated loss that would be caused by the adoption of a penny rate for letters within the Commonwealth is about £265,000 per annum, of course in addition to the loss sustained in Victoria by a penny rate confined to the State, which has been estimated at various amounts, but cannot be placed below £55,000 per annum.

**ELECTORAL ADMINISTRATION.**

Sir JOHN FORREST.—I wish to know from the Minister for Home Affairs if he will obtain and place on the table reports upon the administration of the Electoral Act at the last Melbourne election and similar information regarding the Riverina election now taking place. My desire is that honorable members may know how the Act is working.

Mr. BATCHELOR.—I will do so.

**DEFICIENCY OF ENTRY CLERKS.**

Mr. DUGALD THOMSON.—I wish to know from the Minister for Trade and Customs whether, since attention has been drawn to the extraordinary and undesirable delay which now occurs in the passing of entries in the Sydney Customs House, apparently owing to a shortage in the checking staff, he has taken, or will take, steps to remove the causes of complaint. The delay I speak of is not merely a matter of minutes, but, in some cases, has amounted to hours. It is highly desirable that the evil should be removed.

Mr. FISHER.—The matter has come under the notice of the Department, and I have asked that inquiry be made to ascertain whether the staff is undermanned. I shall be glad to give the honorable member further information at a subsequent period.

**TARCOOLA TELEGRAPH EXTENSION.**

Sir LANGDON BONYTHON.—Immediately after the adjournment of the House last month a paragraph appeared in the *Melbourne Age* which contained this statement—

It is the intention of the new Postmaster-General, Mr. Mahon, to order a strict investigation into the circumstances in which the construction of the telegraph line from Port Augusta to Tarcoola was ordered.

Has that investigation been made? Has the Minister called to his counsel the two South Australian members of the Cabinet; and, if so, is he prepared to report the result?

Mr. MAHON.—I did not authorize the publication of that paragraph, nor have I given information which would justify its appearance.

**TONNAGE OF FOREIGN SHIPPING.**

Mr. DUGALD THOMSON.—In view of the practice which has arisen in foreign countries of measuring vessels by a system which gives them an extraordinary gross tonnage in order that they may claim the largest bounty, and an exceptional net tonnage in order that they may obtain lower dues in British ports than are paid by British vessels—a state of affairs with which the Imperial Government has had to deal—will the Minister for Trade and Customs see that the matter is dealt with in any legislation, such as the Navigation Bill, introduced by the Government, so that in Australian ports British vessels may be on an equality with foreign vessels?

Mr. WATSON.—Would it be possible for us to deal with the matter under the Merchant Shipping Act?

Mr. DUGALD THOMSON.—It may be, and it will be desirable to do so, if it be possible. At any rate, the matter should be dealt with, and I hope that the attention of the Government will be given to it. There can be no objection to following the British Government in the steps they have taken.

Mr. FISHER.—The honorable member was good enough to notify me upon this subject, and I have, so far as opportunity

has been afforded to me, investigated the matter. I find that what he states is correct, that foreign vessels obtain an undue advantage over British vessels trading to our ports, and I am entirely with him in the desire to prevent this. I am advised, however, that the matter is now largely one for State action, and that until we get legislative authority to interfere, it is not advisable for the Commonwealth Government to do anything. So far as the policy of interference is concerned, we are with the honorable member.

Mr. DUGALD THOMSON.—The honorable gentleman means that the Government will seek authority to interfere?

Mr. FISHER.—Certainly.

#### MINISTERIAL STATEMENT: PAPER.

Debate resumed from 19th May (*vide* page 1350), on motion by Mr. WATSON—

That the letter from the Secretary of State for the Colonies regarding the use of the title of "Honorable" by members of the first Parliament of the Commonwealth of Australia be printed.

Mr. REID (East Sydney).—I think that the arrangement made by the Prime Minister, under which his Ministerial statement is open to the full consideration of honorable members, is a wise one. The course more sanctioned by usage is for a Prime Minister to state his policy, and for some person on the opposite side of the House to make observations upon it, members generally being deprived of the opportunity to discuss it. That is a usage which, I think, would be more honoured, as a rule, in the breach than in the observance, since Ministerial statements affect every member, and upon an occasion like the present are of a very far-reaching character. One of the best features of the present most trying situation, out of which political battles must follow throughout the Commonwealth, is that the advent of the present Administration to office has not been taken advantage of by any honorable member sitting on the Opposition side of the House to indulge in unpleasant attacks. There has been no attempt to sneer at this Ministry because it happens to be constituted entirely of inexperienced men—a fact which I suppose is without precedent in the British Empire. There has been no attempt to make political capital out of that fact.

Mr. FISHER.—There was a similar Ministry in Queensland.

Mr. REID.—Did it last very long?

Mr. FISHER.—It is lasting now.

Mr. WATSON.—My honorable colleague is referring to the Coalition Government.

Mr. REID.—However that may be, as I said on a former occasion, that sort of imputation against men at the beginning of a responsible career is of the most ungenerous character. It could be levelled against men who afterwards become perhaps the greatest figures in political history, and consequently even on that score, upon which the public might, without any bias or unfriendly feeling towards the Ministry, have some degree of anxiety, there has been no ungenerous word said on this side. Then again, so far as I am concerned, it has been my happy privilege throughout the whole of my connexion with labour members and Labour Parties to testify, from the knowledge I have gained of them and of their methods behind the scenes, that they have uniformly been honorable and straightforward. My quarrel, which is a serious one, with the present Ministry, in no sense touches questions affecting their straightforwardness as men, or their integrity as politicians. It is one of the distinguishing merits of the Labour Party, viewing them as a parliamentary party, that, possessed as they have been for a number of years of sometimes overwhelming power, and always a serious power, they have not attempted to exert undue pressure upon those in office. I was Prime Minister in New South Wales for five years in alliance, practically, with the Labour Party all the time, and with perhaps one slight exception towards the close of my Ministerial career, which was repudiated by the party, and which was absolutely a mere individual case, no member of the party even—and that is putting the matter more broadly than if I referred to the Labour Party as a body—ever endeavoured to exercise the slightest pressure upon me in the performance of my public duties. There is another merit which the Labour Party have always had, and that is that they have never exposed themselves to the slightest suspicion of any desire for personal advantage. Although they have possessed a large amount of political power, no man can truly say that they have ever endeavoured to intrigue themselves into office, or into positions of emolument. Perhaps I might make a slight mental reservation with regard to an incident at the beginning of this session in another place, but I do not blame the party for what then occurred.

Mr. WATSON.—Nearly half of the representatives in the other Chamber are members of the Labour Party.

Mr. REID.—Of course, that is so, and I do not attach any blame to the party for what was done on that occasion. I am speaking generally. It is also a fact, to the credit of which the Labour Party are entitled, that so far from seizing with avidity an opportunity of going on the Treasury benches, they showed every anxiety to avoid bringing about the crisis which has resulted in their being placed in office. Of course, I do not know everything, but I believe, as the late Prime Minister said last night, that the Labour Party, so far from endeavouring to take advantage of the division amongst members of other parties in the House, had only one anxiety, and that was to endeavour to prevent the necessity which has arisen for a change of Government. To the eternal credit of the late Prime Minister, he refused to listen to the multitude of suggestions which offered him a continuance in the distinguished position which he occupied, probably for the whole of the life of this Parliament, as an alternative to the surrender of principle. He has, in my opinion, become an infinitely greater man by that defeat than he ever was before, and I do not think that my honorable friends opposite have ever uttered one word of complaint as to the course which he followed. I have recently had some negotiations with the honorable and learned member, and since he has had to refer to this matter, I suppose the House will pardon me if I do so. I wish, in justice to myself, to say, at once, that I had no knowledge of the commission which the honorable and learned member possessed from his party to open negotiations with more than one other party. If I had been aware that my honorable friend was in a position to negotiate either with myself, or with Mr. Watson, I should never have entered into conference until that question had been settled, and I wish, in justice to myself, to say that I have no sort of sympathy with that attitude in these crises, which makes it a matter of indifference which party any man joins. I should have absolutely refused to sit at the table with any negotiator whose commission was of the open description to which I have referred.

Mr. DEAKIN.—It was publicly stated in the press reports in the course of the meetings of our party, that it was decided that

I should be left free to negotiate with either side.

Mr. REID.—No doubt, but I live hundreds of miles away from Melbourne, and there are some newspapers published in that city which I never read. My honorable friend had a perfect right, owing to the publicity which I now learn was given to the fact, to believe that I was just as well aware as himself of his position.

Mr. HUME COOK.—Would the right honorable gentleman say that the fact was not brought under his notice?

Mr. REID.—Absolutely and emphatically no. Not only was it not brought before me in an official way, but I had not the slightest suspicion that such was the case.

Mr. HUME COOK.—Every other honorable member knew it.

HONORABLE MEMBERS.—No, no.

Mr. HUME COOK.—The fact was common public property.

Mr. REID.—We are in the happy position in this House, and it is a credit to us, that we generally accept personal assurances, even despite newspaper assertions; and honorable members, and my honorable friend, the late Prime Minister, will readily accept my assurance that at the time we began to negotiate, which was long before we met, in order to understand whether there was any prospect of an agreement—because we both felt, as men of experience, that before any formal meeting took place, we should by some preliminary interchange of views, arrive at an opinion as to whether there was any prospect of agreement—I was unaware of the fact which is now stated to have been publicly announced before that stage was reached. Our preliminary communications were of such a nature that both the honorable and learned member and myself felt that we could meet together with a reasonable prospect of arriving at an agreement. My knowledge of any communication with the Labour Government or Labour Party was gained after that conference had far advanced. I learned of it at a time when there was no doubt whatever about our ultimate agreement. I wish to put myself in a plain position before this House, and therefore I repeat that at no time did my course of action depend upon the contingency of a coalition of any kind with the present Government.

Mr. HUGHES.—How long did that ignorance of the situation on the part of the right honorable member continue?

Mr. REID.—Until the conference had practically arrived at an agreement, and the matter then became to me one of no importance. I simply desire to clear the ground as to the position I occupied when the conference took place, and wish it to be understood, even in a more public arena than this, that from first to last I never held out the slightest chance, overture, or prospect of a coalition with the Labour Party or the present Government.

Mr. WATSON.—Quite so.

Mr. REID.—It might have been a mistake. It might have been because of a conviction that if I did hold out such an overture there would not be the slightest hope of success. The critics are free to adopt any alternative they choose, but the fact remains that I held out no such prospect.

Mr. WATSON.—The feeling which prevailed at the elections did not give rise to that idea.

Mr. REID.—It is a source of the greatest pleasure to me that the Labour Party is in the hands of a leader who in the bitterest fights has given an example of courtesy and fairness which the most matured statesman might well imitate. There has been some talk about the Labour Party consisting of men who were at one time manual labourers. I think, and every man who has any feeling of humanity must agree with me, that if there is one phase of success in life that is grander than another, it is when that success is achieved by men who began under every difficulty, who were confronted at the outset by a bitter wall of prejudice, to say nothing else, and who knew that their unhappy fate was such that if they rose to the highest altitudes by their merit and ability, there would still be a wide circle of persons—people who are unworthy of much admiration, whose feelings belong to a darker time in human history—who would look upon them with contempt. One of the greatest triumphs of the Labour Party is that, although as a body they sprang suddenly from the humblest walks of life, without generations of training and the influences which that training exerts upon heredity, the members of it have shown, in all the trying situations of public life, a degree of fairness and courtesy that is worthy of the highest standards of the public life of this Empire.

Mr. HUGHES.—Like the Japanese, as a nation we have accomplished all this in one generation.

Mr. REID.—I am anxious that throughout the whole of the great battle

of which this is but the first preliminary engagement, the same fairness and courtesy shall prevail. We may meet in conference, we may accept or reject bases for union, but the present situation is too large for our ultimate arbitrament. If I thought it were a mere question of administration, I should say that the members of the Government, being in office, are entitled to a fair trial, and that no such trial can be given to them unless they have a fair and legitimate opportunity to show their mettle and demonstrate their administrative capacity. If I viewed the position from any such standpoint, I should refuse to take part in any movement, public or private, to displace the present Administration. Then, again, if it were a mere question of majority rule in this House—a matter relating merely to our own individual ideas and methods of solving the political situation to our advantage, as a majority, irrespective of our political principles—I should say that the Labour Party was just as much entitled to sit on the Government benches as the late Government were entitled to remain in possession of them during the last three years.

Mr. HUGHES.—Then the right honorable member differs from the honorable and learned member for Ballarat.

Mr. REID.—That is one of the advantages of not being pledged.

Mr. WATSON.—Is there to be no coalition then—is there no pledge?

Mr. REID.—I am coming to that point. Even the late Prime Minister and I—although I believe we are at the present moment more in accord on all matters of principle bearing on this situation than are any other two honorable members—are free to stand up one against the other in this House. One of my grave objections, which I shall elaborate at a later stage, to the principle upon which the Labour Party is founded as a part of this Parliament is this: That whilst pandemonium may rage in their caucus, whilst individual opinion may fearlessly and strongly assert itself, as it always does, in a healthy atmosphere, the moment a decision is arrived at a change takes place. The voice which we hear in this Chamber is not the voice of the man who speaks; it does not necessarily represent his own principles and his own opinions; it represents the view, not of an individual conscience or an individual intellect, but of a collective conscience and a collective intellect.

Mr. WATSON.—The right honorable member's party holds caucuses.

Mr. REID.—We have a caucus, and, as in the case of the Labour Party's caucus, it is a secret one. I wish to deal with this matter fairly, for I desire, in justice to my opponents, to frankly and fully state the whole of my objections to the present Administration. I am happy to say that there is not one of them which will bear the tinge of a personal imputation. But when we come to deal with a situation which seems to me, although I may be wrong, to place the destinies of this Commonwealth in the balance for all time, it is useless to talk to me of a programme put forward by the Government. A statement by the Prime Minister as to what is to be done this session is put before me, but I laugh at the programme; I repudiate it. Why? Because I know their platform. Who is authorized in Australia to put forward a policy for the Labour Party? The present Ministry? No! I am going to give utterance to many opinions from which my honorable friends opposite will differ, but I trust in fairness to me and to the Labour Party, some member of the Ministry will follow me and clearly put the other side of the position before the House.

Mr. HUGHES.—The right honorable member need be under no misapprehension.

Mr. REID.—I think that we have in the Cabinet a Minister who, when other matters do not intervene, is one of the most affectionate gentlemen of whom I know—a man with whom I have always had, happily, the most pleasant relations, and I trust the accession to dignity which he has experienced will not break the cordiality of our political intercourse. It is my misfortune that my action threatens his political position. My stand is taken, not on personal, but on public grounds. I was saying that when this Ministry puts forward a policy for next session they do not put before the House and the country the policy to which they are pledged as forcibly as one link of an anchor chain is pledged to another. The platform set forth in the document which I hold in my hand is not a policy for a session; it is not a policy for a period; it is not a policy to disarm opposition and to allay fears.

Mr. WATSON.—Hear, hear.

Mr. REID.—I am alluding to the labour platform, and not to the honorable member's policy.

Mr. WATSON.—Nor is ours such a policy as the right honorable member has described.

Mr. REID.—We shall see by-and-by.

Mr. WATSON.—We propose to do what is practicable to-day.

Mr. REID.—My honorable friend will allow me to analyze it. He will, I am sure, permit me to go behind the programme he has submitted here, to the platform of the party.

Mr. WATSON.—Hear, hear; we do not depart from it.

Mr. REID.—My honorable friend will admit that I have not indulged in any language that is not straightforward.

Mr. HUGHES.—Is the right honorable member referring to a platform adopted in Victoria? Is he responsible for the State politics of Victoria and for Mr. Bent?

Mr. REID.—I must ask my honorable and learned friend, before he makes an interjection, to wait until he has heard what I have to say about it. I do not propose to refer to the State politics of Victoria or to Mr. Bent, but to the Federal fighting platform and the general Federal platform of the Labour Party. I do not know what distinction honorable members opposite make between them.

Mr. WATSON.—Our programme is what we put first.

Mr. REID.—That is right; and may I say that one of the misfortunes of a minority Government in a House of Parliament is that the weakest thing is always put first. The thing that will disarm opposition is always put first. The Prime Minister, in the difficult position in which he is placed, keeps one eye on us with a milk and water programme for six months, or twelve months, until he can get real strength, whilst he keeps his other eye open upon the power outside, to whom he says—"Wait until I get strong with these milk and water men, and then I will come on with the true national issues afterwards."

Mr. HUGHES.—What is the right honorable member going to do?

Mr. REID.—My honorable and learned friend will have his opportunity later. I do hope that the honorable and learned gentleman, who is nothing if not enthusiastic, will just quietly take a note, which he is sure to forget after he has taken it, and allow me to go on. I am happy to think that in all these remarks I receive no expressions of resentment from honorable members opposite. The moment they ce-



Mr. REID.—Until the conference had practically arrived at an agreement, and the matter then became to me one of no importance. I simply desire to clear the ground as to the position I occupied when the conference took place, and wish it to be understood, even in a more public arena than this, that from first to last I never held out the slightest chance, overture, or prospect of a coalition with the Labour Party or the present Government.

Mr. WATSON.—Quite so.

Mr. REID.—It might have been a mistake. It might have been because of a conviction that if I did hold out such an overture there would not be the slightest hope of success. The critics are free to adopt any alternative they choose, but the fact remains that I held out no such prospect.

Mr. WATSON.—The feeling which prevailed at the elections did not give rise to that idea.

Mr. REID.—It is a source of the greatest pleasure to me that the Labour Party is in the hands of a leader who in the bitterest fights has given an example of courtesy and fairness which the most matured statesman might well imitate. There has been some talk about the Labour Party consisting of men who were at one time manual labourers. I think, and every man who has any feeling of humanity must agree with me, that if there is one phase of success in life that is grander than another, it is when that success is achieved by men who began under every difficulty, who were confronted at the outset by a bitter wall of prejudice, to say nothing else, and who knew that their unhappy fate was such that if they rose to the highest altitudes by their merit and ability, there would still be a wide circle of persons—people who are unworthy of much admiration, whose feelings belong to a darker time in human history—who would look upon them with contempt. One of the greatest triumphs of the Labour Party is that, although as a body they sprang suddenly from the humblest walks of life, without generations of training and the influences which that training exerts upon heredity, the members of it have shown, in all the trying situations of public life, a degree of fairness and courtesy that is worthy of the highest standards of the public life of this Empire.

Mr. HUGHES.—Like the Japanese, as a nation we have accomplished all this in one generation.

Mr. REID.—I am anxious that throughout the whole of the great battle

of which this is but the first preliminary engagement, the same fairness and courtesy shall prevail. We may meet in conference, we may accept or reject bases for union, but the present situation is too large for our ultimate arbitrament. If I thought it were a mere question of administration, I should say that the members of the Government, being in office, are entitled to a fair trial, and that no such trial can be given to them unless they have a fair and legitimate opportunity to show their mettle and demonstrate their administrative capacity. If I viewed the position from any such standpoint, I should refuse to take part in any movement, public or private, to displace the present Administration. Then, again, if it were a mere question of majority rule in this House—a matter relating merely to our own individual ideas and methods of solving the political situation to our advantage, as a majority, irrespective of our political principles—I should say that the Labour Party was just as much entitled to sit on the Government benches as the late Government were entitled to remain in possession of them during the last three years.

Mr. HUGHES.—Then the right honorable member differs from the honorable and learned member for Ballarat.

Mr. REID.—That is one of the advantages of not being pledged.

Mr. WATSON.—Is there to be no coalition then—is there no pledge?

Mr. REID.—I am coming to that point. Even the late Prime Minister and I—although I believe we are at the present moment more in accord on all matters of principle bearing on this situation than are any other two honorable members—are free to stand up one against the other in this House. One of my grave objections, which I shall elaborate at a later stage, to the principle upon which the Labour Party is founded as a part of this Parliament is this: That whilst pandemonium may rage in their caucus, whilst individual opinion may fearlessly and strongly assert itself, as it always does, in a healthy atmosphere, the moment a decision is arrived at a change takes place. The voice which we hear in this Chamber is not the voice of the man who speaks; it does not necessarily represent his own principles and his own opinions; it represents the view, not of an individual conscience or an individual intellect, but of a collective conscience and a collective intellect.

Mr. WATSON.—The right honorable member's party holds caucuses.

Mr. REID.—We have a caucus, and, as in the case of the Labour Party's caucus, it is a secret one. I wish to deal with this matter fairly, for I desire, in justice to my opponents, to frankly and fully state the whole of my objections to the present Administration. I am happy to say that there is not one of them which will bear the tinge of a personal imputation. But when we come to deal with a situation which seems to me, although I may be wrong, to place the destinies of this Commonwealth in the balance for all time, it is useless to talk to me of a programme put forward by the Government. A statement by the Prime Minister as to what is to be done this session is put before me, but I laugh at the programme; I repudiate it. Why? Because I know their platform. Who is authorized in Australia to put forward a policy for the Labour Party? The present Ministry? No! I am going to give utterance to many opinions from which my honorable friends opposite will differ, but I trust in fairness to me and to the Labour Party, some member of the Ministry will follow me and clearly put the other side of the position before the House.

Mr. HUGHES.—The right honorable member need be under no misapprehension.

Mr. REID.—I think that we have in the Cabinet a Minister who, when other matters do not intervene, is one of the most affectionate gentlemen of whom I know—a man with whom I have always had, happily, the most pleasant relations, and I trust the accession to dignity which he has experienced will not break the cordiality of our political intercourse. It is my misfortune that my action threatens his political position. My stand is taken, not on personal, but on public grounds. I was saying that when this Ministry puts forward a policy for next session they do not put before the House and the country the policy to which they are pledged as forcibly as one link of an anchor chain is pledged to another. The platform set forth in the document which I hold in my hand is not a policy for a session; it is not a policy for a period; it is not a policy to disarm opposition and to allay fears.

Mr. WATSON.—Hear, hear.

Mr. REID.—I am alluding to the labour platform, and not to the honorable member's policy.

Mr. WATSON.—Nor is ours such a policy as the right honorable member has described.

Mr. REID.—We shall see by-and-by.

Mr. WATSON.—We propose to do what is practicable to-day.

Mr. REID.—My honorable friend will allow me to analyze it. He will, I am sure, permit me to go behind the programme he has submitted here, to the platform of the party.

Mr. WATSON.—Hear, hear; we do not depart from it.

Mr. REID.—My honorable friend will admit that I have not indulged in any language that is not straightforward.

Mr. HUGHES.—Is the right honorable member referring to a platform adopted in Victoria? Is he responsible for the State politics of Victoria and for Mr. Bent?

Mr. REID.—I must ask my honorable and learned friend, before he makes an interjection, to wait until he has heard what I have to say about it. I do not propose to refer to the State politics of Victoria or to Mr. Bent, but to the Federal fighting platform and the general Federal platform of the Labour Party. I do not know what distinction honorable members opposite make between them.

Mr. WATSON.—Our programme is what we put first.

Mr. REID.—That is right; and may I say that one of the misfortunes of a minority Government in a House of Parliament is that the weakest thing is always put first. The thing that will disarm opposition is always put first. The Prime Minister, in the difficult position in which he is placed, keeps one eye on us with a milk and water programme for six months, or twelve months, until he can get real strength, whilst he keeps his other eye open upon the power outside, to whom he says—"Wait until I get strong with these milk and water men, and then I will come on with the true national issues afterwards."

Mr. HUGHES.—What is the right honorable member going to do?

Mr. REID.—My honorable and learned friend will have his opportunity later. I do hope that the honorable and learned gentleman, who is nothing if not enthusiastic, will just quietly take a note, which he is sure to forget after he has taken it, and allow me to go on. I am happy to think that in all these remarks I receive no expressions of resentment from honorable members opposite. The moment they cease

to be a fighting, straightforward party their existence will be destroyed.

Mr. WATSON.—And properly so, too.

Mr. REID.—One thing I always admire about labour and labour unions. You may differ from them, but they are thorough. They never sacrifice one another; they act loyally together. That is a tribute of admiration which cannot be applied everywhere.

Mr. HUGHES.—The right honorable member realizes that?

Mr. REID.—I do not desire that my speech should be broken up.

Mr. HUGHES.—I was only giving my right honorable friend a hand along; I desired to help him.

Mr. REID.—I do not want my honorable and learned friend's help on this occasion; he always gives it to me when I do not want it. What I desire to emphasize now in the strongest manner of which I am capable, is this: If I differ from the open declared policy of the party set forward in black and white, and which is binding on every member of that party to the last generation—an everlasting bond—

Mr. WATSON.—I hope so.

Mr. REID.—Well, I am putting it, I think, fairly. The bond is one which honorable members opposite have solemnly signed, not for an election, not for three years, not for ten years, but for all the period, it may be of a life-time, during which they can honestly remain attached to it. So that when my honorable friend talks about a mild programme for this session, I, as a public man, before I give this Ministry an opportunity to develop strength, want to know what their ultimate and real policy is. If you addressed the political labour leagues, who hold this Labour Party in the hollow of their hands, with the Ministerial programme which we are asked to accept for this session, they would rise in revolt. They would say to this Government, "Why our sacrifices? Why our unions? Why have we put you forward into the high places of the earth whilst we have worked loyally and honestly in the common walks of life? Was it not because you impressed us with the view that if you got political power you would come out with a fearless policy which would bring universal happiness and equality to the homes of the masses of Australia?" Was not that the inspiration of the great labour movement which honorable

gentlemen opposite represent to-day? They might have followed a more politic course. They might have done what older parties have often done. They might have shrouded their real principles in a convenient mist, as the present Ministry is doing now, but these labour bodies never stooped to that. Even when they were a mere struggling minority without unions, and without power, the few men they had were men of fearlessness and men of principle, whether right or wrong. They were not ashamed to put their names to and to stake their lives upon a definite programme which, when we examine it presently, we shall find does not aim at reform, but amounts to revolution.

Mr. O'MALLEY.—Evolution.

Mr. REID.—Evolution, according to my honorable friend's view, I admit. I am satisfied that every honorable member opposite believes that is an evolution, and if I believed it represented an evolution it would be my duty to stop talking about what the majority is in this House, where it sits, and of whom it is constituted. My duty would be to stand loyally behind the Labour Party. That would be my place.

Mr. FISHER.—Not a bit of it.

Mr. REID.—Some people do not put such a low value upon my personality in Australia, and my honorable friend the Minister for Trade and Customs will perhaps find that his estimate is a mistaken one. The honorable gentleman should not allow himself to be carried away by sudden accession to power. My honorable friend, who has always appeared as a fair, candid, and courteous man, as a Minister ought not to lose those virtues. I am not belittling the labour leaders of Australia. I say that the men who made this party, and who made this labour movement, with a degree, perhaps, of political recklessness and want of experience, but with absolute fairness, put a policy in black and white, so that every man, woman, and child in Australia could read it. Do we hear any echo of that national policy in which they believe, in the speech of the Prime Minister? For once this dense mass who have been kept out of the ruling powers of civilization, who for centuries have been under the heel of this tyranny or that tyranny—for once labour stands before the world triumphant, in a position not only of political advantage, but of national power. And the labour of Australia is looking on. What is the millennium which this new Labour Government now offers to the people of Australia? A tobacco monopoly!

Even in this matter they have not the courage of their convictions, because they will not sell by retail. Surely the glamour of ministerial surroundings has not so suddenly infected my honorable friends that they see anything undignified in the nation assuming the position of a retailer? The theory of a national monopoly in tobacco is an absurdity, if any benefit to the consumers is involved, unless the State itself sells every ounce of tobacco to them.

Mr. WATSON.—One step at a time!

Mr. REID.—I am very glad indeed that my honorable friend, again perfectly straightforward, says "One step at a time"; but I ask honorable members who see this ominous advance step by step at a time, which is to lead up to a revolution of all our industrial conditions, to decide—and they will have to decide—whether the first steps in the march of this destructive policy are to carry their sanction with them. People outside do not understand political strategy, possibly they do not understand the attitude of a member of Parliament who suspends his action on a matter of national policy, from a feeling of personal hatred. Are these announcements true which represent me as an object of hatred to the Labour Party?

Mr. O'MALLEY.—No.

Mr. REID.—Has there been anything in our intercourse, has there been anything in their statements to me which has indicated that?

Mr. WATSON.—We have a political objection.

Mr. REID.—Exactly, as I have to my honorable friend; but I hope that my intercourse with the men of labour, not only here but in New South Wales, has been such as not to earn their hatred, at any rate.

Mr. WATSON.—The right honorable gentleman may be with us to-morrow.

Mr. REID.—I only wish to clear the atmosphere from these personal and sinister reports which are aimed at driving me out of the public life of Australia. Let us know before the public whether I am hated by the Labour Party. If they think so, let them say so. Let me know whether there is a man here who hates me so strongly that he makes that an excuse for performing, or not performing, a great national duty. If I am a stumbling block, let me go. If I am a sort of outcast whose presence in this Parliament impedes some great national development, let me go. I am prepared to make the sacrifice;

but I shall not be driven from my duty by my enemies. I am not made of that stuff that the men who wish me ill will cause me to betray my trust. Let those who are not my enemies say that I can do anything to bring men who think alike into one party, and I shall do it. Let the honorable and learned member for Ballarat be Prime Minister, let any man here have that or any other distinction. They can have them all. I submit that the time is coming when these personal issues, if they are to prevail over national interests, must be brought out in the light of day. I am prepared to meet them. Not looking at the members of my own party, but addressing all those honorable members on this side whom I have opposed so long, I am prepared if they wish it to retire from any position in this Parliament, or in any possible combination; but I am not conscious of anything in my public life which makes me an object of hatred. I have pursued from my boyhood, on a line of perfect truth and consistency, the subject which has dominated the politics of Australia for thirty years. During the whole of my manhood, have I ever changed on it, or betrayed it? In my hour of power, when it came, did I put forward some milk and water programme to attract support? I immediately came forward with the radical policy of my life; I immediately staked my Ministerial life on a system of free trade and land taxation, and when the House of Privilege stood across my path and threw out my first measure with contempt, did I pursue the orthodox course of talking at large and swallowing the insult? No; I immediately used the power I had, and dissolved the Parliament.

Mr. MALONEY.—They do not do that in Victoria.

Mr. REID.—Well, I have the honour of having done it, and to the eternal credit of every man, whether in the Labour Party or out of it, I have never been met with the slightest reproach on the subject. So that I do not think I am quite the man to be made a target for malicious attack. An attack which comes from men who fear my influence, who wish to destroy the weight of my career, is one that does not move me; but to be put before the people of Australia, after my career, whatever it has been, as a man whom this party hates and that party shuns is a treatment of a public man which I think is not fair. There is another matter which I should like to mention, and I think that my honorable and learned

friend the late Prime Minister will allow me to do so. Perhaps I may be allowed to mention that the attitude which he has taken up with reference to himself has been in no sense brought about by any desire or anxiety of mine to supplant him. I do not wish to raise the veil from private confidences; but my honorable and learned friend, I am sure, will pardon me if I say that those who represent me as striving to make any condition for this union of parties, who represent me as pressing my claims on him, as forcing him to take any course which he had not previously resolved on taking, put me in an unfair light.

Mr. DEAKIN.—Hear, hear!

Mr. REID.—I pass away from these personal matters to come to what is the real point at which I must join issue with the Government. When we were in alliance the alliance was not to destroy principles in which I believed, but to carry them into law. Is there any dishonour in accepting assistance from the Labour Party to pass a free trade Tariff or a land tax? There is no dishonour in support of that sort. They and I believed in a land tax, and many of them put the land tax above the fiscal question by their votes. But it was an honorable alliance on honorable lines. And I think that my honorable friends will admit that there never was any talk amongst us of what we would do to one another when an election came round. We never made any secret compact of any kind. When the election took place, as a matter of fairness to these gentlemen who were fighting this great battle with me, side by side, I told my party—I do not mean the parliamentary party, but the election party—that if any man—

Mr. WATSON.—The outside organizations.

Mr. REID.—Yes, the organizations of the free-trade party; I told them that if any man wanted to come out against a labour man who had been fighting my battles, I would not have it. It was a fair alliance.

Mr. HUGHES.—Did we not treat the right honorable member in the same way?

Mr. REID.—Absolutely. Have I not said over and over again—and I say it once more—that a more generous body of men in their treatment of a Prime Minister whom they often held in the hollow of their hand I never knew. A more generous treatment of a Prime Minister no unpledged party ever gave.

Mr. THOMAS.—And this is the return for it.

Mr. HUTCHISON.—Then there was minority rule?

Mr. REID.—It was carrying out a majority programme.

Mr. WATSON.—That is the case to-day.

Mr. REID.—All these objections about minority rule are mere personal considerations. The main point is the principles that are carried out.

Mr. WATSON.—Hear, hear.

Mr. REID.—That is a fair challenge, and I am going to test it. But before I test it, I want to clear the ground in the view of honorable members who are not so familiar as some of us are with events in which I have been concerned. All through that friendly alliance with the Labour Party I was fighting for great principles in which I believed, and they were helping me to carry them out. That is an honorable position. Well, now, I should like to come to the most important point of all. The position of honorable members sitting on this side of the House, whether they form a party or do not, is an absolutely different situation. All the observations, all the analogies, that might be made or constructed from the past, as if they would throw any light upon the present, would be waste of time. We are not dealing now with a party which, conscientiously believing as they did in most of the measures of the late Government, honestly supported them. We are dealing with an entirely different situation. And I say this: that if there are any members sitting on this side of the House who honestly believe in the national policy of the Labour Party, the proper course is open to them. They have no right to sit in opposition at all. They need not join the Labour Party. That is another matter. But how can a man sit here as a man opposed to a Government whose policy he believes in? I do not put such a strain upon any friends of mine. If there is any man in the party which I have the honour to lead, who in his heart believes in this Labour policy, let him honestly, like a man, go over and take his place on that side of the House. It is not necessary, surely, to ask whether a member can be admitted to the party.

Mr. WATSON.—There is the open door.

Mr. REID.—Surely he can be admitted if he will accept the programme. If he can pass the tyler, the open door is always there. Any one of us, if we believe in

their policy, can decide for ourselves whether he will join their party or not. But we have no right to oppose them if we believe in them. We have no right to intrigue against them. I do not want any intrigue against this Government.

Mr. HUGHES.—What, never?

Mr. REID.—I do not call an honest conference an intrigue. Surely, when honorable members opposite say that the door is always open, they cannot object to a conference. Surely those who send frenzied telegraph messages to their masters, to ask them to relieve them from some disabilities which will enable them to get men to give them support, must not talk about negotiations. There is one advantage about the conduct of my honorable and learned friend, the ex-Prime Minister, and myself. The first condition of our understanding when we met was this:—Everything we agreed upon must be put before the public of Australia in black and white.

Mr. WATSON.—Rest assured that the same course will be adopted by the present Ministry.

Mr. REID.—There is a stage in all negotiations which must be private. But what the public want to know is not what members talk about, but what they have agreed about. Because very few will agree with the whole of a speech that a man will make, whilst they may perfectly agree with the things he is going to do. And that was our position. Whatever we did our party and ultimately the public must know. Everything we agreed upon was drawn up in written form. There is only one matter that was left to the ex-Prime Minister and myself. A condition of these negotiations before we met in conference was that all personal questions between him and myself should stand aside, and not even be discussed—that our only discussion in the conference should concern itself with a basis of public policy. My right honorable friend, the member for Balaclava, who was there, and my honorable friend, the member for Macquarie, who was there, will confirm what I have said—that all conversations between the ex-Prime Minister and myself as to the personal matter, did not form any part of the proceedings of the conference. Well, now I have come, as I have said, to this question of the programme of the Labour Party. In the first place, it is only right to ask—because any inaccuracy just now will be unfortunate—whether I am right in this assumption: that the Federal

platform of the Labour Party is faithfully published in a book circulated in Melbourne, and issued by Mr. Prendergast, who, I suppose, is an authority on the subject? I hold the book in my hand. It is "compiled and published by G. M. Prendergast, M.L.A., under the auspices of the Political Labour Council of Victoria."

Mr. FISHER.—Any one can get a copy.

Mr. REID.—I am not asking about that. Is this copy correct? Will the Prime Minister kindly look at it and tell me?

Mr. McDONALD.—I will get the right honorable member an official copy, if he likes.

Mr. REID.—I wish the honorable member would, because we do not want to have any misunderstanding at this or any other stage. The Prime Minister very fairly is going to compare the publication of which I am speaking with the published platform, and will tell me presently whether there are any inaccuracies.

Mr. FISHER.—Why not take the official platform?

Mr. REID.—I am quite agreeable to do so, except that I want the two compared. Of course, this platform is issued only by the Political Labour Council of Victoria; but the Federal platform is common to all the States.

Mr. WATSON.—Yes; with slight exceptions.

Mr. REID.—I am not now speaking of pledges, because I know there are some differences in that respect; I am merely referring to the platform.

Mr. WATSON.—The last plank in the platform, No. 10, has not been adopted federally, but the others have.

Mr. REID.—I am much obliged to the Prime Minister, who, very fairly, enables me to speak with the first essential to an understanding, in order that there may be no dispute about the matter which we are discussing. Some honorable members have made reckless statements about what the Labour Party are pledged to do, and what their platform is. But that is absolutely unfair, because the Labour Party, by publishing this platform in black and white, give no excuse for such a course. I am sure that my honorable friends will admit that I am acting fairly in taking their own platform instead of listening to what people say. My opinion of that platform, put in a few words, is this: The Labour Party, as a party, are pledged to acquire all the political power and prestige they can, whether by sitting in office or out of office, but

especially when in office. People may talk of platforms and programmes to all eternity so long as they are not in office—so long as they represent propaganda and not statesmanship. But when men come into power—when men take up the reins of Government, and the executive functions of the whole nation are placed in their hands—we approach a time when diplomacy ought to cease, and when we have to consider our position. Taking this platform without the plank which has already been mentioned, and to which I shall make special reference presently, I say that every man who takes the responsibility of continuing this Government in office practically indorses that platform. The man who proposes to fight another man some other day—who proposes to challenge that man some other day and in the meantime allows him to develop his muscle and power for victory when the struggle comes, is the sort of man whom the people will suspect of “having his money on the other horse.” In all honest, straightforward life, if we have to fight a man we do not train him in order that he may beat us. That sort of business may suit some veteran politicians, but it does not suit me, and I do not think it suits the commonsense of the people of Australia. The people of Australia ought to know from us now that this platform is represented by a Government of which the Governor-General, who represents the people of Australia, is, constitutionally, a mere figurehead, and is in their hands. That is the constitutional position. Some people outside talk about the Governor-General as if he were some marvellous method devised by human wisdom to protect the Constitution. With the utmost respect to His Excellency the Governor-General, we all know and admit that whilst he has a high prerogative which may lead to the calling of a Labour Government to his counsels, the moment that is done his supremacy is gone and theirs begins.

Mr. HUME COOK.—Is the Governor-General not bound to respect the people's wishes?

Mr. REID.—That is just the question with which we are dealing. Are we not bound to respect the people's wishes? Is there an obligation on any member of this Government which does not rest on us? We are humble individuals now, but I want to emphasize the point that there is one wish of the people which it is our duty to gratify—the wish that they may know what we are going to do. It may

suit this or that man to hold back and temporize, but, while the people may be accustomed to such a position, they do not like that sort of treatment. I say again that the entrance of this party into power, as the Government of Australia, makes their platform a national policy, unless Ministers are defeated. The test of every man's sitting in the Chamber to-day is this: the Ministry are men—

Mr. RONALD.—Oh!

Mr. REID.—I have never said anything inconsistent with such a statement. Somehow it is always clergymen who say illiberal things; I do not, of course, mean clergymen of the right kind—no one has a greater veneration for them than I have—but clergymen of the wrong kind. If there be such a clergyman in a meeting he is sure to be more illiberal and ungenerous than any other man in it; but there was nothing to jeer at in my remarks.

Mr. RONALD.—I am glad to hear that.

Mr. REID.—That is unless the honorable member for Southern Melbourne, in his own case, doubts the accuracy of the application. I wish to put it plainly to my fellow members that this platform has become the policy of the Government of Australia. Are we going to support the Government, or are we going to oppose them? It is perfectly immaterial to me or any one else: what honorable members do, but they have to do something; they cannot hesitate, and say, “Well, this requires a good deal of consideration; there is a good deal that is harmless in the platform, and I approve of planks Nos. 1 to 6, but when we come to plank No. 7, I shall make a stand.” But by that time they are inside the tiger. If honorable members believe that instead of a tiger it is, after all, only a tame cat, let them go and nestle alongside it; but if they believe that it is a tiger, with tigerous proclivities, and a tigerous policy, do not give it even milk and water. I now come to deal with this platform. My first objection to it is this: I do not believe that such a platform ever before existed in connexion with a constitutional party in the Empire. We are told in reply, “Oh, well, all parties work together, and all parties have their caucus meetings—all parties feel the pressure of Government influence, and all parties make concessions in order to attain greater objects, and to support the Government in whom they generally believe.” But the Government represents the one party that ever existed in the Parliaments of

Australia or of the Empire, which is in the position that one cannot be a member of it without indorsing every plank in the platform. In that platform there are seventeen planks, and if a man is prepared to solemnly swear to loyally advocate and support sixteen, he cannot become a member of the Labour Party. He must adopt the whole seventeen, "lock, stock, and barrel."

Mr. WATSON.—There are only nine planks.

Mr. REID.—But seven or eight others are set out.

Mr. WATSON.—Nine are picked out as a fighting platform, and thus there is some repetition in the document before the honorable and learned member.

Mr. REID.—The planks are repeated categorically, and I thought there were seventeen. However, the principle is the same whatever the number, and I shall take it that there are nine planks. You can swear to eight honestly, and you say to the Labour Party, "I am heart and soul with you about these eight, but here is a ninth which is not of much importance, will you allow me to waive that? Will you allow me to exercise my own judgment in regard to it?" Their answer is, "Sir, you cannot belong to our party until you solemnly pledge yourself in writing to support every one of our planks." I appeal to all of political experience in Australia if there has ever yet been a Government in power on this continent which has drawn up a platform of seven planks, and compelled its supporters to subscribe to every one of them. I have never had a following of that sort.

Mr. WATSON.—The right honorable member has had supporters who have voted for proposals in which they did not believe; who have in minor matters voted against their belief, at all events.

Mr. REID.—That was a matter for their own consciences. I did not go to any public-spirited useful man who wished to join our party and say to him, "You can vote for us as often as you like"—I suppose every one would say that—"but before you become a part of this machine, before you have an atom of force or energy in working out this policy, you must subscribe to every shred of our platform." That is the radical difference between a free party and a bond party, between a spirit of Democracy and a spirit of exclusiveness. Honorable members opposite use the term "labour" as if they had

invented it and obtained a patent for it; they use the term "Democracy" as though they enjoy protected rights in connexion with it for fifteen years to come. I say to them, as I say to all outside this House, that that is establishing the odious principle of aristocracy in another and more dangerous form. The aristocracy can always be trusted to work together. In the days of their power they had no written platforms, but they worked together just as our friends do. In the darker days, when real freedom and liberty were unknown, compacts were unnecessary, because a dense aristocratic class stood between the people and power. But we have now come to, I hope, a brighter state of affairs. We have at last obtained a Constitution the theory of which is that every man and every woman under it is equal. But no elector and no number of electors has the right to assume the name of Democrat. In the term "Democracy" there is a soul which represents the grandest principle, that of the equality of mankind. It breathes a noble spirit, although public men of one party or another may use it in one sense or another to meet the exigencies of political life. My charge against the members of the Labour Party—and upon it I am prepared to go anywhere in Australia to fight, not them, but their platform—is that, although they claim to represent labour, I represent it in a broader and a higher sense than they do. I regard the term "labour" as equivalent in extension to the term "Democracy." I look across the serried ranks of humanity upon this continent, from the city to the bush, from the man at his desk to the man in the railway cutting, and I say to all—"If you are working honestly, not sponging on the community, or cheating or defrauding your fellow-men, the flag of labour flies over you, as the flag of Democracy flies over all." To talk of Conservatives under our Constitution is the trick of an enemy; it is not fair fighting. The word "Conservative," thank God, has been wiped out of our political vocabulary.

Mr. WATSON.—Not quite.

Mr. REID.—There may be some survivals. There are always vestiges of a former order of things. But I am as loyally proud of the destruction of that former system as are my honorable friends opposite. As they know, when I was in power, they had not a stronger helper in making the men of landed estates and the men of wealth bear their fair share of the burdens



of the people. It was not a mere profession with me. I incurred the undying animosity of the well-to-do classes by the faithful performance of my duty, and I had the loyal assistance of my honorable friends in that great task.

Mr. HUGHES.—The right honorable member cannot call it "undying animosity," because it is dead now.

Mr. REID.—It is dead only because those who felt it think me now not so bad as the "other fellow." No one who represents a privileged or wealthy class imposes upon me by any profession of anxiety about my political welfare. I know that there are noble men in those classes as in the humblest class, but, I say deliberately, in the presence of all, that they have never exercised a patriotic influence on the political fortunes of Australia. There have been noble men amongst them who have stood out from their fellows as men have stood out from their fellows among the class to which my honorable friends belong. But the genius of the well-to-do class is that which has destroyed their just influence. I think that men of high culture and great possessions have a legitimate influence if they can obtain the confidence of the people by the unselfishness of their conduct. But men who go into politics, or hold political meetings, only because they think their pockets are imperilled, have my perfect contempt. Do not let any one who may happen to be of that class think that I stand here for him. It may be a wrong idea of my career, but, to my mind, it would be a deformed one if I finished it by becoming an advocate for any class. The instinct which led me to stand against them leads me, in the true spirit of democracy, to stand year by year against the proposals of other classes. Whilst men were combining to evade their public duties, to cast the burden of taxation almost wholly upon the poorest classes, I fought—and what is a rare experience in Australia—I conquered them, thanks greatly to the assistance of my honorable friends opposite. I do not forget that assistance. My honorable friends stood by me from first to last, but it was an honest alliance.

Mr. THOMAS.—If it had not been for the members of the Labour Party, the Free-trade Party in New South Wales could not have brought about that reform.

Mr. REID.—That may be so, but, personally, I was all the time fighting for the establishment of my own principles. I am now called upon to take a stand against this

Government and the Labour Party, because the situation has absolutely changed.

Mr. HUGHES.—There can be no doubt about that.

Mr. REID.—May I suggest to my honorable and learned friend that in many of the changes in his situation I have been behind him, and have helped him.

Mr. HUGHES.—Have I not been behind the right honorable member?

Mr. REID.—Yes; and since the honorable and learned gentleman is now in front of me, I hope he will still respect me.

Mr. HUGHES.—I will not forget what the right honorable member has done for me, and I hope that he will not forget what I have done for him.

Mr. REID.—Anything that I may have done for my honorable and learned friend is trivial. His own abilities, his own intellect, and his own force of character have done everything for him.

Mr. JOSEPH COOK.—This is mutual admiration.

Mr. REID.—I hope my honorable friend will occasionally have a little feeling of humanity.

Mr. JOSEPH COOK.—There is no humanity about it.

Mr. REID.—I honestly say what I mean. Surely I can say what I think. Personal matters are quite different. I am talking now in a public sense. The time has come now, when the platform representing the policy of the national Government is before us, to strongly oppose them; and when my honorable and learned friend says that the situation has changed, may I remind him that while there has been a lightning change in his case, there has been none in mine—I am still here, where I have worked for three or four years.

Mr. THOMAS.—Long may the honorable gentleman remain there.

Mr. REID.—I think my honorable friends will find that, whatever our battles may be, they will always know from me when I mean mischief against them. There will be no shooting in the dark against my honorable friends. They have the right to expect straightforward treatment, and not to have men skulking behind them with the intention to trip them up at a convenient time by-and-bye. They do not want that kind of support. If the political situation clears itself owing to the Labour Party securing a majority, they will be absolutely entitled by every constitutional right to sit where they are. It is time, however, that every public man made his position clear before

Australia, and I am doing that so far as I am concerned, to-day. Now I come to the labour platform. The Prime Minister informs me that one of these paragraphs, whilst it forms a part of the policy of the Political Labour League of Victoria, has not been generally adopted.

Mr. WATSON.—It was adopted tentatively at the Labour Conference in Sydney, but was not finally adopted by the New South Wales League, and is not a plank in the Federal Labour Platform. Personally I approve of certain developments of it.

Mr. REID.—In the case of this programme, as in that announced by the new Administration, the sting is in the tail. The last paragraph represents exactly the point which I shall fight to the very death. This principle has been adopted by every State but New South Wales, and it was tentatively adopted by a Conference representing the labour bodies of all the States.

Mr. WATSON.—It was tentatively adopted at the Conference prior to its non-adoption by New South Wales.

Mr. REID.—The New South Wales League did not finally adopt it, but at the same time did not finally declare against it. They did not adopt the proposition in its present shape, but the Prime Minister says that personally he approves of it, so that we have a plain announcement of the adherence to the plank of the leader of the Labour Party of Australia. The paragraph reads as follows:—"Uniform industrial legislation; amendment of Constitution to provide for same." Now, that is a form of absolute Socialism that I will fight to the death. That is plain English. I shall explain what I mean. Why not seek uniform legislation by means of an amendment of the Constitution for the benefit of all classes? Why uniform industrial legislation, which means unifying all the Australian States under a common law? Why should this design to unify Australia be confined to a class issue? What do our friends mean by industrial legislation? They mean legislation affecting the class of which they are the champions. Industrial legislation, to them, does not mean legislation in the interests of employers, or necessarily of the masses of the people of Australia. They are simply proceeding on their own class lines so as to break down the principle of the Constitution, to destroy States rights and States liberties, and to become masters of Australia. Well, they announce their intentions fairly and honestly, and I stand against them.

An HONORABLE MEMBER.—It would not include clerks.

Mr. REID.—That points to the pernicious influence which runs through the whole grain of this pledged organization. They are always viewing the interests, not of the public—I do not mean that they desire to injure the interests of the public—but they are always viewing as their special care the interests, not of a class even, but of part of a class. Who will say that the great mass of the workers of Australia are behind these labour leagues?

Mr. POYNTON.—Is it not true that this Parliament has already affirmed the principle contained in that plank of the Labour platform?

Mr. REID.—If it has, my honorable friend will no doubt be delighted, but I have never consciously affirmed it.

Mr. POYNTON.—We have affirmed it by resolution.

Mr. REID.—But I am not bound by a resolution of this House, and therefore the honorable member's remark is perfectly idle so far as I am concerned. I am not a pledged member of this House. I am not sitting in a caucus. If I were sitting in the Labour caucus, and my honorable friend told me that the caucus had arrived at a decision, I should have to sit down humbly and consent to be bound hand and foot, and record my vote accordingly. But I am a free member of this House, and all the Parliaments in the world may pass a thousand laws, and I can still stand up and denounce them. I wish to point out the real object of the Labour Party. I do not say that it is wrong. That is a matter for the people to decide. I think it is, but that does not prove it to be wrong. It may be all right, but what I say is—and I am dealing only with national considerations—if we are to become a united people, do let us try to amend our Constitution in the light of the interests of the whole community and not for the benefit of a particular class.

Mr. WATSON.—Hear, hear.

Mr. REID.—I am thoroughly prepared to consider any project for unifying Australia, but it must not proceed from a class, and it must not have any design of a class character. What is the design of this Labour proposal? It is, through the Parliament of the Commonwealth, to acquire tyrannical power over every one who does not belong to the labour organization. That is plain English. The power exercised by the

labour bodies is tyrannical even over themselves. There is no greater tyranny in the world over conscience and judgment than that exhibited at every meeting of the Labour Party. That is, so far as the planks of the labour platform are concerned. I understand that great liberty of action is allowed in regard to other matters. It is only fair that this should be understood, because it has been represented that every member of the Labour Party is bound by the decision of the caucus in regard to all matters. I understand, however, that every member of that party is just as free as I am with regard to all matters outside of the labour platform. It is only fair that that should become known. Let me, however, make a further remark with regard to that matter. Whilst that is the form of the compact, what is the effect of this pledged union? Because it is a union, a parliamentary union consolidated by a written pledge, and if a member broke away from it he would incur the disgrace of a political blackleg. We know that the unwritten bond is the strongest among honorable men. Take the case of a striker who believes that a strike is wrong. He is made of better stuff than to desert his mates in the hour of trial. Hundreds and thousands of working men have risked the bread required to feed their wives and children in an industrial struggle from which they wished to refrain; but they were loyal men and honorable comrades, and, just as soldiers who might not believe in the justice of a war would still fight on, they have stood together as honest men. They do not play the part of traitors. We see, in fact, that there is something more than this. A condition is set up which exposes a man to universal hatred amongst his class if he vindicates his personal opinion against the decision of the majority.

Mr. THOMAS.—That is only as regards the pledge in respect to that platform.

Mr. REID.—I admit that, but I am going beyond it.

Mr. THOMAS.—We stop there.

Mr. REID.—I am aware of that; but taking the liberty of expressing an opinion—for it is now a matter not of platform, but of opinion—I must say that my view of the Labour Party's pledge and platform and association, is that, in a sense, they place it in a situation altogether different from that in which other parties find themselves if one of their number breaks away.

Mr. THOMAS.—Breaks away in regard to one of the planks of the platform.

Mr. REID.—In regard to anything.

Mr. THOMAS.—The right honorable member is under a misapprehension as to the Labour Party's pledge. I voted in support of the right honorable member on one occasion.

Mr. REID.—I hope that I am not misunderstood. I quite admit that a member of the Labour Party is at liberty to break away from his brother members on any question that is not included in the platform, and to attend the next meeting of the caucus. But what I wish to say is that any corporate union—whether it be a union of labour or a union of lawyers, and especially if it be a union for political purposes—must offer a temptation to sink individual conscience and individual judgment rather than that a member of it should incur the disgrace of separating from his fellows.

Mr. THOMAS.—The same remark will apply to the right honorable member's own party.

Mr. REID.—In a different sense, the position is the same.

Mr. HUTCHISON.—Is the right honorable member aware that we do not take votes in caucus on questions outside our platform?

Mr. REID.—I have never been there.

Mr. WATSON.—There is plenty of time.

Mr. REID.—I have another remark to make, and I think it is a practical one that will commend itself to the experience of honorable members. I will assume everything to be as my honorable friend opposite has put it. I will assume that in regard to any matter which is not included in their platform, the members of the Labour Party have absolute freedom, and that they do not even go to a vote upon it in caucus. But we know the strong individuality of my honorable friends opposite. They are fighters, every one of them, and I desire the House to contemplate the marvellous influence of this trades union as shown by the fact that with all these reckless, hot-headed democrats who, save in a few respects, are not tied down—and with these exceptions do not even go to a vote in caucus—not one of its members ever breaks out in the House. In the party opposite we have a military force that can fire as many volleys as it likes, but never fires a shot.

Mr. WATSON.—It shows a singleness of purpose that other parties do not display.

Mr. REID.—Quite so. That singleness of purpose is a tacit agreement on the part of the Labour Party to fight out all their differences in secret caucus, and to stand

before this House and the people of Australia as if they were an united party.

Mr. WATSON.—Just as the right honorable member's party is now doing.

Mr. REID.—If we are doing so I hope that we shall be exposed to public censure.

Mr. WATSON.—Not at all.

Mr. REID.—So far as my own party is concerned, I know that I have not yet got them like a lot of performing dogs.

Mr. WATSON.—They are said to be coming to heel fairly well.

Mr. REID.—I venture to assert that my honorable friend the Prime Minister has not more weight with his party than I have with mine, and that he probably possesses no greater experience in managing men; but I congratulate him on having tamed a particularly wild number of specimens.

Mr. WATSON.—We see to what extent the right honorable member has succeeded.

Mr. REID.—If the attitude of the Labour Party represents an absolute uniformity of belief we ought to begin to turn out humanity by machinery.

Mr. WATSON.—The right honorable member may accept my assurance that matters outside the platform are not submitted to a vote in the caucus.

Mr. REID.—I do accept that assurance.

Mr. WATSON.—But the right honorable member appeared to imply some doubt as to it.

Mr. REID.—I merely congratulate the honorable gentleman upon the excellence of his trained performers. The attitude to which I have referred is described as singleness of purpose. I congratulate my honorable friend. Imagine my endeavouring to tame the honorable and learned member for Werriwa!

Mr. WATSON.—He would not break away.

Mr. REID.—He is still breaking away.

Mr. WATSON.—But he is always with the party.

Mr. REID.—I have been dealing with a matter which is in the general platform of the Labour Party, and has not yet been universally adopted; but I propose now to come to the seven planks of the fighting platform with which every one will admit we have now some concern. I did not care much what the Labour Party's platform was, and, as a matter of fact, was not accurately acquainted with it until the present Ministry came into office.

Mr. WATSON.—It seems that the right honorable member and his friends ascertained the programme fairly quickly when

they had to draw up a programme for themselves.

Mr. REID.—Perhaps so; but after all I was really not so frightened as the honorable gentleman would suggest.

Mr. WATSON.—The right honorable member obtained a good grip of the programme.

Mr. REID.—At all events we got on very well. I come now to an item in the fighting platform of the Labour Party which is certainly within the range of practical politics. The Ministry come before us with this item in their platform, "Nationalization of monopolies." "Nationalization" is a fairly long word, and I hope that every one understands it. If ever there was a plank which would unite our party with the Protectionist Party it is this.

Mr. WATSON.—Unite them to form monopolies?

Mr. REID.—Certainly not. The honorable gentleman must not put words into my mouth.

Mr. WATSON.—I merely asked the question.

Mr. REID.—And I shall answer it. This is a euphemistic way of declaring a principle which is deserving of serious consideration, but which ought to be more plainly stated. This item in the programme does not mean a greater advancement in political freedom; it does not mean a greater development of the principle of equality; it does not mean non-interference with liberty. As expressed in the programme, it means the trampling down of every form of human individual liberty in the Commonwealth. I know that my honorable friends opposite have never dreamt of such a thing; but really the tobacco monopoly is the most attractive form of appealing to the lower appetites of the greater number of the electors of Australia.

Mr. FISHER.—Does the right honorable member really believe that is so?

Mr. REID.—This platform begins by promising a cheap smoke to the hundreds and thousands of people in Australia who use tobacco.

Mr. WATSON.—Oh no!

Mr. REID.—Does it mean dear tobacco?

Mr. WATSON.—No. It means that the profits realized from the sale of tobacco at the same rates as previously existed will be conserved to the State.

Mr. REID.—Now we know where we are. There is to be no relief to the tax-ridden consumers of tobacco and cigars. All the profits are to go into the coffers of the Treasury. This, then, is the national policy; but do not let my honorable friends

opposite go into the back country and say that their proposal means tobacco for nothing.

Mr. HUGHES.—We give nothing for nothing.

Mr. REID.—This "nationalization of monopolies" is another term for the destruction of individual liberty in industry. What does the use of the word "nationalization" in this item of the platform mean? It means that the moment the dominant labour power can say that an industry is a monopoly they will be able to absolutely take it out of the hands of every individual, whether employer or worker, in the Commonwealth, and to constitute it a State or a national industry. Why stop at monopolies? If it is a good thing to nationalize one industry is it not a good thing to nationalize every industry?

Mr. BATCHELOR.—Certainly not.

Mr. REID.—My honorable friend is now "Yes-No."

Mr. WATKINS.—Following the right honorable member's bad example.

Mr. REID.—Now that my honorable friend the Minister for Home Affairs has come to see that great matters have to be considered from both sides, he is developing a capacity for looking upon both sides, which is faithfully represented by the words I have used. Extremists always look upon a man who can see something on the other side as a man of that character. My honorable friend's mental horizon has been widely enlarged by the responsibilities of office.

Mr. WATSON.—It is not a recent development. The honorable gentleman held office for nearly as long as the right honorable member.

Mr. REID.—I beg the honorable gentleman's pardon. Living a thousand miles away from the scene of his labours, I was not aware that my honorable friend was so distinguished a Minister. I may remark that what I have heard has not at all diminished the regard which I entertain for the honorable gentleman. In the fighting platform, and in the general platform, there is put before us the opportunity to extend the hand of the law over the whole sphere of liberty in industry. I stand against that policy. There are some aspects of Socialism which are as true, in my humble judgment, as are the truths of Christianity. I have never used the term "Socialism" as necessarily a term of offensiveness. The man who takes up that term, and denounces it as repre-

senting everything that is bad, has not thought deeply of what is really meant by it. Are not our systems of railways and telegraphs an aspect of Socialism? And yet they are, I think, the wisest development of Governmental power that could be suggested. I say that, because, in my opinion, the railways are intimately associated with the powers of Government and the position of the country districts in a thousand ways, quite apart from the mere carrying industry. But what I say is that my policy will always be that of leaving to the individual the utmost liberty, political and industrial—to the point at which it is not demanded as a sacrifice to some great public interest. For instance, take the Arbitration Bill, and although, to my view, it is absolutely alien to the true principles upon which a civil compact should be based, we must view the danger which threatened to overwhelm the community with discord and strife as something for which it is worth while to make a sacrifice.

Mr. WATSON.—That is precisely our view with respect to monopolies.

Mr. REID.—I am glad that my honorable friend expresses that view, but he has already expressed the opinion that we should have uniform industrial legislation in a form which involves an amendment of the Constitution of Australia. That is one of the planks of his policy. I desire to thank my honorable friends opposite for the perfectly fair way in which they have allowed me to express these opinions. At the opening of a great political fight, I desire to speak with the utmost frankness, so that, whatever reproaches may be cast upon me, my honorable friends will know precisely what my attitude is. From my point of view, therefore, the situation is a very serious one. I admit that it would not be a serious one if it were a mere question of majority rule. Because majority rule has no virtue in it at all, except as associated with the existence of common principles of action. If there is an honorable member in this House who believes in the policy of the Labour Party—not the first glimpse of it as shown in the Ministerial programme, but in the whole policy of the party—I say that, wherever he sits, he ought to support it, whether he is in the party or out of it. But I could not, perhaps, mention a stronger illustration of the cast-iron nature of the compact which divides our honorable friends of the Labour Party from other public men than the position of the learned Attorney-General, than

whom, I suppose, there is no greater democrat in Australia. I am told that doctors are not excluded; I know that lawyers are admitted, or are allowed to remain, and what is there that prevents the Attorney-General, a true democrat, and a member of a Labour Ministry from becoming a member of the labour caucus?

Mr. WATSON.—Nothing at all, so far as I can see.

Mr. REID.—That is a very fortunate position when the Prime Minister holds the key of the door, and has the absolute power of saying that nothing prevents him from letting any man in. My honorable friend has got the key of the door to the labour caucus, and he is, no doubt, perfectly right in saying that nothing prevents his own colleague, the learned Attorney-General, or the honorable member for Hume, Sir William Lyne, entering that door if they will sign the pledge. Since there is no obstacle on the part of the Prime Minister and his friends of the labour caucus, there must be some obstacle in the mind of the Attorney-General.

Mr. WATSON.—May we not have an alliance similar to that which the honorable gentleman has now with other honorable members?

Mr. REID.—Certainly. But I desire to point my observations as to the inconvenience of this cast-iron organization of the party opposite by a statement of the fact that even a dear friend and a colleague in the Ministry cannot enter the caucus.

Mr. FISHER.—Oh, yes he can.

Mr. REID.—He cannot, and as a matter of fact he has not done so.

Mr. WATSON.—Give him time.

Mr. REID.—That is it. The Ministry have been all along saying to us, "Give us time. Just let us get strong enough to deal with you." If there are honorable members who are prepared to do that, all right. Now I mention another name, that of one of the supposed democrats of Australia. I allude to Sir William Lyne. My honorable friends opposite look surprised. Here is another situation. After I had, by our alliance, been able to do something, my honorable friends of the Labour Party came to the conclusion that since I had got all I wanted, I was not as useful to them as I had been before. They seemed to think they could do more with some one else. I have never accused them of being too virtuous over that £350, because I have admitted that most men in their position would be entitled to exercise

their judgment for the benefit of the principles in which they believe. I admit that the Labour Party in ejecting me from office were acting perfectly honorably and consistently with their principles. At the time there were elements of difference between us. I was not prepared to go so far as my honorable friends wished me to go, notably on the question of the Compulsory Arbitration Bill. I thought at the time that it was better that the existing Act, which had just been passed, should be given a chance, and I said that if it proved ineffective I should be quite prepared to go further. On that occasion I had the idea that I should be given time, but my honorable friends did not appear to think it worth while to give me time.

Mr. WATSON.—We gave the right honorable member five years.

Mr. HUGHES.—We introduced an early-closing measure which settled the right honorable gentleman.

Mr. REID.—There were some features connected with that matter of which I might make use by way of reflecting upon certain inconveniences to be found even in the labour caucus, but those inconveniences exist in connexion with other parties, and it would not be fair to make a special use of them. I have never done so, and I have let that go. I am one of the strongest political opponents of the honorable member for Hume, as every one knows. We have always been very strong in our differences, particularly on the fiscal question. But it is only fair to say about him that no Minister in Australia ever carried a larger number of measures which the Labour Party had at heart in the same space of time than he did.

Mr. WATSON.—Hear, hear.

Mr. REID.—Of course, my honorable friend must not forget that our preliminary fighting had cleared the way a great deal for what followed. But, after making all fair allowance, it is only fair to the honorable member for Hume to say that the action of the Labour Party in turning out the Reid Government was thoroughly justified by the legislation which they got.

Mr. JOSEPH COOK.—He floated in on the flood-tide.

Mr. REID.—Still I do not wish to see the honorable gentleman stranded now.

Mr. WATSON.—We appreciate the right honorable gentleman's concern for the honorable member.

Mr. REID.—Surely he is an eligible public man for admission to the Labour Party? I do not know what would become

of the party if he were admitted. This is a matter which it has to consider, because it has some of the attributes of a crockery shop after all. Have you not some method by which that old and venerable politician who has done so much for you—

Mr. SPEAKER.—The right honorable and learned gentleman must address the Chair.

Mr. REID.—I hope, sir, that you will excuse me for turning my back on you?

Mr. SPEAKER.—It is not a question of the right honorable and learned member turning his back on the Chair, but a question of the rules of procedure preventing addresses from being delivered in the second person. Nothing can be more provocative of personality and disorder than that. I ask the right honorable and learned member not to address the Prime Minister in the second person.

Mr. REID.—I am much obliged to you, sir, for the explanation, because I thought it was my physical attitude that you objected to. I quite admit—and my own experience is exactly the same as yours—that the use of the second person does lead to disorder. It was used quite inadvertently on my part. Now, with reference to his brilliant services to the cause of the Labour Party and labour legislation, I ask, what is there to prevent the honorable member for Hume from joining the Labour Party? He has an objection himself, I believe—probably a conscientious one, and not a party one. One of my strongest points of argument in connexion with the peculiar constitution of the Labour Party is the fact that men who have done it the greatest service cannot belong to it. I do not say it is the fault of the Labour Party, or the fault of the men. That, I admit, is a matter not for me exactly, but I am only pointing an argument. The able Attorney-General and the honorable member for Hume are, I believe, in absolute sympathy with the Labour Party in all their policy. I may be wrong, but I believe it is this very pledge which I have been speaking of which prevents these two honorable gentlemen from joining the Labour Party. There is something—I do not say that it is the fault of one man or the fault of another. I do not say it is because one man will not let another join, or that another man will not join. I am not on that point at all; but I do submit that there we have a state of things which shows that, even although they hold practically the same

principles, some mysterious barrier prevents men from being admitted or from joining. It is one or other, I do not know which. The existence of this party shows a radical difference of principle. I wish to point to an observation of the Prime Minister which points another observation that I made. I used the term "exclusiveness" as one which characterizes the attitude and the constitution of the Labour Party. I wish to point what I said by another charge—that not only is their body an exclusive organization which separates and divides the ranks of labour, but it is one which is assuming an aristocratic complexion. All exclusiveness has some form of aristocratic feeling behind it, and there can be an aristocratic feeling in one extreme as there can be in another. I am not using the expression now in any West-End signification. I shall illustrate what I mean. My honorable friends opposite believe in the principle of compulsory arbitration. They believe that every class, every man who forms himself into the necessary union, should have the benefit of that principle. I ask the members of the Labour Party who represent a democratic principle what possible excuse have they for taking a man who, pencil in hand, is checking off the goods on a railway platform and putting him aside as not within the sphere of this beneficent legislation?

Mr. WATSON.—We do not propose to put him aside.

Mr. REID.—No?

Mr. WATSON.—The proposal is to include all the persons engaged in the railway services of the States, and any others engaged in industrial enterprises carried on by the State authorities.

Mr. REID.—My honorable friend has this singularly good fortune, that all his answers are of great service to me.

Mr. WATSON.—I am straightforward.

Mr. REID.—Surely I need not repeat my opinion of my honorable friend. He does not mind how it goes so long as he gives me a fair straightforward answer. I want to take that picture which is presented. A clerk on a railway platform and a clerk in a railway office are to be included in the proposed legislation; but a clerk in some other office—the Treasury or the Post-office—is not.

Mr. WATSON.—The Post-office is an industrial enterprise. I suppose?

Mr. REID.—Ah! we are getting on further.

Mr. WATSON.—Does not the right honorable and learned member think it is?

Mr. REID.—I do, and I think that every man who works is engaged in an industrial enterprise.

Mr. WATSON.—The right honorable and learned member would not exclude any, then?

Mr. REID.—My honorable friends will be able to talk presently, and I have no doubt that this difficulty will be met in some way or other, but at the present time I am dealing with the statement made by the Prime Minister that the railway servants were to be included in the Bill before the House, but that the public servants were not. What a singular departure for a democratic Government! What a singular proof of the force of association that these honorable gentlemen can think of the term "industry" only in reference to one class of workers!

Mr. WATSON.—We think of it in reference to the Constitution.

Mr. REID.—Then my honorable friend thinks that whilst the railway service is an entity which practically is provided for by the Constitution, the Public Service is not an entity which is provided for by the Constitution?

Mr. WATSON.—The right honorable and learned member has not read our amendment which has been lying on the table for some time.

Mr. REID.—I am dealing with only the statement of my honorable friend.

Mr. WATSON.—The amendment has been circulated.

Mr. FISHER.—It is of no consequence.

Mr. REID.—I hope that the Minister for Trade and Customs will not say that, because it is of consequence that these matters should be adjusted. This impatient arrogance does not sit well on my honorable friend.

Mr. FISHER.—It does not matter.

Mr. REID.—I think it does matter. This is quite a new phase for my honorable friend. I have known Ministers who have sat for many months in office without a tinge of the unhappy way of expressing themselves which my honorable friend has already developed. The amendment which has been handed to me reads as follows:—

After State insert "including disputes in relation to employment upon State railways, or to employment in industries carried on by or under the control of the Commonwealth, or a State, or any public authority constituted under the Commonwealth or a State."

"Employment in industries carried on by the Commonwealth or under the Commonwealth" or under a State! I do submit to my honorable friends that they entirely misconceive the position of an industrious man, who is engaged in an industry, in the sense to having a right to this boon, if they draw the line between one class of public servants and another.

Mr. WATSON.—We will consider that in Committee.

Mr. REID.—We are getting on. "We will consider it in Committee." "All this can be easily adjusted, but give us time!"

Mr. WATSON.—Anything to meet the right honorable member!

Mr. REID.—Well, now, I want to say of that declaration, concerning what must be regarded as the crucial point which brought about the accession of the Government to office, that it points my remark that when they talk of industry, and work, and labour, they think of a class and not of the whole community of workers—not of the whole community of industries. As a matter of fact, my honorable friends will admit that they do not represent, I suppose, a quarter of the workers of the Commonwealth. I think that they will admit that as an actual fact the labour element which they represent in their unions is absolutely a small minority of the whole workers of Australia.

Mr. THOMAS.—How many free-traders are there in the free-trade associations?

Mr. REID.—I do not know; but we do not draw a line between a man who writes and a man who makes trousers. "A citizen defence force"—that is another plank in the labour platform. What a glorious sound that has! How it appeals to the masses of the people! We have suddenly had from the Prime Minister one of the most striking disclosures of military capacity which I ever heard. We heard a great deal from him, when he was a critic of the military estimates, on the subject of a citizen defence force. But in his Ministerial statement he forgot the citizen, and involved himself in anxieties about the latest form of efficient warfare—submarines.

Mr. WATSON.—I do not think I mentioned them; I spoke of destroyers.

Mr. REID.—I understood that destroyers were generally submarines. I had a vague idea—or a bit of ignorance—to the effect that one of the triumphs of modern invention in the matter of defence was the



discovery of a boat which can be sunk below the level of the ocean, or can be navigated under the ocean and can blow up a battle-ship from below.

Mr. HUGHES.—The right honorable member is thinking of his own progress lately. He can sink, and can navigate beneath the surface, but he cannot blow up.

Mr. REID.—When I hear these suggestions of violent evolution, I make one piteous appeal, based upon the manifest fact—

Mr. HUGHES.—I am only trying to help the right honorable member along.

Mr. REID.—The honorable member has always been trying to do that. He has always been distinguished throughout his public life by an absolute oblivion to his own personal interests, and by his enthusiastic affection for me; though he has had sudden lapses and vicissitudes in that respect—only one or two. Now, Mr. Speaker, my honorable friends find that all these platforms, when they come to real action, are mere catch cries. We know that with the modern form of attack—the form which we have to fear, of attack from invasion—the idea of a citizen defence force protecting us from invasion is the rankest absurdity under the sun. A man must in these days, if he is to defend a country from invasion, especially by sea, be absolutely a naval expert. And it is impossible for a man to follow the calling of a clerk or a labourer and to acquire the necessary scientific proficiency to enable him to work these modern destructive and protective engines. I have only mentioned that in order to show the sort of language which is used, and which, after a man becomes a practical statesman, he has to forget. I want to put another strong point. I notice with regret a certain phase of activity in this crisis, which I think is regrettable, and which will suggest to the public outside that, instead of keeping our views steadily upon the public interest, we are considering our position with reference to the retention of our seats in Parliament. I have heard some references to what would happen to a member of this House if he supported the Labour Government, when he went up for election next time. These methods are perfectly legitimate when you have come to the general election, and when the fight is on and the doors of Parliament are shut. But to talk before the shutters of Parliament are up, about the attitude which will be taken at an election by one person towards another,

is beneath the dignity of men responsible for the course of public affairs.

Mr. WATSON.—Would the right honorable gentleman go into alliance with a man who would shoot him directly afterwards?

Mr. REID.—I will tell the Prime Minister what my own view is. I do not take much credit for it personally, but I think that my honorable friend will admit that in New South Wales there has never in our case been any mention of a personal compact of this sort until an election came on.

Mr. WATSON.—Ours was not an alliance in New South Wales.

Mr. REID.—Not in a formal way. But there are men who do not propose to join this party.

Mr. WATSON.—That remains to be seen.

Mr. REID.—When men supporting a Government come forward as private citizens they are entitled to expect support from men whom they have supported. I am not questioning that. But I am questioning the negotiations going on at the beginning of a Parliament as to how men will stand before the electors if they give the Government their support. I do not think that is a dignified position for a man to take up. I come now to one of the strongest objections to the existence of this party in office. A man who goes up for Parliament and asks to be elected by the people has to sign one pledge, but it contains two stipulations. I hope I am correct, and I trust that honorable members opposite will correct me if I am wrong. It is only fair that this should be published under authority, as it will be in our *Hansard*. The Prime Minister has handed to me a copy of the Federal pledge.

Mr. WATSON.—That is not universally agreed to.

Mr. REID.—There is one part which, I understand, has not been universally agreed to. I shall read only that part that has been universally agreed to. It is as follows:—

I hereby pledge myself not to oppose the candidate selected by the recognised political organization, and, if elected, to do my utmost—

It is this first part of that pledge to which I shall refer, and not so much to that which follows—

—and, if elected, to do my utmost to carry out the principles embodied in the Federal Labour Platform, and on all questions affecting the platform to vote as a majority of the Parliamentary Party may decide at a duly constituted caucus meeting.

I had better, perhaps, read the other part—

I further pledge myself not to retire from the contest without the consent of the Executive of the Political Labour League of New South Wales.

I think the latter part is perfectly fair, because, if a man agrees to become a candidate under a league, he has no right, for some private reason, to throw the organization into perhaps entire confusion. I have no objection to the last clause, but I want to refer to the first part of the pledge, which reads—

I hereby pledge myself not to oppose the candidate selected by the recognised political organization.

Mr. BAMFORD.—I think there is the same pledge in a party in New South Wales to-day.

Mr. REID.—Which party?

Mr. BAMFORD.—The Reform Party.

Mr. WATKINS.—The Reform Party are taking that pledge now in New South Wales.

Mr. TUDOR.—And also in Victoria.

Mr. REID.—The honorable member for Newcastle interjects to the effect that there is a somewhat similar pledge in connexion with a party in New South Wales.

Mr. WATSON.—In the remains of the right honorable gentleman's party in New South Wales.

Mr. WILKS.—Very much "the remains."

Mr. REID.—It will be admitted that for that circumstance I am not responsible.

Mr. WATSON.—I know that.

Mr. CONROY.—The information given by the honorable member for Newcastle is not quite correct.

Mr. WATSON.—The pledge is nearly the same.

Mr. REID.—I think we had better leave that matter, because it does not bear on what we are discussing. The pledge, as I have said, reads—

I hereby pledge myself not to oppose the candidate selected by the recognised political organization.

Let us consider what that means. This is a compact signed, not for one election, but is a compact signed for life.

Mr. WATSON.—No.

Mr. REID.—I say that so long as a man belongs to the Political Labour League he is bound by the pledge.

Mr. HUTCHISON.—It may be altered at any time.

Mr. REID.—Anything may be altered at any time, but there is no proposal to alter the pledge.

Mr. HUGHES.—The pledge is for the currency of the Parliament.

Mr. REID.—Then the fool of a pledge does not say so. Is not the selection of the candidate absolutely out of the hands of the Ministry and the Labour Party, and in the hands of an organization outside?

Mr. WATSON.—Representing the electors.

Mr. REID.—Of course; that is the only point I want to make. Other parties have some say in such matters—the leaders of parties in Parliament, and the men who fight the battle of politics.

Mr. WATSON.—Have they?

Mr. REID.—They ought to have.

Mr. HUGHES.—I only know who selected me the last time in New South Wales on the right honorable gentleman's "ticket."

Mr. REID.—I remember the honorable and learned member "ringing me up" about the matter, and I was only too anxious to see his name under our motto.

Mr. HUGHES.—I know that.

Mr. REID.—I have never for one moment questioned the immense service which the honorable and learned member has been to our cause as a free-trader; and I was only too glad to have his name on our list. When I found that the honorable and learned member was free to vote as he liked on the fiscal question, and on a vote of censure, I felt that on the one question which was then our basic principle, he was all right. But I leave all those quibbles, and come to the great principle before us. There is not a man sitting in the Government to-day, or in the Labour Party who, when he goes for re-election, may not be effaced from public life by a majority of a small organization.

Mr. WATSON.—If he "goes straight" he need have no fear.

Mr. REID.—The Prime Minister says that it does not matter so long as honorable members "go straight."

Mr. WATSON.—I say they then need have no fear of being effaced.

Mr. REID.—I suppose that even a faithful beast of burden, who is under the terror of the lash on a long journey, feels there is no need to fear the whip if it "goes straight." My point is that there is a whip in the hands of a driver, and if the entity in front does not go straight, according to the driver's view of what is straight, he is exterminated.

Mr. WATSON.—Do not the electors of the right honorable gentleman hold some "whip" over him?

Mr. REID.—No.

Mr. WATSON.—They can reject the right honorable member if he does not "go straight."

Mr. REID.—The 27,000 or 37,000 of my electors are, in one sense, an organization, because they are on a roll. They are members of my union, and if I agree that those 37,000 electors shall have the right to reject me, there can be no objection, because that is what every Member of Parliament has to face. He has to go to the electors who have the right to dismiss or return him; but the difference between a man being free to go to his electors, whether or not he has incurred the displeasure of another body—

Mr. THOMAS.—To which he is free to go.

Mr. REID.—Of course; and they are free to kick him out, because they hold the key of the fortress. They are a united force which, in a labour electorate, works with the precision of a military band.

Mr. THOMAS.—That applies to every organization.

Mr. REID.—No, it does not. How can the honorable member say such a thing? Just consider, if any member of either of the two parties were asked to pledge himself to some protectionist or free-trade league to that extent—

Mr. WATSON.—That can be done.

Mr. REID.—It can be done in order to avoid a contest in a particular case, and in that there is no harm; the difference in principle is that in such a case a man is bound only for the moment in order to prevent a split in a vote on a policy in which he believes.

Mr. WATSON.—That is all we do.

Mr. REID.—The bond, which ceases the moment the vote is decided, is made in the interests of a cause, and not in the interests of particular men.

Mr. WATSON.—Hear, hear! So we say.

Mr. REID.—But it is too grave a sacrifice to a cause that a man in the public life of his country, who has done his duty to the people to the best of his lights for three years, should not be able to go to the electors and offer himself as a candidate, if this secret—practically secret—small body of men say to him—"Sir, we have been displeased with you."

Mr. ROBINSON.—Senator Barrett was rejected without any excuse whatever.

Mr. REID.—There is all the difference in the world between the two positions. In the Labour Party, a man, who has done his duty, goes not before the people, but to a little chamber somewhere in the electorate,

where he is told whether or not his masters are pleased with him, and if they are not, they say—"We are going to select another man."

Mr. WATSON.—Hear, hear!

Mr. REID.—And if another man be selected, and the rejected of the league becomes a candidate, we know what the latter's position is in a labour electorate. Such a man is regarded as a traitor and a black-leg, who is splitting up the labour cause by disregarding the authority of the organization.

Mr. WATSON.—Hear, hear.

Mr. REID.—That, in my opinion, is certainly one of the strongest objections to the labour organization. I can understand why some gentlemen cannot join this party under such conditions. I wish to conclude with a remark or two with reference to the position of the great States of New South Wales and Victoria. As we know, those two States, on the first principle of democracy, which is equality, hold the key of the situation in the Commonwealth Parliament. Their representatives in this House number forty-nine out of a total of seventy-five, and under our system of Government, the result of a general election in New South Wales and Victoria must be admitted to be a reflex of the public will of Australia. If the votes cast for members in the House of Representatives be questioned, the mass vote cast for representatives in the Senate cannot be questioned. No one can say that the constituencies which elect the Senate are not democratic. Every man and woman in those constituencies is on the same footing. I, therefore, ask honorable members to pay attention to the voice of the electors of Australia, as it was heard in connexion with the voting for the Senate. Three parties appeared before the electors of New South Wales and Victoria, but of the twelve senators chosen to represent the manhood and the womanhood of those States, only one belongs to the Labour Party, notwithstanding its constitution and platform and its immense organization. Let honorable members digest that fact. They talk of a majority.

Mr. WATSON.—What about the position of affairs in this House?

Mr. REID.—I shall come to that. I wish to deal with the Senate first, because the voting for that House is by States.

Mr. WATSON.—But it is not necessarily a true reflex of the will of the people.

Mr. REID.—Here is a new idea of democracy! We are getting on well now!

Mr. WATSON.—Many issues other than political were before the electors last time.

Mr. REID.—Those against whom the popular verdict has gone always hold that there has been no true expression of the people's opinions. So long as the voting is for one's own party, it is a true reflex of public opinion that is obtained, but when the people vote against one's party they are fools! I wish to point out the significance in the present situation of the fact that the electors of New South Wales and Victoria by eleven to one refused to sanction the present state of things. It was not that they had not an opportunity to do so. The strongest proof of the feeling against the labour caucus system was the triumphant elevation to the top of the poll by the great democracy of Victoria of a Labour candidate who was a free man. The caucus and the labour organizations tested the feeling of the people of Victoria. They said, "We represent you. We make at last, after years of injustice, a fair, straight appeal to the unfettered conscience of a free democracy, and we ask you to come behind us." But by eleven to one the electors of New South Wales and Victoria declared that they would have none of them. Senator Trenwith had not only to fight the men of his own class. Is it not a wonderful thing that that able man, one of the ablest democrats and labour representatives who has ever spoken in Australia, could not find the caucus wide enough for him? He appealed against its domination, appealed under every disadvantage.

Mr. WATSON.—The right honorable member said a day or two ago that he appealed against the domination of the Melbourne *Age*.

Mr. REID.—That was another handicap. The labour organization, with its caucus methods, set up men to test the feeling of Victoria on the question of labour free or labour bound, and the people of Victoria declared against labour bound, and returned Senator Trenwith, in spite of the opposition of the Labour Party, and of the mercilessly cruel persecution of the press. I do not know a more disgraceful fact in the history of journalism than that persecution. I am informed—because I was not here at the time—that Senator Trenwith held a meeting in Melbourne, attended by about 10,000 persons.

Mr. RONALD.—By 13,000.

Mr. REID.—That meeting was held within a mile of the newspaper offices of Melbourne; but I am told that not a line

in either of the two morning newspapers of the city announced the fact. I cannot believe the statement to be true, so far as it affects one of those newspapers, but I am unfortunately able to believe it of the other. But whatever paper—*Age* or *Argus*, or any other—suppresses the fact that a meeting of 10,000 or 13,000 electors has been held, commits an act, until then, unparalleled in the history of Australian journalism.

Mr. JOHNSON.—Even some of their own writers protested against it.

Mr. HUTCHISON.—The labour candidates were not much better treated.

Mr. REID.—I mention this case as a notorious one. What occurred in regard to smaller meetings might have been accidental; but for a great assemblage in the heart of the city to pass unnoticed, was an instance of trying to "down" a man, which must be repugnant to all men of common fairness. This man, notwithstanding the difficulties against which he contended, triumphed over both the press and the labour organizations.

Mr. RONALD.—No, he did not.

Mr. REID.—All I can say is that the labour organizations put up men to keep him out.

Mr. O'MALLEY.—They were put up before he was nominated.

Mr. REID.—I shall not enter upon an inner analysis; the broad fact is that when the poll was taken the electors were asked to reject Senator Trenwith, by both the labour organizations and the press of Victoria, which often has an unwholesome influence in the public life of this country.

Sir WILLIAM LYNE.—What about the press of New South Wales?

Mr. REID.—I think that it has a grand influence upon the public opinion of that State. Both the Prime Minister and the Minister for External Affairs will admit that such a thing as I have mentioned would not occur in a political contest in Sydney.

Mr. WATSON.—The Sydney newspapers are bad enough, but I have not known them go so far as to omit all mention of a large political meeting.

Mr. HUGHES.—I do not recollect such a thing happening in Sydney. Of course, I do not know that it happened here.

Mr. REID.—I have good authority for what I stated. The electors of Victoria were invited to choose between Trenwith and labour free, and Findley and others and labour bound, and, in spite of the opposition of the press, a generous community placed Senator Trenwith in a triumphant

position at the head of the poll. Coming now to deal with the House of Representatives, I would point out that the Victorian and New South Wales electoral divisions returned forty-nine representatives to this House. The Labour Party, notwithstanding their magnificent organization, and the multitude of candidates ready to submit themselves in their interests in every constituency—

Mr. WATSON.—Not forgetting that we have no newspapers to support us.

Mr. REID.—There is the *Worker*.

Mr. WATSON.—That is not a daily newspaper.

Mr. REID.—If they have no newspapers, they have canvassers everywhere; any number of men who will give their services, and sacrifice their time, without reward.

Mr. WATSON.—If the right honorable member could give us the support of the *Sydney Daily Telegraph* he could have the rest.

Mr. REID.—Out of the forty-nine representatives of New South Wales and Victoria in this House, only ten were returned to support the existing state of things. Thirty-nine out of forty-nine of the electoral divisions of New South Wales and Victoria are therefore opposed to the present situation.

Mr. TUDOR.—The influence of the Labour Party increased in each State, but that of the party of the right honorable member has not increased.

Mr. REID.—By how much did the Labour Party increase its representation in Victoria?

Mr. TUDOR.—By fifty per cent.

Mr. REID.—That statement reminds me of the position of the boy who had a penny, while his companion had only one half-penny, and who asserted his right to the three halfpence, because he held fifty per cent. of the whole capital. The solemn vote of the people of Australia, so far as the large populations of New South Wales and Victoria are concerned, was against the present state of things. I admit that in Queensland the Labour Party were practically triumphant. I believe that that was due to the miserable class feeling which prevailed on the other side. When people raise a class feeling in the exclusive and offensive form in which it was raised in some of the States, they deserve to be defeated.

Sir WILLIAM LYNE.—What about the sectarian question?

Mr. REID.—The honorable member ought to know. I wish to indicate in a few words my radical objection to the present state of affairs. In the first place, I consider that the existence of the present state of things is absolutely contrary to the will of the electors of Australia, as expressed at the last general election. I venture to say that if any one of at least thirty-five of the thirty-nine non-labour members who were returned by the States of New South Wales and Victoria had ever whispered that he was going into Parliament to support the Labour Party in office, he would not have been returned.

An HONORABLE MEMBER.—I thought you said forty-nine members.

Mr. REID.—I am speaking of honorable members apart from the Labour Party.

Mr. WATSON.—Does the right honorable gentleman assert that as a fact?

Mr. REID.—It is a matter of opinion.

Mr. WATSON.—There are many exceptions.

Mr. REID.—I am simply expressing my opinion. The other statement I made with regard to the number of votes recorded was one of fact. So far as I am concerned, I do not propose to allow this state of things to continue. We all have our responsibilities. I do not intend to take any hurried course, because I wish that all possible time may be allowed for members in all parts of the House to think matters over quietly for themselves. Therefore, I am not going to make any sudden movement. I should infinitely prefer, if I may be allowed to say so, that my honorable friend the late Prime Minister should take the active part in this matter. But if he does not I must. I am in the position of a man who is ready to stand back, who is willing that the late Prime Minister should stand at this table and move a motion in order to terminate this crisis. If he will not do it, I will. I leave honorable members without a word to the freedom of their own judgments, and I put myself in a fair and straight position of antagonism to the Government before the people of Australia. If the Labour Party are supported by a majority I shall take that as a final verdict. I shall be no party to afterwards undermining the position of the Government.

Sir WILLIAM LYNE.—Like the right honorable member did with the last Government.

Mr. REID.—The honorable member may think that—perhaps it was justified.

Sir WILLIAM LYNE.—I know the right honorable member of old.

Mr. REID.—All I can say is that, having expressed my views fully, if the majority of members of this House when called upon, at a reasonable time, to consider the situation—and it must be soon, because it would be only fair to the Government to have the matter decided promptly—

Mr. FISHER.—By motion.

Mr. REID.—Yes, in some definite shape. I shall not be a party to any attempt to humiliate any one occupying office. I am not going to fight the Government in that way. If, on the test being applied, the majority of honorable members vote with the Labour Party and the Government, I shall absolutely refuse to challenge their position during the rest of this session. That is a fair statement. I am not going to have the House torn asunder by petty intrigues, or to have members going about making bargains in order to kill the Labour Party at a suitable time. I am not going to fight in that way. The fight must come on at once—within a reasonable period—and if the Labour Party win, I shall take no part in any secret undermining influences that may be used against the Government. That, I think, is a very fair statement of my position to this House and to the country. To put the pith of my antagonism to the present state of affairs, I do profoundly feel that, in view of the organization and pledges by which the Labour Party are bound, the voice we hear from honorable gentlemen is not the voice of the Ministry, and that the acts we see are really not the acts of the Ministry, but that behind the Ministry, and behind the representatives of the people, sits a conclave, which holds their political fortunes in the hollow of its hand. There sits behind them a power that is of a kind foreign to the free discharge of our parliamentary duties.

Sir WILLIAM LYNE.—What about the Free-trade League in New South Wales?

Mr. REID.—The country is always doing well when the honorable member is growing. If the Free-trade League in Sydney endeavoured to fetter me as some honorable members are fettered in regard to their action in this Parliament—if I had to go back to them as honorable members opposite go to their organizations, and to practically ask them for a pledge of support, all I can say is that that is a position I should never consent to occupy.

Mr. WATSON.—We have the same freedom as the right honorable gentleman.

Mr. REID.—Whether that is so or not, I think I have given a sufficient number of reasons for my attitude. I now desire to refer to a matter of importance, which was the subject of an interjection at an earlier stage in my speech. Reference was then made to some action which had been taken in this Parliament in the direction of securing an amendment of the Constitution, on lines embodied in a resolution which, I find, was arrived at in this House on the 28th June, 1901. The motion was put and carried, as amended in some unimportant respects, without a division, but as honorable members are aware that fact does not prove that when the matter was dealt with every honorable member was present.

Mr. PAGE.—If the right honorable member was not present, whose fault was that?

Mr. REID.—The fault of having too many clients.

Mr. PAGE.—Then I wish the right honorable member had a few more at the present time.

Mr. REID.—I am giving them a rest. As a division was not taken, we are unable to ascertain how honorable members voted. The motion was carried on the terms which were suggested by interjection across the table at an earlier stage of my speech, and as it is a very short one, I think I may as well read it. It set forth—

That, in the opinion of this House, it is expedient for the Parliament of the Commonwealth to accept (if the States Parliaments see fit to grant it, under section 51, sub-section 37, of the Constitution Act) full power to make laws for Australia, as to wages and hours and conditions of labour.

There can be no doubt, therefore, that a motion to this effect was carried in the first House of Representatives. Let us look now at the result of that motion. Honorable members will see that it was framed in a way that recognised that it would be necessary to have the consent of the States to the taking over of this power. I understand that the Government of the day communicated with the Governments of the several States to ascertain whether they were in favour of the grant of power, and that the Governments of New South Wales, South Australia, and Tasmania refused to agree to it. We must remember, of course, that this was a refusal, not on the part of the people, but only so far as the Governments themselves were concerned. So far as I can learn the Government of Victoria made no reply to

the communication from the Commonwealth, and the Government of Western Australia expressed dissent, but intimated that they would agree to the proposal if all the other States would do so. It would thus appear that the resolution was not favorably regarded by the States Governments. I come now to another matter of far greater importance; I refer to what is the true policy of the Labour Party. I am sure that honorable members of that party would be the last men in the world to seek to hide any part of their policy. They have never done so, and I do not imagine that even the glamour of office would persuade them to resort to such tactics. It is only right, therefore, that in discussing the policy of the Labour Party, we should deal with it as a whole, and in its more important aspects. An event occurred in this State during the present month which was brought under the notice of the Prime Minister, and set before him the aspirations of the Socialists, or, at all events, of those gentlemen who, all over the world, meet on the 1st May in celebration of the cause to which they are committed. I believe that the 1st of May is selected by the extreme Socialists as the day for such a demonstration; and we are familiar with the general policy of the citizens who celebrate that day. In connexion with the last May Day demonstration in Melbourne, we had the advantage of securing the distinct platform of the Socialists as understood by the gentlemen who put it forward at the meeting in question. I am not committing the trades unions in Victoria to it collectively; I do not know whether they were a party to it; I simply mention that the officers of this May Day Demonstration Committee waited on the Prime Minister and put before him in black and white a definition of their policy. I am about to put before the House what is the real meaning of this policy which is so vaguely expressed in the Labour platform.

Mr. WATSON.—To what newspaper report of the deputation to the Prime Minister does the right honorable member propose to refer?

Mr. REID.—The report is practically the same in both the *Argus* and the *Age*. I propose to quote the *Argus* report.

Mr. WATSON.—It is a very good one.

Mr. REID.—My honorable friend recognises that the *Argus* report is a fair one. The resolution contains a statement familiar to us, as being within the line of

the regular platform of the Labour Party; but, a subsequent statement, it seems to me, marks a policy which is not generally known as the ultimate goal of the Labour Party in the Commonwealth Parliament. Of course, the resolution speaks only for the mass meeting at which it was passed. It does not speak for the labour unions.

Mr. CROUCH.—But the same resolution has been carried year after year.

Mr. REID.—That shows that it is not a mere emergency placard, but rather a settled policy which is annually set forth. On the last occasion on which it was carried a deputation had the happiness of presenting it to the Prime Minister. The proclamation which was submitted to him contained the following statement:—

That this mass meeting of workers send fraternal greetings to their fellows assembled on this day; assert with them their desire for peace—

We all want peace when we can get our own way—  
and are opposed to militarism in all its forms—

“Especially the recent development of submarine torpedo boats.” No, I am making a mistake. A reference to submarine boats is not to be found in the resolution. It sets forth their opposition—

to militarism in all its forms; their determination—

We come now, not to rhetoric, but to business—

to overthrow wagedom and capitalism.

I did not know that wagedom was a badge of serfdom. If it is, the working classes are still in the lowest depths of degradation. “The serfdom of wagedom.” Even Ministers must occupy that position, because the highest officers of State receive certain remuneration for their services.

Mr. WILKS.—Perhaps they divide it.

Mr. REID.—I should call that “serfdom.” The resolution sets forth their determination—

to overthrow wagedom and capitalism, and establish, by their united efforts, that international co-operative Commonwealth in which all the instruments of industry—

Even the pen as well as the pick—

will be owned and controlled by the whole people.

Mr. THOMAS.—A very good idea.

Mr. REID.—We desire only to know where we are, in order that we may be able to inform the people how many benefits are awaiting them.

Mr. THOMAS.—Does the right honorable member know where he is?

Mr. REID.—Am I not making my position pretty plain to-day? Any honorable member who says that I have not made my position plain, is, I am afraid, a gentleman whom I cannot satisfy. I do not take terms of abuse and insult to be a declaration of straightforward policy.

Mr. HUGHES.—The right honorable gentleman might curtail his remarks a little.

Mr. REID.—And for a very good reason. My honorable and learned friend is perfectly fair. I promise him that I shall not occupy more than another ten minutes. I suggest that if the time available to him to-day should afterwards appear to be unreasonably curtailed he should be allowed an opportunity to finish what he has to say on our next day of meeting.

Mr. HUGHES.—We adjourned at half-past 9 o'clock last night for the convenience of the right honorable gentleman.

Mr. REID.—The honorable and learned gentleman must allow me to say that that is not so.

Mr. HUGHES.—All right.

Mr. REID.—Oh, but it is not all right. I must explain that the House did not adjourn the debate at my request. I was absolutely ignorant of the request for the adjournment of the debate, as at the time it was made I was in another part of the building.

Mr. THOMAS.—The honorable member for Macquarie asked for an adjournment of the debate on the right honorable gentleman's behalf.

Mr. REID.—My idea was that there was no prospect of the debate terminating early, and that I should have an opportunity to move its adjournment at a reasonable time. I had no idea that the debate would be adjourned so early.

Mr. WATSON.—No one else rose to speak.

Mr. REID.—I was in another part of the building, and the request for the adjournment of the debate was made without my knowledge. I am sure honorable members will not think that I had the assurance to ask the House to adjourn at that hour to suit my convenience. The honorable member for Macquarie, no doubt, acted as a friend would in the absence of his leader, but what was done was done without my knowledge. I desire to put the statement of policy to which I have referred in the light of what is said by public men in connexion with it. By itself, it is nothing, and the Government are not responsible for

it. But I desire to read what the Prime Minister said on that occasion. Several public men indorsed the policy, and then Mr. Watson is reported to have said this—

I have to thank you for the kindly expressions conveyed to my colleagues and myself upon our recent assumption of office, and to say that, as far as the general spirit behind the May Day movement is concerned, we are heartily in sympathy with it—

Now we come to the "give-us-time" policy—And the Ministry feel—and, I am sure, the Labour Party generally in Australia admits—that, while we have our aspirations as to what is possible—

that is this session's programme—

while we are still working towards a goal of something like complete freedom of the people from industrial shackles, still we have always to recollect that no step can be permanent until it is founded upon the affections of the people.

Is that not a practical indorsement of this policy by a practical statesman? It might be put in this way—"We sympathize with your aspirations and your objects, but it is a matter of development and education, and we cannot do what is suggested until we have educated the people sufficiently to adopt it." So far as I am concerned, I say that if this principle were carried to the extent indicated, the people would be educated into a system of dismal universal serfdom; that instead of being the slaves of a land-owner, or a noble, they would become the working slaves of a tyrannical democracy.

Mr. FISHER.—The slaves of themselves.

Mr. REID.—That is rather a good idea, and it only suggests the utter absurdity of the whole project. A man is to be master and man at the same time! I should like to see "a great national co-operative Commonwealth" conducted on those beautiful lines. That is the goal, the ambition of this party; that is the thing they are asking us to help them to do. I refuse to join them. I raise a fair issue. I say that their policy, in its ultimate issues, is one which is utterly repugnant to my views of what is for the public benefit. I have only another word to add. I bring the Prime Minister himself into the witness box as to the present state of affairs. In the debate on the Address-in-Reply at the opening of this session the honorable gentleman used this sentence—I hope honorable members will allow me to proceed.

Mr. McDONALD.—The interruption is from the right honorable member's own supporters.



Mr. REID.—The Prime Minister said—

So far as the Labour Party is concerned, we regard it as useless to think of taking a share of the responsibility of government unless we have in this Chamber a majority of members who are prepared to abide by the programme which we have put before the country.

That is the programme at that time, not the Ministerial programme for this session. It will be remembered that there was a labour programme before us already, their fighting and general platform.

Mr. WATSON.—The fighting platform.

Mr. REID.—What is the use of dividing principles. The honorable gentleman takes the policy of the party, and puts some things under the head of "the fighting platform," and others under the head of "the general platform." But, as a matter of fact, is it not clear that the principles in either case are a part of the organization? Other measures may be postponed to another session. But the Prime Minister made an absolutely fair statement in the debate on the Address-in-Reply, and I propose to act upon it. If this House contains a majority of honorable members who approve of the policy—not the sessional policy submitted to us now, but the declared policy of the Labour Party—it is right that the public should know it, and that honorable members who believe in that policy should attest their devotion to it by a straightforward honest vote. If, on the other hand, they are absolutely opposed to this policy—though agreeing, as all public men do, upon a multitude of other subjects of liberal legislation, they should say so at once. There is a fair challenge. If a majority of honorable members are prepared to support the present Government in that policy, they will find, as I have said before, that, after having performed my duty as a member of this House, and as the leader of a party, the Ministry will have no more generous, fair, and straight opponent than I shall be in this Parliament.

Mr. HUGHES (West Sydney—Minister for External Affairs).—Honorable members will agree with me that the task which has fallen to my lot is a difficult one. The late Prime Minister and leader of one section of the present Opposition, last evening directed his remarks, in his usual admirable fashion, to one particular phase of the present situation. The honorable and learned gentleman was not unnecessarily diffuse. He apologized for introducing some personal references to himself. Such an

apology, I feel sure, was unnecessary. His personal references were, I will not say looked for, and expected, but, at any rate, were such as removed them from the ordinary sphere of personalities, and they directly bore upon the present situation. The honorable and learned gentleman gave certain reasons why he objected to the retention of office by the present Ministry, and to-day he is followed by the right honorable and learned member who leads another section of the House, and who has advanced at very considerable length his reasons for so doing. In the main, those reasons are not identical with those of the honorable and learned member for Ballarat. In very many particulars the right honorable and learned gentleman has struck out a line of his own; he has introduced much matter that is more or less irrelevant. But that is quite excusable under the circumstances, and one need not animadvert on his action. It is difficult, indeed, to find in the remarks of these two honorable and learned members any particular point on which they agree, so far as to permit of one reply. Necessarily, therefore, my task is the more difficult, as I must perforce deal with each in turn. First then I wish to make a few comments on the remarks of the late Prime Minister. He saw fit last evening to point out that the Labour Party differ in essentials from any other party. I have to remind the honorable and learned gentleman that he has but lately found out, or indicated, this great defect in our organization and in our party. As other men, perhaps, as the years roll on, he finds out very many things on occasions like the present which heretofore had escaped his notice; and we are now told that there are defects inherent and almost irreparable in our organization, and in the nature of our party which belong to no other section or party in this Parliament. I must remind the honorable and learned gentleman, however, that he was willing to coalesce with this party with all its defects, with all those shortcomings which he has thought fit to denounce. He was prepared, and he preferred, if we are to believe his statements—and I do believe most emphatically what he does say—to join with us hand in hand. His great objection, I understand, is that there ought to be but two parties in this Parliament. The objection of the honorable member for East Sydney, it is to be noted, is of an entirely different nature; and the late Prime Minister was willing to coalesce with either of tw

parties to effect his purpose. That is a direct and intelligible position. But I may be permitted to remind him that it is hardly consistent with such a position for him to denounce the organization of that party, and the alleged inherent defects in its methods, when he was willing, and perhaps anxious, to coalesce with it.

Mr. DEAKIN.—Never unless those defects were first removed. I called attention to them in the State Parliament many years ago as clearly as I did here last night.

Mr. HUGHES.—Then all I have to say is that the defects to which the honorable and learned gentleman alluded must have been "defects" that affected the organization of the party outside. Probably the reference was to methods that were mainly directed towards securing for each of the component parts of that party an understanding which would insure to the several members of those parties a clear run at the next election.

Mr. DEAKIN.—A clear and equal chance.

Mr. HUGHES.—That, however, is an entirely distinct position from that taken up by the honorable member for East Sydney, who objects to us for other reasons. It so happens that he is the person to whom we turn at this critical juncture in our history, and ask him to step into the box as a witness for our cause to prove that we have done this thing which the honorable member for Ballarat doubts whether we could or would do. The right honorable and learned gentleman knows that in New South Wales, in 1895, we went out with him practically to all intents and purposes a united party.

Mr. REID.—Never a united party. I was never at one of the meetings of the Labour Party, and the honorable gentleman was never at one of the meetings of my party.

Mr. HUGHES.—No.

Mr. REID.—There was an alliance between two distinct parties.

Mr. HUGHES.—An alliance such as we were speaking of was practically agreed on in New South Wales, between the right honorable and learned gentleman at the head of the Opposition and the party to which I have the honour to belong.

Mr. SYDNEY SMITH.—Was it observed in all cases?

Mr. HUGHES.—We had an alliance on two or three fundamental principles, we appealed to the constituencies on those principles, we agreed that neither party should oppose the candidates of the other, and we loyally abided by that decision.

Mr. JOSEPH COOK.—No.

Mr. HUGHES.—We came back a united party. The honorable member for Hume can bear out my statement that after the general election of 1895 he was absolutely in a minority without our assistance. The party which he was either leading or to which he was attached as a prominent member, did gain a signal victory. That is to say, it increased its numbers. But generally the alliance or the campaign—call it what you may—was successful; and during the whole term of his Government the honorable member for East Sydney never was absolutely in a majority in a Parliament, not even in the Parliament of 1894-5, if we exclude the honorable member for Parkes, that lamented statesman who really did more towards founding this Federation than any other man—I mean Sir Henry Parkes—Sir William McMillan, and Mr. B. R. Wise. The votes of those four gentlemen were absolutely necessary to give to the Reid Party in that Parliament a majority independent of the Labour Party.

Mr. JOSEPH COOK.—They were all returned as pledged supporters of that party. Why make that distinction?

Mr. BRUCE SMITH.—I was not in it.

Mr. SYDNEY SMITH.—The other men were returned pledged to support our party.

Mr. HUGHES.—I do not say that they were not.

Mr. SYDNEY SMITH.—The honorable gentleman ought to say it, though, because it makes all the difference.

Mr. HUGHES.—I know, and everybody else knows, that the way in which those four members supported the Government did not meet with the approval of its head, who preferred the broad sword or the bludgeon of the honorable member for Hume to the iron hand in the velvet glove.

Mr. REID.—That is quite true—it was a bludgeon.

Mr. HUGHES.—The right honorable and learned gentleman was very thankful indeed for the allegiance of our party, which was returned to support him, and did support him without reservation.

Mr. REID.—Hear, hear.

Mr. HUGHES.—We were not men who were on this side one day and on the other the next day. We gave to him an unswerving support, and even now he has to admit it.

Mr. REID.—I do admit it freely.

Mr. HUGHES.—The right honorable and learned gentleman admits it, so far as I know without reservation, and without

pressure of any kind. The criticism directed by the honorable members for Ballarat and East Sydney against our party is to an extent mutually destructive. At any rate, the experience of the latter does in effect afford to the former an explanation, which, when I have added a few words, will prove conclusively that we were, and are, in a position to enter into any campaign.

Mr. CONROY. — The Labour Party broke their pledges, and opposed three of our men then. They might do the same thing now.

Mr. HUGHES. — When was that? I say that when the circumstances of the case are taken into consideration—when all those things are remembered against us—that the right honorable member has urged—it is found that in the whole of New South Wales there was only one man who did not adhere to the understanding between parties. And the circumstances of that one case were so peculiar that they could not be expected to be under our control. It could not be expected, in the history of any party, that it could have absolute control of every individual electorate. But, taking it “bye and large,” we fulfilled on every occasion the spirit and letter of our bond.

Mr. REID. — I never had any ground of complaint against the honorable and learned gentleman's party.

Mr. DEAKIN. — That has not been the experience in Victoria.

Mr. HUGHES. — That may be so. Yet I am persuaded—and I know that there are honorable members who sit on this side of the House who have excellent reason for believing—that it is no longer the case even in the State of Victoria.

Mr. DEAKIN. — Take the present State elections.

Mr. HUGHES. — I shall leave it to the individual judgment and individual taste of the honorable members who know the facts that the honorable and learned member for Ballarat has urged against us—to those men who know absolutely that that position is no longer the case in Victoria—either to make the real state of the case public or not as they please. But I am here to say now—without entering into any details whatever as to whether that statement is any longer true in Victoria—that so far as the Federal Parliament is concerned, at all events, those who elect to sit behind us, whether we are in a Government or in Opposition, are in no worse position than any

member of our own party. Indeed, they are in a better position. For whereas we may have to submit ourselves to a ballot of our own leagues, these gentlemen have no occasion to do so. And they have the assurance, positive and unfettered, so far as we are concerned, and so far as the organizations with which we are connected are concerned, both in relation to the party inside and the party outside Parliament, that everything is to be done that any party in this Commonwealth or in the world can do.

Mr. REID. — Now they ought to go straight!

Mr. HUGHES. — I intend now to deal with the criticisms of my right honorable friend the member for East Sydney. He has covered us with eulogy. He has testified to our ability, our singleness of purpose, our patriotism, and he has asked the House and the country to look at our record. He says, from the wealth of his own experience, that during the five years that he knew us in New South Wales, we never incommoded him, and never endeavoured to put undue pressure upon him, except in one instance. I do not know what that instance was. But he says we have treated him absolutely as we ought to have treated a parliamentary leader.

Sir WILLIAM LYNE. — I think that that one instance was with regard to the tea duties.

Mr. REID. — No.

Mr. HUGHES. — It is not tea time now, so why allude to that? The honorable and learned member for Ballarat was able to add to that assurance from his experience of our party in this Parliament. He said that we had exerted no unworthy pressure. While we had the right to exercise that public pressure in the House which our position in the country and the position of affairs might warrant—although we have exercised in New South Wales and in this Parliament considerable influence and power—still it is admitted that we never used it improperly. And we shall never do so. Now, we come, with this eulogy heavy on our brows—wearing the laurel that has been placed upon our head by the two honorable gentlemen to whom I have referred—to deal with this projected coalition. We come to consider the arguments used against our party holding office. Perhaps it would be well before we do so, to consider the circumstances under which we find ourselves occupying the Ministerial

benches. Our party, at the last election, sought the suffrages of the people upon a distinct programme. That programme has been dealt with at considerable length this morning. Very many of its planks have been touched upon, and much light has been thrown upon them, of a disinterested character, no doubt, by a disinterested critic. The people were appealed to upon a distinct programme, and we were returned. The position which we hold in both Houses to-day is the direct result of that. Amongst other things, we were returned to include States railway servants under the Compulsory Arbitration Bill.

Mr. REID.—All the public servants.

Mr. HUGHES.—The Commonwealth and States servants. The party was returned upon that pledge. The honorable and learned member for Ballarat at that time stated in a speech at Ballarat that he intended to oppose such an inclusion, for the reasons which he advanced—very comprehensive reasons indeed, and very admirable they were, although unconvincing to us—during the last Parliament. He said that he would continue to oppose the inclusion of the States civil servants. Further, he said one thing which, so far as I know, we heard for the first time in the history of politics in this country. Although I see around me many ex-Premiers, I do not know of one who has hailed the innovation of the honorable and learned member for Ballarat with that enthusiasm which so distinct and so great a novelty seemed to deserve. The ex-Prime Minister proposed to risk the fate of his Government upon that issue. My right honorable friend the member for Swan was for many years a very great—and, indeed, the controlling—influence in Western Australia. He never did that. My right honorable friend the member for East Sydney never did that in New South Wales. I think I am also right in saying that my honorable friend the member for Hume never did that. And I say that, judging by majorities, the honorable and learned member for Ballarat who did this thing committed the deadly sin of acting without precedent. However, he determined upon taking that course, and it has been admitted both by the honorable and learned member for Ballarat and by the right honorable member for East Sydney, that we in this party did nothing to precipitate the crisis. Rather must it be admitted by every fair-minded man that we did everything to prevent it.

Mr. CONROY.—The honorable and learned member's party fought on that issue.

Mr. HUGHES.—I do not object to interjections when they come from a free man. But when they come from a gentleman who has yielded up his conscience and his opinions I do object. I like to hear a lion roar when it is a lion right through; but when it is something else with a lion's skin over it, which roars only when one pulls its tail or blows the bellows for it, it is after all but an ass. Not that I mean to use the word ass in an offensive sense.

Mr. SPEAKER.—I must ask the honorable and learned member for Werriwa, as well as other honorable members, not to interject to such an extent. It must be obvious that the Minister for External Affairs is unable to proceed as he desires when he is interrupted so continually.

Mr. HUGHES.—I was referring to the action of the honorable and learned member for Ballarat as compared with the action of other honorable members who have been at the head of Governments. What I wanted to make clear was this—that the circumstances under which we came into office were such that we could not be accused of deliberately precipitating the crisis. On the other hand, I can say for myself, and, I believe, for every one of my colleagues in the Ministry and outside, that if we by any means could have avoided taking office we should willingly and gladly have done so. We were placed here, first and foremost, avowedly, according to the late Prime Minister, because he was determined to put an end to tripartite régime in the House of Representatives, and, secondly, because of the action of the right honorable member for East Sydney. We shall see which of those two reasons bear the better comparison—we shall see which will better bear the light of inspection. The honorable and learned member for Ballarat has stated his view of the subject. He saw that at the end there would, at the worst, be two parties, and he, therefore, did nothing to avoid the crisis. But what was the action of the right honorable member for East Sydney? His action was, unhappily, but too much on a par with all his other conduct of late, either to make it singular, or to call for much comment. But the right honorable gentleman, when adjured by the Sydney press to act the part of a leader, and take with him his party and save the Government, absolutely declined to do so. That party now follows him, apparently,

willingly; at any rate, it follows meekly and humbly enough, with one or two refreshing exceptions; but the right honorable gentleman either did not desire to bring his party with him and save the Government, or he thought that his party would not follow him.

Mr. REID.—I thought, perhaps, that my party ought to vote in accordance with their pledges to their constituents.

Mr. HUGHES.—These tender scruples—this tender regard for the principles of his followers—this late-found consideration for his friends—are like the scruples of a maiden, overcome, perhaps, for the moment, but they come a trifle too late. When the right honorable member was adjured by the Sydney press to stand fast and act the part of a leader, what did he do? He said nothing.

Mr. REID.—I did not obey the press.

Mr. HUGHES.—The right honorable gentleman adopted that last resource of eloquent men—he said nothing. He waited and did what was necessary through the agency of his agile and admirable lieutenants; and when in the ordinary course of affairs the Government would have been successful, they were defeated by the open apostasy of certain members of his party—by the votes of men who declared that they voted for one purpose and one purpose only. Of those honorable men who voted for or against the Government because of their convictions, I have nothing to say. But that men should put out a Government by voting against their cherished convictions and pledges to the people, is a position, unhappily, not unparalleled, but one which no right-thinking politician, to say nothing of a great statesman, ought to encourage or approve. Yet I have the best of reasons for believing that it was at the direct instigation of the right honorable member for East Sydney that this thing, which stinks in the nostrils of the people, was done.

Mr. REID.—Mr. Speaker, I wish at once to state, in parliamentary language, that the statement of the honorable and learned member is absolutely without foundation.

Mr. SPEAKER.—The honorable and learned member for East Sydney is not in order in interrupting a speech in order to contradict a statement therein made. If any honorable member desires to make an explanation, the proper time is when the honorable member in possession of the Chair resumes his seat.

Mr. REID.—Every man here knows that the statement is absolutely without foundation.

Mr. HUGHES.—I trust I may be permitted to say that which I have to say, and which I have reasonable ground for supposing to be true. If the right honorable gentleman did not say most publicly that his party, and those members of his party, who voted the other way, would get no "black looks" from him—that, in effect, he would crack no party whip—I humbly apologize. But if the right honorable member did say so, what need is there for me to say more. Are politicians suckling children?

Mr. REID.—Will the honorable and learned member let me state what I did say?

Mr. HUGHES.—The honorable member may say whatever he wishes to say.

Mr. REID.—I was speaking in reply to those very press attacks, to which the honorable and learned member has referred.

Mr. HUGHES.—If the right honorable member can say that he did what he could to save the Government, it is another matter.

Mr. REID.—Good Gracious!

Mr. HUGHES.—What did the right honorable member do to prevent the position which he now affects to regard as intolerable? I say that it stands at the door of the right honorable gentleman that we are here to-day as a Government.

Mr. DUGALD THOMSON.—What did the party of the Minister for External Affairs do to prevent the position?

Mr. HUGHES.—What did our party do? Ours is a party pledged to vote for principles irrespective of the results to ourselves; and no man can charge us that we have ever hesitated to do so; at any rate, the right honorable member for East Sydney is the last one who could make such a charge. Our party, times out of number, voted for him, and we did so on one occasion when it meant a dissolution, because our principles forced us to that way, though expediency lay in another direction.

Mr. REID.—And voted against the principles of the party. I had protectionists voting for free-trade all the time.

Mr. HUGHES.—If this discussion is to be a trial of physical strength, I candidly admit that I can do no more. There will be ample opportunity—the "swollen ranks of Tuscany" are opposite, and although they cheer now, they may answer me by-and-by if they are able or desirous to do so. For the

present, let me say that the Labour Party were, according to the statement of the right honorable gentleman, returned on that principle, and we should have been recreant had we not voted in its favour. We are here, therefore, through no fault or desire of our own.

Mr. REID.—Indeed! Were the present Government forced to take up the task by any one in the world?

Mr. HUGHES.—We are called here constitutionally, and although the right honorable member for East Sydney dug the pit for us, in order that he might emerge triumphant, he himself fell into it, as, before now, men have dug traps and fallen in. If the right honorable member was desirous of keeping the Labour Party out of power, the honorable and learned member for Ballarat some months ago held out in an honorable way the olive branch for an alliance.

Mr. REID.—The honorable and learned member for Ballarat never once addressed me on the subject.

Mr. HUGHES.—He did, most emphatically. According to the opinions of the Sydney press there was room and opportunity for coalition, but the right honorable member for East Sydney never said a word in favour of such a course, so long as the road was open to him to reign supreme. But when that road was no longer open—when there had been dug for us the pit into which he himself has fallen—he saw for the first time the beauties of a coalition. It was then, after having told us that we had been humiliated—that the honorable and learned member for Ballarat had directly intended to humiliate us—that the right honorable member for East Sydney saw the necessity of a coalition, and entered into negotiations. As to his right to do so I have nothing to say; it is for the electors of the Commonwealth to decide whether he had a right to enter into a coalition, and to do all he has done. At the proper time, doubtless, they will not be slow in giving him his answer. But it is proper to remind the country and the House how we came to be in power to-day—what has caused us to be here. We have been placed here not through any will of our own, or through any move of ours, but because—

Mr. REID.—That is a novel constitutional doctrine. Did any one force the Labour Party into office?

Mr. HUGHES.—We were forced into office by the intriguing of the right honorable gentleman, by an intrigue set on foot with the deliberate purpose of placing him

where we now are; an intrigue which failed, and which was a premonitory sign of a second intrigue, which, for the time being, has failed too.

Mr. REID.—Foor fellow! Is it so very precious?

Mr. JOSEPH COOK.—I must go over to the other side; I cannot hear on this side.

Mr. SPEAKER.—Unless the privilege which has hitherto been accorded to honorable members, of making such interjections as will not interrupt the member addressing the Chair, be fittingly used, it will be necessary for me to stop interjections of every kind. I hope that that will not be necessary, and, therefore, I appeal to honorable members to make only such interjections as appear to them to be absolutely called for, and will not interrupt the speaker.

Mr. FULLER.—The Minister for External Affairs was interrupting the right honorable and learned member for East Sydney all the morning.

Mr. SPEAKER.—I admit that he was allowed to interject on several occasions, but at no time did he do so in such a way as to interrupt the right honorable and learned member. Many of the interjections recently made, however, have been of such a character as to interrupt the Minister for External Affairs.

Mr. HUGHES.—I do not complain of interjections as such, but I am entitled to protest against a torrent of interjections such as makes it necessary for me to unduly raise my voice in order to be heard. We have attained our present position constitutionally and regularly, and under the circumstances I have explained, and the Prime Minister has put before the House and the country the programme which we ask Parliament to approve. He has explained that programme, and it is for the country to criticise it, and for Parliament to reject or adopt it. But we are now being subjected to opposition such as has never before been directed against any Government in Australia. We are being judged, not upon our programme, or upon our past record for faithful and honorable service and adherence to principle, but in quite another fashion. We are not being judged upon our programme and our record, because the former commends itself to all sorts and conditions of men here, and to the majority of men outside, while the latter entitles us to consideration, and to that fair play which we have extended to every Government, and should be extended to us in return. We

are, however, to be driven from office, because we are a Government recruited from the ranks of the Labour Party. But I believe that there is a sufficient number of men in this House imbued with the spirit of fair play, to see that we are dealt with as other Governments have been, upon our programme and the record which stands behind us. If it be asserted that we are incompetent to administer the great Departments of State intrusted to our charge, let us hear at once that it is so. If it be urged that we are corrupt, let us hear it; and let the country have the details of our corruption. If it be known that we are, in any sense of the word, unfit, let us be told so. If we are incapable of carrying our legislation through this House, let us be informed of the fact, and let us be instructed as to where we fall short. But, in regard to all these points, we have the double assurance of the two members who have spoken from the opposite side, that we lack nothing; that in point of ability, of honesty, of character, and of record, we are at least equal to the occasion. What then do we need? According to the right honorable member for East Sydney, the organization and circumstances of our party, the peculiarity of our methods, impose an embargo upon, and create an insuperable objection to our being intrusted with the government of public affairs. I propose, as briefly as I may, to deal with that contention. I am sure that the House will, in any case, permit me to do so, since the gravest charges have been made against our party and our methods, and it is only right that we should set ourselves straight in the eyes of honorable members and of the country. The right honorable member has stated that our programme was made, not by the Ministry, and not even by the party, but by people outside. Possibly that may be true. So far as our programme is contained in the document from which he quoted, it is the result of conferences which the citizens of Australia were invited to attend, and from which no man who chose to enter our organization was excluded, though, perhaps, the representatives of the party here did more than any others to secure its acceptance. But that programme is our programme by and large, and differs in no essential circumstances from the manifestos of conventions of protectionists or free-traders, which, from time to time, draw up bases upon which their organizations are to

*Mr. Hughes.*

work. The American political institutions—not that I for a moment think it desirable to emulate their methods—are similarly based upon what my right honorable friend has alluded to as an incurable, ineradicable, and undesirable defect. The American political system embraces the popular convention, and from it a policy drifts through various assemblies, until at last the party machine effects its purpose, and it is echoed in the Congress of the United States. So much for the general programme of our party. But the programme which the Ministry ask the country to support, and Parliament to adopt during the current and ensuing sessions, is one for which we, with the approval of our followers, are alone responsible. No one outside Parliament can add or take from it a single word, and we seek for it the support of only those members who believe in our principles. We have no coalition; there has been no attempt to bind together men of hostile and diverse opinions; there has been no attempt to gather into one net men who, in their political views, as in everything else, are as wide as the poles asunder. But we are making an earnest and single-hearted effort to bring into one fold all who believe in one set of principles. No Ministry ever had a more honorable task intrusted to it, and no Ministry ever had to apologize for attempting to perform such a task before. We seek the support of only those men who believe in what we put forward. We do not ask for the countenance of those who do not believe in us. Every man who sits behind us, whether on this side—

Mr. REID.—Or who skulks on this side.

Mr. HUGHES.—Every man who sits behind us, whether on this side or on that, must believe in our programme. If the fortune of war decree that we shall be put out of office and go into opposition, it will affect us little. During the twelve or thirteen years of our experience in this country we have never set our faces towards the Treasury benches; and, as I have already said, we have done nothing to precipitate the present state of affairs. We have never done anything to lead any one to believe that we desired office. I appeal to my right honorable and learned friend to say whether during the time he held office as Premier of New South Wales any member of our party ever asked him for a portfolio, or even hinted that such an appointment would be desirable.

Mr. REID.—I never heard of such a proposition; no one but a madman would ever dream of it.

Mr. HUGHES.—Did the right honorable and learned gentlemen ever gather such an impression from anything done or said by any member of our party?

Mr. REID.—Never.

Mr. HUGHES.—I appeal also to the honorable and learned member for Ballarat to say whether he ever saw the slightest indication that any member of our party was seeking office with him. I think that he will attest to the contrary. Therefore, it is nothing to us if the House decides that we shall go into opposition. We say to those honorable members whose support we seek, that if they desire to sit behind us they will have the same voice as every other man who sits here now, in moulding the policy of the Government. There will be no difference between those who are in and those who are out of the pledged fold. Every honorable member who gives us his support will have the same vote as those who are regarded as pledged members of the Labour Party. That is the answer I give to the right honorable gentleman, and it should be sufficient. It will be useless for him to say that the pledged party which stands behind us now, with the one or two other honorable members who have come over, has it within its power to control the decisions of other honorable members who may support us. All honorable members who elect to follow us, either here or on the other side of the House—if we ever cross over—will have absolutely the same voice, and the same vote, in regulating the policy of the Government. So much for that. Thus, our programme differs in no essential particular from that of any other Government. It is subject only to modification in detail by the whole of the members of the Ministerial party, irrespective of whether such members are what are called pledged men or unpledged men. Whether they are attached or unattached is quite immaterial to the great principle. So much for that, too. Now, let us consider the Government programme. How admirable it is, and with what degree of foresight this party framed it, is to be judged from the fact that another party, meeting under conditions wholly dissimilar, and composed of men as widely separated as the poles, not only from us, but from each other, framed one that is identical. To those honorable members who believe in Spiritualism, and I understand that the

honorable and learned member for Ballarat is among the number, the similarity of the two programmes affords further proof that there are certain influences, of which we are not fully conscious. Even to those honorable members who do not share the spiritual convictions of the honorable and learned member for Ballarat such a coincidence may well give cause for reflection. Here we have two parties who have framed the same programme. It is true we framed ours first, but that has nothing to do with the question.

Mr. REID.—The programme of the Government comprises much that was in the Governor-General's Speech.

Mr. HUGHES.—At any rate, we framed our programme first. The right honorable gentleman stated that that aided him not at all, and that he framed his programme without any assistance from us. Our programme, then, commends itself to the whole of the people. Here was a coalition bent on securing support from every section of the House, bent on bringing to its aid every man in this country and every constituency, and it could find no better programme than that which the Government have adopted. How eloquent a tribute is that to the skill with which we framed our programme, and to the principles which we have embodied therein. These principles were not adopted by us, as by some men, but yesterday, but we have advocated them since we entered political life. They were not found but yesterday, but we stood upon them at the last election. We shall see in a moment upon what principles some members of the coalition stood, and we can judge as to the position in which they will stand when we ask the people of the country this great question: "Since the whole House agrees to one platform, to whom will you intrust the work of carrying it out—to those men who have always believed in these principles, who have advocated them, and who stood upon them at the last election, and who came constitutionally into office, not by virtue of intrigue, or by the most complete abandonment of principle; or will you put your trust in those men who at the last election utterly denounced these principles, who would have none of them, whose wildest denunciations were insufficient to express the full volume of their decrial?" Which of these two parties will the people of Australia select on this occasion? Well, we shall see. I would suggest to the right honorable member that there is a short and easy way of at once determining which of



us has the better cause; which of us has the public at our backs. Let us go to the country upon this one question: "Under which King?"

Mr. REID.—Hear, hear. I am ready.

Mr. HUGHES.—Since all parties are now agreed on a programme, under which Government shall we stand? Under those men who have abandoned principle, whose lips are yet curved with the vows they uttered at the last election, and from the denunciations of the programme which to-day they hold up for the approval of the people of Australia? Under which King? Under those men who have betrayed their hustings pledges whilst the froth of their eloquence is still drying on their lips, or under those who have at least the merit of being true to the pledges they gave at the last, and at many prior elections? Even with all the enormous influence that the right honorable member for East Sydney can wield in the State to which I belong, I yet venture to doubt whether the press of that State can see its way to any longer hold up such a load. When the right honorable and learned gentleman speaks of the policy of this coalition, it is intolerable that he should come to this House and ask us to support him in putting forward a programme, nearly every plank of which he openly denounced a few months ago. I propose now to deal with the right honorable gentleman and his public professions at the last general elections, and shall commence by reading an extract from the *Sydney Daily Telegraph* of 18th August, 1903, dealing with the attitude taken up by him in reference to the policy of a White Australia. We have all read the proposals of the coalition, and I shall say this much for the honorable and learned member for Ballarat East—

Mr. WATSON.—The honorable and learned member for Ballarat.

Mr. DEAKIN.—Ballarat—east and west, north and south.

Mr. HUGHES.—Quite so; but in these days of confusion we turn our faces to the east and west, and no man knows which is the east and which is the west. But I will say this for the honorable and learned member for Ballarat, that, so far as I am able to judge, there is nothing in the programme put forward by him in connexion with the projected coalition that he has not always favoured.

Mr. DEAKIN.—Every item was contained in the Governor-General's Speech at the opening of the present Parliament.

Mr. HUGHES.—Whatever, then, may be said of others, so far as this matter is concerned, nothing can be said against the honorable and learned member. He stands to-day where he has always stood, or, at all events, in the position which he occupied at the last elections. I wish to show the country where the other partner in this projected coalition stood at that time. The extract to which I have referred is part of a report of a speech made by him at a public meeting. He is an adept in addressing public meetings. He is, perhaps, the best platform speaker in Australia.

Mr. FISHER.—In the world.

Mr. HUGHES.—I do not say that, but search the world over, and the man who is able to excel my right honorable friend as a platform speaker must be a very good one indeed.

Mr. REID.—I am ready to die now.

Mr. HUGHES.—The right honorable member anoints our heads with the oil of fair words before he cuts our throats. It is surely permitted to me to follow such an illustrious example, and to say that which is no compliment, but the honest truth. The right honorable gentleman knows that in my opinion his powers of oratory and ability are without question, and that I have always thought so. But I am dealing now with his principles, and that, unhappily, is a different matter. The extract is as follows:—

I want now to say a word or two about the White Australia policy. While I am thoroughly in favour of that policy, I think that we have got into a position in reference to mail contracts which puts Australia into a ludicrously false position. The Government, by their treatment of the subject of coloured labour on mail contracts, has brought the policy of a White Australia into utter contempt.

Mr. REID.—I say that now.

Mr. HUGHES.—The right honorable gentleman continued—

I would not wish my greatest enemy anything worse than to be in the stokehole of a mail steamer in the Red Sea. . . . I will take that clause out of the Act if I have the power—

I claim for one moment the attention of the honorable and learned member for Ballarat. Am I to understand that it was the intention of the coalition to stand fast by the White Australia principle, or for coloured labour on mail steamers? Yes or no?

Mr. DEAKIN.—No proposal for an alteration was included in the programme.

Mr. HUGHES.—Then listen to this.

Mr. REID.—Let me add one word to the statement made by the honorable and learned member for Ballarat.

Mr. HUGHES.—I must be allowed to proceed with my remarks. I accept the statement of the honorable and learned member for Ballarat that there was to be no alteration in the policy.

Mr. REID.—That is not quite correct. The honorable and learned gentleman will surely allow me to say a word or two in explanation.

Mr. SPEAKER.—Order. The Standing Orders fix a time for making any explanation.

Mr. REID.—My honorable and learned friend has fairly given way, so that I may make a short statement.

Mr. HUGHES.—Quite so.

Mr. SPEAKER.—It is not a question for the determination of any honorable member. The Standing Orders fix the time for making explanations, and under these Standing Orders the right honorable and learned member may make an explanation when the honorable and learned member has resumed his seat.

Mr. REID.—I shall be on my way to Sydney by that time.

Mr. HUGHES.—So far as I am concerned it is merely a question of time. The right honorable gentleman to-day occupied three hours in addressing the House, and I had only about an hour and a half in which to put my views before honorable members. If the right honorable member has anything which he desires to explain, I shall, however, be quite prepared to listen to him now.

Mr. REID.—I will explain the matter in one or two words.

Mr. SPEAKER.—The Minister for External Affairs has no power to set aside the rules of the House. The House itself has power to suspend its Standing Orders, and if it is its pleasure that the right honorable member for East Sydney be permitted to make an explanation I shall offer no objection.

HONORABLE MEMBERS.—Hear, hear.

Mr. WEBSTER.—No.

Mr. SPEAKER.—The consent of the House must be unanimous, and as there is an objection, I cannot allow the explanation to be made.

Mr. HUGHES.—I wish to say that I entirely repudiate any effort to prevent the right honorable member from making an explanation. I would ask the honorable member for Gwydir to withdraw his objec-

tion, because it gives the right honorable member an opportunity to complain. If he will not do so, I cannot help it.

Mr. REID.—I may as well retire from the Chamber.

Mr. HUGHES.—At the meeting to which I have referred the right honorable member went on to say—

I will take that clause out of the Act if I have the power to do it—(cheers)—and I will alter that White Australia Act which allows a respectable working man from England to be kept as if he were a prisoner on reaching the shores of Australia. (Prolonged cheering.)

Mr. MAUGER.—The right honorable member was referring to one of the vital principles of the Act.

Mr. WATSON.—The contract section.

Mr. DUGALD THOMSON.—The honorable member's own party is now breaking it.

Mr. MAUGER.—That is a matter of opinion.

Mr. SPEAKER.—Order.

Mr. HUGHES.—The report continues—

#### THE FISCAL FLAG.

I want to tell you frankly that, although all sorts of temptations have been addressed to me to sink the fiscal question, and although I believe I would be an infinitely stronger man, so far as the whole of Australia is concerned, if I would only sink this question, I cannot do it. My whole public career would be a fraud if I endeavoured to get political power by sacrificing the great principle of my political existence. I cannot give Australia as small a Tariff as I gave you in New South Wales, because it must be a Tariff realizing a large sum in the interests of the States; but what I can say is, that if the people of Australia must bear these financial burdens, I will do all I can to see that, in bearing these burdens, the Tariff shall be so adjusted that their hard-earned money, which is to come out of their pockets under an Act of Parliament, shall go honestly into the public Treasury.

That was Mr. Reid at the last elections. Here, then, is a distinct statement of fact. We find that he was against that White Australia policy which has given us what is known as the case of the six hatters, the *Petriana* case, and the Max Stelling incident. He is against the exclusion of coloured labour from mail steamers, and yet he comes down now prepared to swallow all this, and much more, and asks the people of the country to intrust him with the administration of these measures.

Mr. BRUCE SMITH.—Will the honorable and learned gentleman give the House the date of that extract?

Mr. WATSON.—He has promised to do so. We are looking it up.

Mr. BRUCE SMITH.—It is very important that we should have the date. The speech

in question was made before the elections took place.

Mr. WATSON.—Would that make any difference in the right honorable gentleman's opinion of the policy of a White Australia?

Mr. HUGHES.—I have quoted this newspaper report of the right honorable member's speech, because I considered it desirable to do so. It would be unnecessary to quote it in New South Wales, for there every man knows on what side the right honorable member has taken his stand. The right honorable member denounced the Max Stelling incident, the *Petiana* incident, the incident of the six hatters, and coloured labour upon the mail steamers, and there sits alongside of him now an honorable and learned member who denounced the whole thing, root and branch.

Mr. BRUCE SMITH. — And will do so again.

Mr. HUGHES.—This refreshing candour! The honorable and learned member does so still, and yet the coalition, with its all-capacious arm, embraces him, and takes him to its bosom, and says to the people of Australia, "Here, come with us upon this programme, and help us to give a White Australia." The coalition includes Mr. Bruce Smith, the honorable and learned member for Parkes, the honorable member for Kooyong, the honorable member for Grampians, and other honorable gentlemen, who stand with them in that noble phalanx into which the darts of a White Australia have never been able to enter. These are the men into whose hands the conduct of White Australian legislation is now to be intrusted. What an abandonment of principle! What a complete abnegation of anything like principle! What a complete repudiation of pledges given at the last general election? There are some honorable members who, in joining the coalition, do not need to do any such thing. There are many honorable members who have sat upon the opposite side—I speak of the late Opposition pure and simple—who were as earnest in their advocacy of White Australian legislation as we were ourselves. In fact, there was in this House but a handful of honorable members opposed to that legislation. It went through with the approval, I believe, of seven out of ten—aye, of nine out of ten of the members of this House. Therefore it has the imprint not merely of the Labour Party, but of the late Government, and of the late Opposition, under the right honor-

able member for East Sydney. But when we see that the very men who alone opposed it are included in this coalition, and that they are now prepared, not merely to go the length of fighting in favour of a White Australia, but of standing up for those very measures which they have denounced unsparingly from the time they were passed until now, I ask this House and this country what credence and what faith is to be placed in a coalition of this kind?

Mr. CAMERON.—Every one of them has not done so.

Mr. WATSON.—Hear, hear; the honorable member is still faithful.

Mr. HUGHES.—Yes, I am glad to say that there is one man who has not yet bowed the knee to Baal. But, though that may be true, there are half-a-dozen who have done so.

Mr. CAMERON.—I cannot help that.

Mr. HUGHES.—Well and good. I would rather a hundred times that a man should stand up here and denounce the White Australia policy until his breath should fail him, than that he should dishonorably abandon his pledges and principles for the mere purpose of securing any petty advantage, or ousting any political party, no matter how detested.

Mr. DUGALD THOMSON.—We shall show that the honorable and learned member has done that himself.

Mr. HUGHES.—It is idle to remind the honorable and learned member for Parkes of his repudiation of pledges. If I chose, and had sufficient time, I could mention a hundred things, any one of which would shrivel up another man, but which perhaps would hardly affect the honorable and learned gentleman. I point out to this House and the country that the coalition opposite embraces men who have been bitterly opposed to the legislation to which I have referred, but who yet are prepared to abandon their principles and sink everything that they may put us out of office. I ask the people who believe in our principles whether they can have any faith at all that a Government including such honorable members would carry out their pledges? What assurance have we that the men who to-day have broken their pledges, but five months old, will not to-morrow break them again? The breaking of pledges, like lying, becomes more easy every day.

Mr. BRUCE SMITH.—How does the honorable and learned member know?

Mr. HUGHES.—To break a pledge a first time, no doubt, tears a man asunder and puts him to confusion; but if he continues to break his pledges it becomes to him as nothing, after all. The right honorable member for East Sydney, unfortunately, has gone from this chamber, owing to the action of the honorable member for Gwydir, which I bitterly regret.

Mr. WILKS.—The honorable member will drive supporters of the party away if he keeps up that sort of game.

Mr. HUGHES.—I entirely repudiate his action, because I believe that fair play is the essence of everything. I have listened to some unsparing denunciations of myself with as much calmness as a man of my disposition can, and I ask no more from other men than I am prepared to give them. Since both parties have the same programme, and both are asking the country to support them on the same principles, I ask the House and the country to decide under which they shall elect to stand. I have no doubt that there are men in this House so strongly in favour of the White Australia policy, that, come what may, they will not give their support to the right honorable member for East Sydney. Who may follow us or who may move us is another matter, but that they will follow the right honorable gentleman I utterly refuse to believe. There is growing in Australia a keener criticism of the actions of public men than the attitude of some honorable gentlemen in this Chamber would lead people to suppose. No man can now break his pledges with impunity. It is idle for men to think that they can shelter themselves beneath the wing of some great leader, or, under the protecting influence of some greater newspaper. Every man is now asked by the free and independent electors—"Did you say this, or did you do that?" and no excuse will save him, no subterfuge will aid him, by no possibility can he escape the inevitable doom of repudiation of pledges. We have been charged that our programme is a socialistic programme—not the programme which we have put before Parliament, but the programme which has been prepared by the various conferences, and which is printed in the *brochure* which has been handed round this morning. All I can say is that it is a difficult thing to define what Socialism means in this country. We are advancing so rapidly towards Socialism, or towards some "ism" or other, that some of us find ourselves unable to keep up with

the trend of public opinion. Though I am here called a Socialist, I am denounced with the most unsparing invective by the socialistic party in New South Wales.

Mr. WILKS.—They call the honorable and learned member an aristocrat over there now.

Mr. HUGHES.—Undoubtedly.

Mr. JOSEPH COOK.—They put the honorable and learned member in the same category with myself very often.

Mr. THOMAS.—Never!

Mr. JOSEPH COOK.—A certain paper does.

Mr. THOMAS.—Has the honorable and learned member for West Sydney fallen so low?

Mr. HUGHES.—Here is the programme we are content to be judged upon. It is a programme, I was going to say, like that of my honorable friend the member for New England, or of the honorable member for Lang; it is a programme which extends into the illimitable beyond. It may be ten years, it may be twenty years, it may be any time before we shall see the full fruits of this programme. But one assurance which the House has that we should not go beyond the bounds that it likes or desires, is that it has us absolutely at its mercy. There are, I believe, in the Chamber a sufficient number of men to prevent legislation from going any further than the Government purpose either this session or next session. What better assurance can honorable members have, and what better assurance do persons outside the walls of this chamber need than this: that the people's representatives decide how far any Government shall go? They did it before, they will do it again. And outside there is at least a final tribunal to which all parties and all Governments must appeal. It is for the people to decide how far they will embark in any socialistic or other kind of experiment. Without their approval no Government can do anything; without their approval no Government, with any degree of common-sense, would think of attempting to go a step forward. Under these circumstances, therefore, the House and the country have the best of guarantees that we shall not go outside the programme laid down by the Prime Minister yesterday. The right honorable and learned gentleman, not content with saying that we were going too far, said that we were not going far enough. Hard, indeed, is our lot when we cannot please him with a promise to go a long distance; nor with a promise to halt half-way. He says that ours is a milk-and-water policy.

Oh, that such a charge should come from such a man! If ours is a milk-and-water policy, what is his? In this House we have heard of what boiled milk did, and can do; and milk and water we know. But what kind of policy is that of the right honorable and learned gentleman who was in favour of milk, and is now in favour of kerosene oil; who was in favour of this thing, and is now in favour of its opposite; who believed in the antidote, and now swallows the poison without the antidote; who is prepared to do anything in the way of swallowing what he said at the last election, so long only as he can get in or push us out, which is much the same thing. So far, from our putting forward a milk-and-water policy, may I point out that our platform as it now stands includes the maintenance of a White Australia, the enactment of compulsory arbitration, the institution of old-age pensions, the nationalization of monopolies, the creation of a citizens' defence force, and the restriction of public borrowing. We propose to nationalize one monopoly. The creation of a citizens' defence force has always been our aim. Never mind what are the sins of other parties in other places, we stand here, and no man can accuse us of being other than in favour of the restriction of public borrowing. Next session we propose to deal with old-age pensions, navigation, and nationalization of monopolies. So that, in effect, we propose to ask the House to deal with the majority of the planks of this fighting platform in this and the ensuing session. Is that a milk-and-water policy? Is that a bartering or a surrender of principles? Certainly, if it be such a surrender, the right honorable member for East Sydney is not the one who ought to make the charge. But it is not a surrender of principles; it is a standing fast by principles, and because of that, because of our record, because of the circumstances under which we came into office, and because of that spirit of fair play which animates all public assemblies, and on which no man in any Parliament that I have known has relied in vain, we believe that we shall obtain a majority here to support us while we do that which is right. The honorable and learned member for Ballarat told us that we are only a minority of the House. I would remind him that on at least two or three of the principles I have mentioned, we have a majority at our back. On the inclusion of public servants in the

Conciliation and Arbitration Bill, we have demonstrated that we have a majority. On the nationalization of monopolies, why only yesterday the Senate, by a majority of seventeen votes to eight, agreed to the nationalization of the tobacco industry. But for the absence of two members of the Labour Party, the Senate would have decided in its favour by an absolute majority. Therefore, we have a majority in another place on that question. The leader of the Opposition said a great deal about industrial legislation. He said that we proposed to restrict individual effort, to introduce an era of unification, to do something that we ought not to do. On this subject, I propose to quote the words of Sir William McMillan, the acting-leader of the Opposition in the last Parliament, when the honorable and learned member for East Sydney was absent. Let me say of that gentleman, that although he has opposed us on many occasions, no man can ever accuse him of going back on his principles. He has stood up for one set of principles since he entered public life, and so far as I know he stands up for them still. Speaking here on the 28th June, 1901, he said—

I hold generally that everything that affects the rights and liberties—especially the industrial life of the community—ought to be in the hands of the national Parliament. I have seen, since that Convention, certain attempts at legislation in some of the local Parliaments. I am not going to say whether that legislation is sound or not, but it certainly is of such a far-reaching character with regard to the liberties of the people in their industrial life—and, after all, Australia is an industrial community—that I do not think those great subjects should be settled except by a national Parliament.

Sir William McMillan made that speech, and apparently there was not one man in the House who dissented from it sufficiently to call for a division; the motion was carried on the voices. Are we to be accused then of seeking to introduce some new and dangerous principle into the arena of legislation, when we only propose to do that which has commanded the unanimous support of this Chamber, and the approval of that honorable gentleman? So much for our programme. Now for a word or two on our methods. A great deal has been said about our pledge, the methods of selection, and so on. I do not deny that these, when first introduced into this country, were somewhat new. But I deny entirely that they are singular now. I would point out that at the last election in New South Wales the majority of bodies adopted our principles, that a great num-

*Mr. Hughes.*

ber of them insisted on written pledges. I ask the honorable member for Parkes does he, or does he not, believe in a written pledge?

Mr. BRUCE SMITH.—I do not approve of written pledges.

Mr. HUGHES.—If the honorable and learned member does not believe in written pledges, why did he give one? And further, why did he add to it that which no other man in New South Wales did? Why did he do it after a denunciation of the principle which made his subsequent acceptance of it absolutely dishonorable?

Mr. BRUCE SMITH.—Will the honorable and learned gentleman say what he means?

Mr. HUGHES.—I shall not say any more than this—that the honorable and learned member, in the State of New South Wales, after declaring that he would not be bound, and that he thought that no man should be asked to give such a pledge, and that he refused to do it, subsequently gave a pledge to the organization in New South Wales, and did something which, so far as I knew, no other man who gave a similar pledge did. Unless the honorable and learned member gave several pledges he knows what I mean.

Mr. BRUCE SMITH.—I deny what the honorable gentleman says.

Mr. HUGHES.—Deny how much of it? Does the honorable and learned member deny that he gave such a pledge? He can deny it categorically, he can deny it generally, he can deny it how he pleases, but he knows full well that if it is necessary I will in detail prove anything that I have said.

Mr. BRUCE SMITH.—The honorable gentleman may if he chooses.

Mr. HUGHES.—Not only so, but nearly every organization in New South Wales, and throughout Australia, has, more or less, fallen into this method. In New South Wales to-day, at the various selections of reform candidates, every man is asked to give a pledge. Most of the candidates, if not all, are asked to give written pledges. They are not merely asked to give pledges, but they are pledged to stand down if they are not selected. Does any honorable member deny that?

Mr. WILKS.—They are copying the methods of the Labour Party, because they have seen how successful they are in the hands of honorable members opposite.

Mr. HUGHES.—I see. What greater tribute could there be to our methods than that tardily they have copied them?

Mr. WILKS.—And when all parties have copied them, honorable members opposite will be "done."

Mr. HUGHES.—As a matter of fact, our methods were, and are, admirably adapted to third party politics. But we are for the first time confronted with a new situation. We are no hide-bound Conservatives! It is a matter for historians and soldiers to speculate what would have happened if the legions of Cæsar had met the phalanx of Alexander. Every one knows that when they met the phalanx of later Greece, they broke them up; but what would have happened if they had met the phalanx of Philip or of Alexander no man can tell. What would have happened if the thin red line and the British squares that met the forces of Napoleon at Waterloo had been met by troops who fought upon the methods of to-day, I do not know. But I know that the methods of to-day are suitable for the warfare of to-day; and so far as we know it has been demonstrated that our methods, for third party warfare, are not to be excelled. We have done very much. We are now a Government. We shall never become less than an Opposition at the worst—or at the best. Therefore, it may be necessary to adopt other methods. I have said that there is another way by which men who are now in this Parliament, but who are not in the party to which I belong, may sit behind and support this Government on absolutely equal terms, without bothering their heads about any pledge of one kind or another. We ask from them what a coalition and what every party would ask from them, faithful and loyal service. I ask any honorable member opposite—if he were to break away from the Free-trade Party, or from any party, whether he would not expect that that party would oppose him at the next election? Undoubtedly. I put it to the honorable and learned member for Ballarat, whether if one of his party deliberately, while he was leading the Protectionists, broke away from the party, and went to the other side of the House, leaving his supporters in an extremity, he would not, or his organization would not, do all they were able to do to put that man out at a subsequent election? We do not do more than that. We are entitled to do that, and we have done it. Fortunately, for many reasons, we have hardly ever had occasion to do it; but I say, subject to that qualification, that any man has as much assurance with us as he has when sitting with any other

party now in existence. I want to say a word or two more about our methods—about what has been termed machine politics. I ask the New South Wales members to recollect that their machine, so far as the Senate is concerned, is absolutely of the most rigid character. No man, unless he acts with the machine, can possibly hope to win at a Senate election in that State. Three men were selected at the last election. By whom were they selected? By a junta—by a body of men—not by the right honorable member for East Sydney. The right honorable member might say that he thought that so and so ought to be selected, but it was by the free-trade organization that the candidates were selected. These act with the machine, and the machine pulls them through. If honorable members want undeniable proof of that statement, let them turn to the results of the last election. I ask any honorable member for New South Wales to prove that I am not speaking the absolute truth. One of the candidates proposed for the Senate was Lt.-Col. Neild, a man as widely known as Australia itself—a gentleman who has occupied a dual capacity as senator and colonel, and who has lately caused a certain amount of disturbance in the Military Department, and has almost paralyzed the Major-General himself. This gentleman was unable to secure very many more votes than a man who was practically unknown, and another man who, whatever his qualifications on the floor of the Senate, however admirable his gifts as an exponent of free-trade and finance—upon which he is to be taken as a very great authority—is certainly not as widely known as the gentleman to whom I have referred. Yet Lt.-Col. Neild was unable, I say, to poll very many more votes than these two men.

Mr. JOSEPH COOK.—Both the other candidates were as well known as he was.

Mr. HUGHES.—People had to vote for the three selected candidates to avoid giving votes away to the protectionists. There was no option for the people of New South Wales. There was an iron-bound rigid system. Every candidate was bound to the ticket. Talk of American politics! No man, unless he could get into the machine in New South Wales, had the slightest hope. Though one rose from the dead, or came down from on high, he must be in the machine or he could do nothing. I will read the figures showing the result of

that Senate election. They were—Neild, 189,892; Pulsford, 188,101; Gray, 185,716. Four thousand votes separated a senator whose gifts of oratory in New South Wales have on many occasions made us stand amazed, and whose character has impressed itself upon the Departments, civil and military, from a man who was comparatively unknown. In other words, Lt.-Col. Neild was unable to beat Senator Pulsford by more than 1,700 votes, and Senator Gray by more than 4,000. The machine is on top in New South Wales. The right honorable member for East Sydney says that ours is a rigid machine. A rigid machine! I would that we had half so perfect an organization as the right honorable member has!

Mr. JOSEPH COOK. — Let the honorable gentleman give us the output of his party's machine.

Mr. HUGHES.—I say nothing in complaint about the machine. I am not complaining of the Sydney press.

Mr. WILKS. — The honorable gentleman was in both machines.

Mr. HUGHES.—The Sydney press has always treated me well, but of that I say nothing. I am ready to take advantage of any machinery, and make no pretence otherwise. No one can say that on either my free-trade or my labour principles I have ever gone back on my hustings pledges. I am amazed and grieved that I have not had an opportunity of giving effect to those pledges, which I made to my constituents on the last occasion, by saying one word or casting one vote for the great principle of free-trade, which my late respected leader apparently had not the courage to test here.

Mr. JOSEPH COOK.—The honorable and learned member now has a chance to give effect to his free-trade principles.

Mr. WATSON.—Against his own party and leader?

Mr. HUGHES.—When I see on the Opposition side amongst the "ranks of Tuscany," as I have called them, free-traders like the honorable member for New England, with whom it is a religion to regard free-trade as the most sacred thing on earth—who believes that the beginning and end of all things is a tax on the unimproved value of land and free-trade—and along with him the honorable member for Lang, standing behind a coalition which has agreed to sink free-trade, I know that in the realms of the blest, when I have there

to answer for my sins, I shall be able to urge one excuse—"The single taxers swallowed their principles, and how shall one, who falls far short of them, be held inexcusable?" The honorable member for Lang only last week wrote a letter to the Sydney press, in which he denounced the sinking of the free-trade question; but I have since, with agonised earnestness, looked in vain at the columns of the daily press in the hope of finding the name of "Johnson" arrayed amongst those who have cast off the yoke of coalition.

Mr. JOHNSON.—The honorable and learned member never saw my name attached to any socialistic programme.

Mr. HUGHES.—I regret very much that I am unable to finish my remarks in the time available. I feel sure, however, that honorable members will agree that I should have a further opportunity, and I, therefore, ask permission to resume my speech on Tuesday.

Mr. SPEAKER.—Is it the pleasure of the House that the honorable and learned member have leave to continue his address on Tuesday?

HONORABLE MEMBERS.—Hear, hear.

Leave granted; debate adjourned.

## ADJOURNMENT.

### PERSONAL EXPLANATIONS.

Mr. WEBSTER (Gwydir).—I desire to give an explanation of some remarks of mine which seem to have given umbrage to the Minister for External Affairs. I still think that I was right, when at an earlier stage to-day, I took up the attitude I did believing that the effectiveness of the speech of the Minister for External Affairs was being unnecessarily interfered with by interjections. I like to see fair play extended to every man who has an important task to perform, and it is remarkable that when I exercised a constitutional right, certain honorable members should object, especially in view of the fact that I did so from the best of motives, namely, to insure a fair hearing for the speaker, and an opportunity to honorable members to listen consecutively to his remarks. Personally I do not think I transgressed in any material way. I would point out also that, although to some honorable members interjections may afford food for discussion, they are to other honorable members very irritating and confusing.

Mr. JOSEPH COOK.—Is the honorable member for Gwydir in order in debating again a matter which is not now before the House? On the motion for adjournment an honorable member may deal with any fresh matter he pleases, but I submit that the honorable member for Gwydir is going beyond a personal explanation.

Mr. SPEAKER.—The honorable member of Gwydir is acting within his right in making a personal explanation, and he will not be permitted to go beyond it.

Mr. WEBSTER.—That is what I am endeavouring to do. I simply say in conclusion that I am surprised that a gentleman so long in Parliament—

Mr. SPEAKER.—Is that a personal explanation?

Mr. WEBSTER.—It is an explanation of why I took the stand I did to-day. It seems to me that there is no occasion for such umbrage at my action, when I was perfectly within my constitutional right, and acted in the best interests of orderly debate.

Mr. HUGHES (West Sydney—Minister for External Affairs).—I only want to say, as to a matter with which, perhaps, I had not an opportunity—

Mr. SPEAKER.—I would point out that a personal explanation is not open for debate. If the Minister for External Affairs desires to make a personal explanation he is at liberty to do so.

Mr. HUGHES.—I do not know whether I made it perfectly clear to the House that I objected to interjections only when, in view of my bad throat, they caused me to speak in a louder tone than I should adopt. I need hardly say that so far as the honorable and learned member against whom my remarks were directed is concerned, it was through no action of mine that he was prevented from replying.

Mr. BRUCE SMITH (Parkes).—I purposely abstained from accepting the challenge of the Minister for External Affairs, because I saw at once that I should be embarking upon a very one-sided controversy, having regard to the way in which the leader of the Opposition had been treated. While the Minister could have availed himself of his position as having the floor of the House, I should have been prevented from giving a full and complete answer to his challenge. I therefore abstained, at great sacrifice of personal pride, but I shall meet the Minister when I address the House on the question.



Mr. DEAKIN (Ballarat).—I also have a personal explanation to make. In reply to the question of the Minister for External Affairs as to any possible alteration of the clause of the Immigration Restriction Act to which he alluded, I answered, with absolute accuracy, that no proposal for any alteration had been included in the programme agreed on. I have nothing to withdraw; but the right honorable and learned member for East Sydney is perhaps prevented by his absence from adding that, of course, this in no way limited him in his freedom of action. The programme was the programme of the Government, and that was all that the members of that Government, if it were ever formed, and all that those who accepted the programme, if they supported that Government, were called on to accept. The right honorable and learned member for East Sydney could follow his own course as a private member.

Mr. MAUGER.—As a member of the Government?

Mr. DEAKIN.—Not as a member of the Government, unless he was able to persuade the whole of his colleagues, but as any member of a Government may in his private capacity. In the next place, an allusion was made by the right honorable and learned member for East Sydney to the fact that he was unaware that prior to the opening of negotiations between himself and myself, and even during them the door was open for negotiations between the members of the Labour Party and myself. I accept the statement of the right honorable member without hesitation and without qualification. He says correctly that it was not until the second or third day of our meeting to draft a programme that I specifically alluded to this option. I did not understand then that he was surprised at my allusion. But it is necessary now to say something not in correction of anything he has said, but to prevent the possibility of the implication that I was not justified in assuming that he was perfectly well aware of the fact that the door, as I expressed it yesterday, was open on both sides. I have, therefore, referred to the *Daily Telegraph*, of Sydney, and go back no further than the meeting of the caucus of the party to which I belong, on the day when the present Administration made its first appearance in this House. Months before that I had spoken

against the three-party system, and of the necessity for two of the parties to join, and had been censured by the newspaper from which I am about to quote for making it so plain that we were open to offers from either of the other parties. I find that in the *Daily Telegraph* of the 2nd May inst. I am reported as replying to some criticisms of the right honorable member for East Sydney in these words—

His further statement that the stability of the Government should be the sole consideration is answered by the foregoing calculation of strength, and by the recollection that it is open to Mr. Watson, just as it is to himself, to seek alliance with either of the other two parties in Parliament, and by this means to secure the standing and authority which are wanting in the present Administration.

On the same page appears this statement from its Melbourne correspondent—

Mr. Deakin is said to have offered to stand down if a coalition can be established which will be a union of men having political sympathies in common. Mr. Deakin will not, however, declare the kind of coalition that he desires. It is announced on his behalf that he does not intend to make any overtures, but that he will consider any that may be made to him, and will then be guided by the decision of his party.

Then on 3rd May the Melbourne correspondent telegraphs—

Efforts continue to be made by the different sections of the protectionist opposition to promote a coalition. The members who are anxious to join with the Labour Party still talk confidently of being able to frustrate any move that will bring Mr. Reid and Mr. Deakin together. The published interview with Mr. Batchelor, the Minister for Home Affairs, is quoted as evidence that a considerable section of the caucus is ready to welcome overtures.

On 4th May the same newspaper had a leading article, in which it pointed out that—

Mr. Deakin talks loudly and often about the necessity of some two out of the existing three parties coalescing, so as to restore the régime of constitutional government; but, while carefully keeping the way open for an advance in either direction, he stands stock still and waits upon events.

I shall not detain the House further, but I refer honorable members to issues of 5th May, 9th May, 10th May, and 11th May, and the days immediately preceding our meeting last week. Continual reference is there made by the Melbourne correspondent to the fact that overtures of an informal nature were proceeding from members of the Labour Party to friends in our party. Therefore, I think I was quite justified in assuming that the right honorable member must

be aware of the fact that these negotiations were in process. Although it either escaped his notice at the time, or has escaped his memory since, I felt justified, under the circumstances, in not calling attention at the beginning of our negotiations to facts which I thought were known throughout Australia.

Mr. JOHNSON (Lang).—As a matter of personal explanation, I desire to refer to an accusation levelled against me by the Minister for External Affairs. He made the statement that I have repudiated my single tax and free-trade principles. I have sacrificed nothing. Later on I shall fully justify my position, but I think it unwise to let the statement of the Minister pass without notice.

Question resolved in the affirmative.

House adjourned at 4.16 p.m.

## House of Representatives.

Tuesday, 24 May, 1904.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

### STATE LIFE ASSURANCE.

Mr. HUME COOK.—I wish to ask the Treasurer, without notice, if his attention has been directed to the statements current in the newspapers that the French Government are proposing to establish life assurance as a Government monopoly or as a Government institution? Will he obtain and circulate for the information of honorable members such reports on the subject as may be available?

Mr. WATSON.—My attention was directed to the subject to-day, and I shall be very glad to obtain what information may be available, and have it placed before honorable members to assist them in coming to an opinion upon the matter.

### NEW GUINEA COMMISSION.

Mr. BAMFORD.—I wish to know from the Minister for External Affairs if the evidence taken before the Commission which, I understand, is to shortly inquire into the New Guinea incident will be given upon oath?

Mr. HUGHES.—Yes.

### LT.-COL. OUTTRIM.

Mr. JOHNSON.—I wish to know from the Postmaster-General if his attention has

been called to a statement in this morning's *Argus* which seems to reflect upon his administration of the Department over which he has control? To make my question clear, I may, perhaps be permitted to quote a few sentences of the report to which I refer—

When Mr. Mahon became Postmaster-General in the Labour Ministry he called for a report from Colonel Outtrim. That gentleman contended that in the interest of proper administration it was unwise to accede to the requests of the associations which employed political influence in order to accomplish their ends. . . .

Mr. Mahon, Postmaster-General, insisted upon Colonel Outtrim recognising the departmental associations. He decided in his deputy's favour in regard to the lift case, but against him on the larger issue. And he continued :—"I do not desire to receive from him any further communication in which his fellow-officers are referred to in acrimonious and contemptuous terms." Colonel Outtrim felt that he did not merit the hard words used by the Postmaster-General, and he wrote a letter in reply, in which he cited several instances of attempted political influence, and said that if Mr. Mahon were dissatisfied with his administration he was quite prepared to retire. . . .

A precis of the correspondence was submitted to Parliament last week. Prominence was given in it to Mr. Mahon's final minute, but the cases upon which Colonel Outtrim based his case were omitted.

Is the charge contained in the last sentence true?

Mr. MAHON.—In reply to the honorable member, I desire to say that the documents connected with the case of the Deputy Postmaster-General of Victoria and his non-recognition of certain Public Service Associations are rather voluminous, and instructions were given to an officer of the Department to prepare in the usual way an abstract of them, so that the main points might be easily available to honorable members and others who wish for information on the subject. It is quite true that this abstract does not give the whole of Mr. Outtrim's letters; but if the honorable member, or any other honorable member, thinks that any material fact has not been disclosed, I shall have the greatest pleasure in placing the whole of the papers before him.

Mr. SYDNEY SMITH.—How can we tell that facts have not been disclosed unless we see all the papers?

Mr. McDONALD.—Why do not honorable members take the responsibility of moving for a return?

Mr. MAHON.—If there is any suspicion that there are material facts which have not been stated by the responsible officer who compiled the summary to which I have referred, and who received no instructions whatever from me, I shall have the greatest

pleasure in laying the whole of the papers before any honorable member who may wish to see them.

HONORABLE MEMBERS.—Why not lay them on the table?

Mr. MAHON.—The reason why I have not laid them upon the table is that I was informed by the Secretary to the Department that there is an objection to laying original documents upon the table, and that it would, therefore, be necessary to have each one of them copied. But as the clerks in the central office now work overtime, I did not think it advisable to put that extra labour upon the staff. However, if any honorable member suspects that any material fact is not disclosed, the papers will be open to his inspection in the Postmaster-General's office.

Mr. JOHNSON.—The Minister recognises the charge of unfairness implied in the newspaper statement?

Mr. MAHON.—No; I do not. I think that the Deputy Postmaster-General of Victoria has been treated with extreme consideration. This is by no means the first occasion when he has found himself censured by the Cabinet of the day. Although one would always like to be able to defend his officers, I cannot conceal the fact that Mr. Outtrim seems to have gone out of his way to look for causes of trouble. More than a year ago he received instructions in distinct terms from the Secretary to the Department and from the Public Service Commissioner to recognise the Public Service Associations; but he neglected to comply with those instructions. Had the matter come before any other honorable member who might have been in my place, he could have given no other decision than that which I gave.

Sir JOHN FORREST.—Is the statement in the *Argus* that the specific cases cited by the Deputy Postmaster-General of Victoria have been omitted from the papers an accurate one? If it is, I have no doubt that the Minister will be willing to supply them, because they cannot be very voluminous, and generally when a report is made there are several typewritten copies of it available. I would move for the production of all the papers, but that I do not think it necessary, since I do not suppose that the Postmaster-General has any desire to withhold information.

Mr. MAHON.—If I may further amplify my remarks, I may say that I shall have the greatest pleasure in having the whole of Colonel Outtrim's reply, in

which these cases are cited, laid upon the table of the House, as an addendum to the papers already produced.

#### PAPER.

Mr. WATSON laid upon the table the following paper:—

Transfers of amounts approved by the Governor-General in Council under the Audit Act, financial year 1903-4 (dated 19th May, 1904).

#### CONTROL OF MINISTERS BY CAUCUS.

Mr. TUDOR.—I desire to ask the Prime Minister whether his attention has been called to the following statement which appeared in the *Hobart Mercury* of 7th May:—

Finally he (the Prime Minister) has much to say about responsible government, while above and over his responsible administration sits the Labour caucus, representing the trades unions, which hold his resignation, and those of all his Ministerial colleagues, save one, in its hands undated.

I desire to know whether there is any foundation for that statement.

Mr. WATSON.—I may say at once that the statement quoted is only one of many similar fabrications. It is an absolute fabrication, and has no foundation whatever in fact.

Mr. CROUCH.—Was it not true of the New South Wales Labour Party?

Mr. WATSON.—No; it was never true of any Labour Party in any State Parliament.

#### DEFENCE FORCES. — DECLARATION OF RELIGIOUS BELIEF.

Mr. CROUCH asked the Prime Minister, upon notice—

1. Does the Minister for Defence propose to continue the new practice of demanding from each member of the Defence Force a statement of his religious belief.

2. Is the reason stated in the press that this practice has been adopted "so that military men can be buried properly, according to the religious rites of their own denomination," the correct reason for this new departure.

3. Are there greater reasons for proper burial under the Federal Commandant than there were under the State Commandants.

4. Will any man who desires not to answer this question be permitted not to do so, under regulation officially issued.

Mr. WATSON.—In reply to the honorable and learned member, I desire to state as follows:—

1. No; it will not be obligatory.

2. The Government is not responsible for any statement in the press, but the General Officer

Commanding reports that the information is required for identification purposes.

3. This is answered by No. 2.

4. No man will be compelled to answer the question, and an order has been issued to this effect.

### SOUTH AUSTRALIAN MILITARY FORCES.

Mr. HUTCHISON asked the Minister representing the Minister for Defence, *upon notice*—

1. Why have applications made in January last for commissions in the South Australian Military Forces not yet been granted or refused.

2. Why were fresh applications demanded in April last.

3. Were these applications forwarded from the staff office to head-quarters immediately on their receipt, and if not, why not.

4. As Commissions have been promptly granted to later applicants, will these officers rank senior to prior applicants?

5. Will the Minister for Defence see that greater despatch will in future be exercised in making appointments to companies short of officers, and that no applicant shall have an unfair advantage over another?

Mr. WATSON.—In reply to the honorable member, I desire to state that the General Officer Commanding reports as follows:—

1. The only application for a commission, made in January last, has been withheld in the interests of the corps concerned.

2. To comply with the Provisional Military Regulations which came into effect on the 1st March last.

3. This is answered by No. 1.

4. The seniority of applicants will receive consideration when application for commission is recommended for acceptance.

5. The Commandant, South Australia, has been requested to furnish full particulars.

6. The Minister will do his duty with promptitude and despatch, and see that no injustice is done.

### ENROLMENT OF NAVAL CADETS.

Mr. CROUCH asked the Prime Minister, *upon notice*—

In connexion with a letter from the Defence Department, of the 7th May, 1904, "that it is understood that applications for the enrolment of Cadets under the new Naval Agreement should, in the first instance, be made to the State Governor"—

1. What are the reasons this function is handed over to a State Imperial official?

2. Has the Defence Department of the Commonwealth refused to act in regard to this enrolment?

Mr. WATSON.—In reply to the honorable and learned member, I desire to state—

1. The function of nomination for Naval Cadetships is exercised by the State Governors, who forward communications on this subject through the Governor-General. No alteration in this practice has, up to the present, been made.

2. No.

### PLEDGES TO MINISTERIAL SUPPORTERS.

Mr. KELLY asked the Prime Minister, *upon notice*—

1. Has his attention been directed to a statement in the *Argus* of the 20th May, 1904, to the effect that "Labour Ministers and members . . . button-holed all the disaffected radicals, and showed them official labour league letters, promising that they would not be opposed at the next election if they supported the Ministry in its hour of need."

2. Is such statement correct.

3. If so, will he give the House full particulars of the contents of these official labour league letters.

Mr. WATSON.—In reply to the honorable member, I desire to state—

1. Yes, by the honorable member.

2. Not so far as I am aware.

3. I have nothing to add to the statement of the Honorable the Minister for External Affairs, made in the House on Friday last.

### MINISTERIAL STATEMENT: PAPER.

Debate resumed from 20th May (*vide* page 1393), on motion by Mr. WATSON—

That the letter from the Secretary of State for the Colonies regarding the use of the title of "Honorable" by members of the first Parliament of the Commonwealth of Australia be printed.

Mr. HUGHES (West Sydney—Minister for External Affairs).—When the debate was adjourned on Friday I was dealing with the criticisms of the right honorable member for East Sydney, and of the honorable and learned member for Ballarat, and I propose now for a very little while to deal with those portions of their speeches to which I had not time to reply upon that occasion. First of all, I may be permitted to say just one word about the criticisms directed against one part of our programme touched upon by the Prime Minister in his speech on Wednesday last, viz., the proposed nationalization of the tobacco monopoly. Something has been said about that being a socialistic plank, and doubtless it is socialistic. There are, however, in these days too many instances of Socialism for the statement in itself to constitute a sufficient reply and an adequate reason for voting against such a proposal. I wish to direct attention to perhaps one of the most excellent illustrations of the fact that to dub anything socialistic is not to place it outside the pale of rational and practical politics, or sufficient to alienate the support of very many gentlemen who would, perhaps, consider

themselves hardly used if they were termed Socialists. I have here the report of the Select Committee appointed in Victoria during the session 1895-6. The Committee was appointed to inquire into the nationalization of the tobacco industry of Victoria, and, after some consideration, arrived at a conclusion favorable to the proposal, upon grounds which I am sure will commend themselves to those very excellent gentlemen who are now opposed to the nationalization of the industry, because it is proposed by us. I find, by reference to the Victorian parliamentary papers for the session 1895-6, vol. 1, page 1094, that the Select Committee decided in favour of the nationalization of the tobacco industry for these reasons:—

Your committee are of opinion that amongst other advantages likely to be derived from the establishment of a State monopoly in the manufacture of tobacco in Victoria are the following:—Increased revenue; better quality of tobacco to consumers; encouragement to Victorian farmers to grow tobacco; and increased employment to people.

When a Select Committee in those days of comparative Conservative conditions in politics in Victoria arrived at that decision, what sort of apology is necessary for submitting our proposal to-day? For nine years we have lagged haltingly in spite of the admirable example set by the Select Committee, which was composed of Messrs. Graham and Graves, Sir John McIntyre—who has unhappily now gone from us, but who was selected by the Conservatives of Victoria to carry their banner as one of the triumvirate who were attempting to hound Socialism out of existence—Mr. Outtrim, and Mr. Prendergast. I see the name of only one Socialist that I know of, but there may have been others. I do not know Mr. Outtrim, but so far as I am aware, no one calls him a Socialist. I know Sir John McIntyre by reputation, and I can confidently say that he was not a Socialist.

Mr. HUME COOK.—Mr. Graham was a strong member of the Kyabram party.

Mr. MAUGER.—So he is to-day.

Mr. HUGHES.—Then who can blame us for following the standard carried by these excellent gentlemen—one, a leader of the Kyabram movement, or the movement which lately blossomed under that name, and the other a gentleman who was selected as one of the most reliable men in Victoria, to lead the anti-Socialist Party. Surely our proposal requires no better defence. With regard to the other criticism which was

levelled by the right honorable member for East Sydney at industrial legislation, I am reminded by the honorable member for Melbourne Ports that a series of questions were put to the leading men of Victoria, including, irrespective of party, some of the most pronounced Conservatives, asking whether they were in favour of federalising industrial legislation, and they replied with almost complete unanimity in the affirmative. We may add to that testimony the opinion of Sir William McMillan, who, at any rate, possesses the virtue—a virtue which grows rarer every day—of being consistent. All these gentlemen are in favour of doing that which is condemned by the right honorable member for East Sydney, who exhibits a complete lack of knowledge of what transpires in this Chamber, as was evidenced by his attitude during the last Parliament. He came here, after an absence of some considerable time, and suggested that a referendum should be taken on the fiscal question, without consulting his followers, and without ascertaining whether or not their attitude towards such a proposal was likely to be favorable. He afterwards, with his ever-ready mobility, withdrew that suggestion. Talk about the Japanese being mobile! In spite of certain physical characteristics which he possesses, and which do not lend themselves to that idea, mobility itself might toil pantingly after the right honorable member in vain. His change of front is most amazing, and, at the same time most convenient, although, to whom, I leave his most obedient followers to say. So much for the tobacco monopoly, and for industrial legislation. I desire now to say one word regarding the charge which has been made that we do not propose to go sufficiently far in establishing a State tobacco monopoly, because we propose to exempt the retailers. Surely the word "monopoly" is an English one. It possesses another virtue in that it conveys what it actually means. That is not a distinguishing characteristic of politicians to-day. A monopoly, so far as I understand it, is something that is not shared by the many, but which is in the hands of one individual, or is controlled by a few. The combine which controls the manufacture of tobacco in this country is indeed a monopoly. But who can urge that there is any semblance of monopoly in the case of the hundreds of thousands of men who retail tobacco throughout the Commonwealth?

Mr. KELLY.—Will the monopoly cease to exist when the Government takes over the industry?

Mr. HUGHES.—It will cease to exist, so far as the people of the country are concerned. The honorable member must see that as the Government are the trustees for the whole people, the control of the manufacture of tobacco by the Commonwealth would be no more a monopoly than is the free public library, or a public park which is open to all. It is true that we are its trustees; but, nevertheless, there is no citizen so poor, no outcast so abandoned, but that he may enter freely, and no one can say him nay.

Mr. KELLY.—But the Minister said that the object of nationalizing the tobacco industry was not to benefit the people but to raise more revenue.

Mr. HUGHES.—I said that that statement was made by Sir John McIntyre, which is a different matter altogether. I refer the honorable member with confidence to the survivors of the Select Committee, to which I have already alluded, from whom he can obtain *viva voce* all the particulars that he may desire.

Mr. KELLY.—I was asking the Minister's opinion.

Mr. HUGHES.—The honorable member will find that thoughts and opinions avail him nothing upon the hustings. What the people want is action. I shall now deal with some of the points which affect the right honorable member for East Sydney, whose absence from the chamber I regret. He stated, during the course of his speech, that the Labour Party were in a minority in two of the great States, and that out of forty-nine members only ten were labour nominees, which showed that we represented a minority. Very well, let us examine the position of the right honorable member's party, as reflected in this House. It appears that, in the whole of the States, he has some twenty-two free-trade adherents. We have, including the honorable member for Grey, twenty-four members. Formerly we numbered twenty-three, and the Protectionist Party held the balance, excluding yourself, Mr. Speaker. There is no doubt, therefore, that on the fiscal question—apart from the Labour Party's platform—the right honorable gentleman is in a distinct and undeniable minority—so much so, that he himself stated that he realized when he was defeated, and that that was an end of the mat-

ter. But with regard to those other questions, upon which he pretends to differ from the Labour Party, how does he stand? The Labour Party has a solid phalanx of twenty-four members, whilst his party numbers only twenty-two. At the last election, the right honorable member said that there was only one bond of union between himself and his followers, which was a desire to put the Government of the day out of office. That is the sort of bond that commends itself alike to politicians and pirates. It is a readily intelligible principle, and is a platform so broad that there is room for all persons to stand upon it. It is a principle which coheres to the last, and which survives the shattering of all other ties. The band of men who are led by the right honorable member still stand true to that great principle. Although the late Government has been displaced, and another Ministry is now in office, they are still in favour of turning the Government off the Treasury benches. But upon the principle of continuing the White Australia policy—which may be divided into three sections, namely, its reference to coloured labour on mail steamers, contract labour, and the application of the educational test—the right honorable member for East Sydney, when he appealed to the country was disastrously and overwhelmingly defeated. He appealed to the country upon those three principles, and the electors answered him in no uncertain voice. When I mentioned this fact on Friday last, he wished to make an explanation. I regret that he was not allowed to do so, but doubtless he can offer his explanation at a later stage. For my own part, I wish to show exactly to what the right honorable gentleman is committed. The extract which I quoted the other day was taken from the *Sydney Daily Telegraph*, of 18th August of last year, which I admit was a long time prior to the elections. I now propose to read a few extracts from speeches delivered by him during the months of September, October, and November of last year. In the *Sydney Daily Telegraph*, of 13th October, I find that he is reported to have said—

There is another thing to which I want to refer, about which there will also be a difference of opinion. I allude to the Immigration Restriction Act. I cannot sufficiently express my contempt for the lines on which that Bill was drawn. The right honorable gentleman voted for it, as we all know. The extract continues—

The Act says that any person arriving in a ship at any Australian port depends for his

admission on a possible ordeal that a Customs officer may come up to him, and if he is a Yorkshireman ask him to write from dictation fifty words in French or German—(laughter)—or if he is a German fifty words from dictation in French or English; or if he is an Italian fifty words in Russian. (Renewed laughter.) There is another feature about that Act which is insulting to the British Empire and to the spirit of Imperial unity. If a man comes here with his family to gamble with his prospects, he may land, perhaps, to find himself in poverty and pauperism, but if he is a prudent man bringing his wife and family to settle, and has had the advantage of a previous engagement, he is liable to six months' imprisonment. I am in favour of annulling agreements made in other countries, which have in them the germs of deception regarding industrial conditions here. I would allow the Police Courts the most summary process to annul any agreement tainted with misrepresentation. I say that this Government is losing everything by diverting the current of enterprise to other countries. (Cheers.) I am opposed to the 600-clause Navigation Bill, with its multitude of antiquated restrictions.

We have here four distinct points. In this speech the right honorable member introduced the question of the Navigation Bill, to which—and to the principle involved in it—the members of the late Government are committed. If the honorable and learned member for Ballarat chooses to tell me that I am wrong, I shall stand corrected. But, from what the honorable and learned member said the other day, I take it for granted that the coalition was not, either by legislation or administrative means, to abandon or to alter by one hair's breadth any one of those measures to which the late Government stands committed. In September last the right honorable member for East Sydney addressed a meeting of the Women's Suffrage League. Women are a long suffering section of the community, and the extract I am about to read will show what they had to put up with on that occasion. The right honorable member said—

However, he could make a start—

When the right honorable member makes a start, it is time for timid people to go home—

by subscribing emphatically to the three main planks of the platform—modification of the present Tariff . . . removal of the restrictions on desirable immigrants—

He was then heartily in favour of that modification, and by November, according to the *Sydney Morning Herald*, he had arrived at this pitch—

One of the brightest and best things about this Empire had been fractured by this Government. That was the ocean mail services with the great splendid steamers which kept the two countries

*Mr. Hughes.*

in close touch. The Government refused to sign the contract if any coloured gentlemen were in the stokehole. He believed in a "white Australia," but he did not agitate for a white ocean (Cheers and laughter.) He thought that was carrying the thing a little too far. Mr. Deakin also proposed something never proposed before. While England's ports were open to our shipping the Government proposed to pass a law to prevent any steamer flying the grand old Union Jack trading on our coasts.

This statement appeared in the *Sydney Morning Herald* of 16th November last, so that we are now approaching perilously near to the elections.

Mr. KELLY.—Were those the words actually used by the right honorable member?

Mr. HUGHES.—I do not know. I can only say that they are attributed to him by the *Sydney Morning Herald*, which is the right honorable member's most faithful recorder.

Mr. KELLY.—I believe that the words are correct; but I think that New South Wales almost unanimously returned him with a large party behind him, as leader of the Opposition.

Mr. WILKS.—But all the members of his party do not believe in those views.

Mr. HUGHES.—I do not care whether or not the right honorable member received unanimous support; but, as a matter of fact, he did not. If the honorable member's statement is correct, however, I would ask in the words of Hans Breitmann's party—"Where ish dot barty now?" If they stood behind the right honorable gentleman, then they must still remain rigid to their principles. If he did not, then he alone is recreant and they are faithful to their pledge. I cast no reflections upon any honorable member who stands to-day in the position which he occupied at the last elections, but I would ask where do those stand to-day who are now unfaithful to the right honorable member's platform? I would ask the right honorable member himself where he stands. On the day following that on which the Prime Minister outlined the Government programme, the *Sydney Daily Telegraph* asserted that they would have to be satisfied, if the coalition was formed, to modify by administrative means those features of the Act which they did not like. In other words, they were to soften, by administrative means, the asperities which disgusted the people; they were to allow men like the six hatters to enter the Commonwealth; they were to modify the administrative policy of the previous Government—allow latitude in regard to the employment of coloured labour on ocean-going ships.

steamers. It seems that in New South Wales they have now sunk so low that they are content to achieve their aims by these administrative by-ways. I would ask the honorable and learned member for Ballarat, however, whether the coalition which he projected, and to which he was a party, contemplated such modifications either by administrative or legislative means as are here indicated? I am sure that he did not contemplate anything of the kind, and the right honorable member for East Sydney is, therefore, false to-day to everything that he said at the last elections. I come now to another extract from the *Sydney Daily Telegraph*. I reinforce my case in this way, because it is necessary perhaps to bring home to the minds of some doubting Thomases that, although even the *Sydney Morning Herald* might be wrong, the *Daily Telegraph* and *Sydney Morning Herald* combined have never been known, from their earliest days, to be both wrong. On the question of Federation they took up differing attitudes. Both, therefore, could not have been wrong, and to-day they are united. This is what the *Daily Telegraph* reported in its issue of 17th November last:—

Mr. Reid has specifically announced that he would endeavour, if placed in office, to repeal two enactments specially dear to the Labour Party, and which were only carried by the cordial co-operation of that party with the Government—

That is not true, but we may let it pass—

One of these enactments is the notorious section of the Immigration Restriction Act by which it was sought to keep the six hatters out of the Commonwealth. The other is the equally notorious section of the Postal Act by which the Government seek to prohibit mail steamers from carrying licar seamen. Furthermore, Mr. Reid has announced that he will fight against the proposals of the Government to hamper British coastal trade in Australian waters by certain provisions in the Navigation Bill, and that he will resist the inordinate interference of the Federal Government with the employes of the State Governments by the provisions of an Arbitration Bill.

It will thus be seen that the right honorable member for East Sydney reiterated his position. These are the three points to which he stands specifically committed. So far as they are concerned, he is nailed down to them. He stands crucified with these three points impaling him and binding him to the cross of public opinion. He stands pledged to these three principles which he but yesterday, in the terms of the coalition agreement, specifically announced that he was prepared to abandon. So much for inconsistency to

principle. Then, again the right honorable member has pledged himself to the establishment of a Commonwealth system of old-age pensions. It is most refreshing in these times to read what the right honorable member pledged himself to on another occasion. Dealing with a speech made by him in Melbourne, the *Sydney Daily Telegraph* of 13th February, 1903, makes the following statement:—

The promise of old-age pensions Mr. Reid alluded to as a cruel and abominable attempt to deceive the people. Ministers knew that the financial sections of the Constitution made such a scheme at the present time impossible.

Here is yet another extract taken from the *Hobart Mercury* of 1st May, 1903, which deals with a speech made by the right honorable member in Tasmania—

Sir Wm. Lyne brought in a Bill which no one could understand, and after a long debate the Bill also disappeared, and had not since been heard of. The same with the Old-Age Pension Bill. A greater fraud was never perpetrated by a Ministry.

But to-day the right honorable member stands committed to this—the greatest fraud ever “perpetrated by a Ministry.” He is to-day pledged to these proposals which he at one time asserted to be impossible and unconstitutional; he is committed to those things which he denounced, and to oppose which he was specifically bound at the last election. The only excuse for my reminding honorable members of this is that it appears necessary at this juncture to point out that one of the proposed partners in the projected coalition is a man who, by the most sacred pledges and by repeated statements, pledged himself to do everything to which the projected coalition, according to its programme, is pledged not to do. I shall just quote a few more words on the Arbitration Bill from our distinguished friend Sir William McMillan, who, like a Greek chorus, comes in at most convenient periods, and fittingly plays the master player out.

Even his leader, Mr. Reid, had, after a speech three-fourths of which was in denunciation of the Bill, announced that he would vote for it.

What a fitting epitaph for the right honorable and learned member's whole career, that when he makes a speech for a Bill, it is a sufficient reason why he should wind up by declaring that he will vote against it! Who does not remember his great speech in the Sydney Town Hall on the Federal Constitution? He denounced its provisions with every ounce of the tremendous invective that he possesses, and then in the la-



five minutes calmly declared his unalterable determination to vote for it.

Mr. WILKS.—That was because of his fidelity to a personal promise, as the honorable gentleman knows.

Mr. HUGHES.—In this position I know nothing; but I know that on that occasion the right honorable and learned member did make a speech for the Bill, because I heard it, and that afterwards he did everything to defeat the vote at the referendum; and my honorable friend knows very well that he did so, too. These things do not admit, even in a jocular way, of being refuted. There the right honorable and learned member stands, and if that were the only inconsistency in his career, well and good. Was there any speech that transcended the right honorable and learned member's objection to the Naval Agreement Bill? Yet he finally declared that, in spite of those objections, he would vote for it. Let me quote one opinion of his as to the personnel of the coalition proposed—

Is Sir John Forrest a champion of Australian democracy?

Sir JOHN FORREST.—He was misinformed.

Mr. HUGHES.—Times change, and we change with them.

HONORABLE MEMBERS.—Hear, hear.

Mr. HUGHES.—“Hear, hear,” indeed! When those on the other side can find nothing better in the way of reply than to feebly, dismally, echo the “hear, hear” of this side, with the effort in some measure to assume a virtue, though they have it not, to suggest that my remarks affect this side, and not that side, it is indeed pathetic in the extreme. Let us see what the right honorable and learned member said about a minority—about the late Government. Referring to subservience to a minority, he said—

While that system remains unchanged, it is the duty of the Government not to be the subservient tool of any compact fighting power which is a minority in the House. The Government must hold its position of high responsibility under conditions of self-respect. Now, if this Government had been a Labour Government, no one could have offered any criticism, for it would be a perfectly honorable alliance between Labour men in the Government and Labour men out of it. But my charge against this Ministry is that as a Government it was not a Labour Government. Who would call Sir Edmund Barton a champion of Labour? or Senator O'Connor a representative of Labour? or Sir John Forrest a champion of Australian democracy?

Ours is indeed a hard condition. Both Governments meet with the unalterable determination and hostility of the right honorable and learned gentleman. The bond of union which bound his followers together was to oust the last Government. The same bond of union as I pointed out a little while ago binds them now. The Government has changed, but what does that matter? A merchantman sails along and is overtaken by a pirate. Good; it is beaten off. By-and-by, under another charter and with another crew, the merchantman sails, still hopefully, to a foreign port. The same pirate meets the ship, and again the same encounter takes place; let us hope with the same hopeful result. I wish now to say a few words with regard to our position. Whether we represent the people or not, my right honorable and learned friend said that he represented forty out of the forty-nine representatives of the two great States. I ask him how many he represents in the whole of Australia? Obviously he represents only twenty-two out of seventy-five, or excluding you, sir, seventy-four members. Those were the men who were returned on his ticket alone—counting the free-traders out of the Labour Party more; but taking out those who were for a White Australia, without any of those exceptions that he spoke of, there were not twenty-two. What is his position? He was returned beaten on everything on which he appealed to the country. On fiscalism he went down. On a White Australia he went down.

Mr. MAUGER.—Down hard, too.

Mr. HUGHES.—I thank the honorable member for the word—he did go down hard. But though he said that he knew when he got a licking fiscally, apparently he does not know that he got a licking in any other way. It pays him to know that he got a licking in that way; it does not pay him to recognise that he got a licking in the other way; and so he pretends that he is still free to vote as he pleases. Good and easy is the conscience that our right honorable and learned friend has that permits him to still hold opinions and to sit on them, to still hold opinions and give no vent to them, to still hold opinions contrary to the bulk of those of the projected Government, and pledged to keep those opinions under during the *régime* of that Government. What freedom of opinion is this? Shall a non-conformist clergyman who believes in immer-

sion join the Church of England, and say, "I still believe in immersion; but, of course, I shall say nothing on the subject during the time that I occupy this pulpit"? Shall the right honorable and learned member who believes in abolishing the contract clauses of the Immigration Restriction Act sit mute for two years and six months? Yet that is what he says. He still holds his opinions, but he does not propose to allow them to annoy anybody, not even himself. I am sorry that the honorable member for Lang has gone out of the chamber; they all go out. I am sorry to say. I come now to deal briefly with the question as to pledges. I wanted to remind the honorable member for Lang that he had given a pledge that, if not chosen, he would stand down, and to ask honorable members opposite who object to pledges to listen to an extract from a report in the *Sydney Daily Telegraph* of the 7th April. On the subject of candidates and party discipline, the following motion was submitted by Mr. Bene:—

In order to minimize the danger of a division of the Liberal and Reform vote from more than one candidate going to the poll in the cause of reform, it is resolved that no candidate who will not submit to the fair and impartial consideration of the claims of candidates by party organizations and executives shall be deemed unworthy of consideration, save as an enemy of the cause, and as one subordinating the public interest to his personal ambition.

That is very emphatic, and from our standpoint worthy of all commendation. In support of that admirable resolution Mr. Bene said—

No man's name should be considered unless he made it abundantly clear that he would withdraw from a contest if he were not selected.

Mr. Johnson and Mr. Cullan, who was his first opponent, submitted their names—Mr. Trevarthen and another submitted their names to one league—and Mr. Johnson was selected by a happy method that must commend itself to anybody who might be placed in similar circumstances. It was alleged that he was almost mainly instrumental in selecting himself; but of course that should not—it would not in my case—tell against that system of selection. So far as Mr. Cullan is concerned, everybody knows that it was a battle royal, and that arbitration was resorted to. The honorable member for Lang patriotically offered to stand down. Mr. Trevarthen, the candidate who was not selected, said it was a "put-up job," and that he would not submit to it.

Mr. WILKS.—They all say that!

Mr. HUGHES.—They do, indeed. I cordially admit that I know of no exceptions, either on this or the other side. All jobs are "put-up jobs" when they are not successful to ourselves. I want to say a word or two more to my honorable friend, the member for Lang, the single-tax gentleman. I want to read his letter, and to show the pathetic adherence to principle that stamps the single-taxer all over Australia. It is printed in the *Sydney Daily Telegraph* of the 5th of this month, and is headed "Our Tariff Barbarities." It is as follows:—

The Rev. W. G. Taylor's letter, complaining of the gross barbarism of our Customs regulations under the Commonwealth protective Tariff, will awake a responsive sympathetic echo in the breasts of thousands who read it this morning, and justly so, for such incidents as he indignantly protests against are but additions to the many others which have done so much to bring the Commonwealth of Australia into disrepute, and to damage its fair fame in the eyes of the civilized world. Yet, by a strange irony, I venture to believe that very many of those who share the just indignation of Mr. Taylor will be found at the same time applauding the sinking of the fiscal issue at the present time, which would effectually prevent such a barbarous system being interfered with. It is admitted that the present Tariff is iniquitous—that it is imposing a crushing burden on the backs of the most necessitous classes of the people. Yet we find men who have been foremost in denouncing its iniquitousness expressing delight at the prospect of its continuance. Truly we have a strange people when what we denounced as evil yesterday we applaud as righteous to-day.

Mr. DUGALD THOMSON.—Is that quotation from one of the honorable gentleman's West Sydney speeches?

Mr. HUGHES.—When my respected leader, the right honorable member for East Sydney, plainly says that he has got a beating, am I to take it upon myself to move that this House disagrees with the present Tariff? There is not one in the serried ranks opposite who would vote for the motion. There was but one in the free-trade caucus who had the manliness and the principle to stick to his pledges. There was but one who was in favour of standing by the principles in which he believed. The honorable member was not that one.

Mr. JOHNSON.—If the Minister, in his position of responsibility, cannot move such a motion successfully, what chance should I have?

Mr. HUGHES.—There is one who is primarily responsible in Australia for the free-trade cause, and that is the right honorable member for East Sydney, w<sup>h</sup>

opportune enough has just taken his seat. He admits that he has "got a licking" upon the fiscal question. Is it then for a private soldier to question the commands of his leader? Is it for a mere camp follower in this great fiscal fight to question the dictates of this Alexander, who finds no more worlds to conquer—this Napoleon who has met with a most opportune political sickness on this great policy, whose lethargy cannot be thrown off, and whose opportunity, fiscally, has, he has said, gone for two years and a few months? The editor of the *Daily Telegraph* appends a foot-note to the letter of the honorable member for Lang. He says—

This is an amazingly unfair way of putting the case. Free-traders who favour a Reid-Deakin coalition do not express delight at the prospect of the protectionist tariff continuing in existence. Tariff revision in this Parliament is out of the question. The revisionists are in a minority. But Federal politics are not confined to the Tariff. Our correspondent knows that the proposed coalition is aimed against minority rule and socialistic legislation and administration.

Yet the programme of this Government, and the programme of honorable members opposite, are identical. There are not two programmes, but one.

Mr. JOHNSON.—The honorable gentleman does not quote from the letter with which I followed up the one that he has quoted.

Mr. REID.—Ah, that crushes them!

Mr. HUGHES.—All that I say is that my honorable friend, who has during his career maintained a faithful allegiance to the principles of free-trade *in excelsis*, is just now reduced to the pitiable plight of making excuses which he himself, judging by his appearance at the present moment, regards as wholly insufficient. I leave him to his conscience and to his electors.

Mr. JOHNSON.—I am in exactly the same position as is the honorable gentleman with his associates.

Mr. HUGHES.—In the House of Representatives the right honorable member for East Sydney, after the elections, was in a hopeless minority fiscally. On the other great questions upon which he sought the suffrages of the people, we represent the electors much more faithfully than he does. We have to-day a larger following than he has, and have as much right as he to believe that we have the support of the country. As to the Senate, does the position require any comment whatever? There were nineteen senators to be elected. Of those, a majority was returned in our favour.

Mr. WATSON.—Ten were elected on our platform.

Mr. HUGHES.—Ten members of our party were elected, and the minority of nine was elected to support the other two parties. So that in regard to the Senate elections, we had an absolute majority of those returned over the two other parties combined. Yet ours is the party which my right honorable friend says does not command the support of a majority!

Mr. KELLY.—What was the total vote recorded in favour of the honorable gentleman's party?

Mr. WATSON.—What was the total vote of the honorable member's party? Not very large amongst the whole of the people of Australia.

Mr. HUGHES.—These interjections are becoming epidemic. Such an accusation might well be made by one who, as an "anti-Bill" man, had stood out against the principle of equal representation in the Senate. But when, as in the case of my honorable friend, a man was not an "anti-Billite," but even swallowed equal representation, he must admit that in the Senate the States are permitted to record their opinions as equally and fully as is the case in this House. Therefore the States, by an overwhelming majority, put the right honorable member, with his policy and his methods, on one side, in favor of our principles and our methods. One-third of the people, as represented in this House, and more than one-half of the States' representation over the two parties combined, affirmed our policy at the last election. But it is proposed by the right honorable gentleman to insult this great and growing body of people who stand behind us, by saying—"Yes, it is true you have the franchise, and you may exercise it if you please, but if you vote for that party you may never hope to see them enjoy, or permitted to wield, administrative power in the Commonwealth; we deny you that right, and we deny it because of your opinions—we deny you that right because you chose to vote in a particular direction. You are not permitted to enjoy to the full those rights and privileges that every other party claims, and justly claims, in every part of the Commonwealth." I say that that is a very great insult to the people who stand behind us. It is penalizing the vast body of the people, a body which is growing with every election. The right honorable member has seen the Labour Party

grow from a grain "no bigger than a mustard seed," until to-day we stand where he never thought we would stand, and the head and front of our offence is not our vices but our virtues. We stand here where the right honorable gentleman would be only too glad to stand; that is the beginning, as it is the end, of all. We are here, and the right honorable gentleman is there.

Mr. REID.—Why get angry over the matter? I take it easily enough.

Mr. HUGHES.—Why should I be angry? I never felt myself in so good a humour, nor have my circumstances ever been so easy and so comfortable. The right honorable gentleman has reason to be angry, and chiefly at himself—at his stupidity, and at the fact that intrigue, abandonment of principles, and sacrifices of pledges alike have failed him at this time. Even that assumption of good humour which sits on him like a mask and serves him so admirably—

Mr. REID.—The Minister knows that is not true.

Mr. HUGHES.—That assumption of good humour, sitting on him like a mask which he can take off and put on as occasion requires, does not serve.

Mr. REID.—That is not fair.

Mr. HUGHES.—If this is going to be a duel—

Mr. SPEAKER.—Will the Minister proceed?

Mr. HUGHES.—An interjection which lasts during the whole course of a speech is unduly prolonged. I say that none of these things can now help the right honorable gentleman. In spite of all, he is where he is; and the difference, although only some four or five feet as represented by this table, involves a measure of climate and temperature more extreme than that of the day before yesterday, compared with that of to-day in Victoria. Even the right honorable gentleman's ruddy countenance becomes bluer as the days pass on. The arctic winds that rustle under his legs and waft around his luxuriant proportions bring home to him that he has made a great mistake, and that not only the people of Australia, but, particularly, members of this Chamber, recognise the position, and intend to act accordingly. The right honorable gentleman said that the Labour Party is a party whose platform tends towards Socialism. He was not here when I read an extract from the report of a Victorian Select Committee in reference to tobacco monopoly; but, so far as our platform is

concerned, what if it does tend towards Socialism? I ask any man or any woman in the country whether he or she can show that that is not the trend of all governmental action in this country, and governmental action almost the world over. The world moves towards Socialism, not by choice, but by compulsion; and if I am to express in a few words my attitude on the matter, I can place the position before honorable members. The right honorable gentleman said that we would take away liberty from men—that we would deprive them of individual freedom of action. I say that every time there is restriction put on my freedom and my liberty I detest it; *per se*, all restriction is alike undesirable; freedom unrestricted, pure and unadulterated, is the desire of every man. But every man also knows that civilization makes demands which are incompatible with unrestricted freedom. It is, then, only a question of degree—a question of directing our attention to the concrete fact in front of us. We are not a party of dreamers; we dream no dreams. The right honorable gentleman says that we halt on the wayside now; that we do not go far enough. That has never been his accusation in the past. For years the Labour Party stood by him and were regarded as practical men—admirable men. We dealt with each concrete proposal as it came up. The honorable and learned member for Ballarat never had occasion to say that we dealt with anything more than the programme in front of us. The occasion calls forth the remedy; and there is our programme, showing to the world the direction in which we are going. But we take, as the world takes, and as sensible men know they must take, one step at a time. The position of parties in this Parliament is an absolute guarantee that we shall not take a step of which the House disapproves, or the country does not sanction. Under these circumstances, why say, because our movement tends towards Socialism, that that is sufficient reason for our not being where we are? To say that the Labour Party goes towards Socialism is only to say that it goes where all parties are compelled to go; and it is now a question, not between unrestricted freedom and Socialism, but a question whether the plutocratic monopolist, who restricts the freedom of all other men, is not more undesirable than restriction by the State itself, which, by restricting his freedom, extends the freedom of all other men. That is the whole question—

whether the few shall be restricted that the many may have greater freedom, or whether the few may be unrestricted in order that the many may be hampered. I ask the honorable member for Lang, who is a pledged land nationalist—who, if he could, and had the courage of his opinion, would nationalize all land to-morrow—

Mr. JOHNSON.—Nothing of the kind; I believe in the single-tax principle.

Mr. HUGHES.—The honorable member for Lang would impose, and is pledged to impose, by reason of the organization to which he belongs, a land tax of 4d. in the £1 at the very least.

Mr. JOHNSON.—Nothing of the kind!

Mr. HUGHES.—What a falling off! I understand that while the honorable member holds these opinions in regard to land nationalization he does not intend to put them into force.

Mr. JOHNSON.—Does the Minister intend to put his opinions into force?

Mr. HUGHES.—I do.

Mr. JOHNSON.—Has the Minister ever done anything in that direction?

Mr. SPEAKER.—I must ask honorable members not to interject so constantly; otherwise it will be impossible for the Minister to proceed.

Mr. HUGHES.—One word in regard to the honorable and learned member for Ballarat, and I have done. That honorable and learned member objects to minority rule. But it has been pointed out by the Attorney-General that minority rule has always been in force in the Commonwealth, and has been general in the States. I would remind the honorable and learned member for Ballarat that he was prepared to go into a coalition, of which he was not to be a component part, but to be as one hovering on its flanks, ready at any moment, if it halted in its stride, or turned from the path which he had hewn out for it, to fall on it with horse, foot, and artillery, and oust it from its position. I ask, in what essential particular does he and those gentlemen who were to act with him, differ from a third party? It would be a different third party, it is true, but a very real third party, nevertheless. We do not deny that formerly the Labour Party held the balance of power. The honorable and learned member for Ballarat proposed to substitute for the Labour Party a party led by himself, a party numerically smaller, but nevertheless holding complete the balance of power, and if the

coalition did not do what he desired, the honorable and learned gentleman would withdraw his phalanx, and, fighting with us, the coalition must go out. How can he urge against us that we represent only a minority, and a third party abomination, when in the interview with him, reported only in to-day's *Age*, he claims, as an additional guarantee, that the coalition would do what he said it would, that he was there, unhampered by office, ready to take the action which he thought necessary. He is reported to have said—

My own freedom from Cabinet ties would have, I hope, afforded another guarantee to my party—for what it was worth—against it being taken by surprise or caught at a disadvantage.

There is the position.

Mr. O'MALLEY.—Read the *Age* leader.

Mr. HUGHES.—It is urged against us, by my honorable and learned friend, that there ought to be no third party, that both parties should have a clear run, if there is to be a coalition at all, with members on this side. I think I have sufficiently explained that, and I hope I have given a satisfactory explanation. With my right honorable friend, the member for East Sydney, who has urged many things against us, I have already dealt. All I have to say, in addition, is that the right honorable gentleman does not complain of the Ministerial programme. The honorable and learned member for Ballarat says that we only profess to do something in each of two sessions, and we say nothing of a possible third session. He says that the proposed Coalition Government did propose to do something for three years, for the whole of this Parliament. Yet I say there are not two programmes, but one programme, and how, then, can we put forward less than honorable gentlemen opposite. Our programmes are identical: the *Age* notices it, the *Daily Telegraph* emphasizes it, and the whole of the people of Australia have noted it, and have dwelt upon it with a certain amount of amusement as well as of satisfaction.

Sir JOHN FORREST.—How can they be the same?

Mr. HUGHES.—The programmes being the same, it ought to take the same time to give effect to them. But perhaps the honorable and learned member for Ballarat is aware of the methods of the right honorable member for East Sydney, and knows that that right honorable gentleman can take as long to get one measure through as the leader of any other Government would take to put half-a-dozen through. I remember

the right honorable gentleman's expression in 1894, in the New South Wales Parliament, "Turn the fossils out." There is no man who has been a member of the Parliament of New South Wales who does not remember the dramatic gesture with which the right honorable gentleman turned to the serried ranks of the Legislative Councillors, who were behind the bar in the Legislative Assembly with the expression, "Turn the fossils out." The fossils are still there. The right honorable gentleman went to the country with a policy of exemptions, and he came back with a majority, with our aid. But he had to endure what the fossils insisted upon, and the fossils still reign supreme; and they now fall upon his neck and call him their saviour and their champion.

Mr. REID.—I have never had one of the old gentlemen on my neck yet.

Mr. HUGHES.—We do not appeal for fair play. We do not appeal for consideration. We demand them because of our programme, because of our principles, because of our record, and because of our action. We demand to be tried upon these things, and upon no subtly-drawn distinctions intended to bewilder people and disguise the issue now before us. This party comes constitutionally into office; this party is here by the will of the House and the will of the people; and it is for this party, like all other parties, to be tried upon its measures, its actions, and its administration. I believe there is a majority of the members of this House, as I believe there is a majority of the people outside this House, who hold that this Government, like other Governments that have gone before it, ought to have a fair show.

Mr. DUGALD THOMSON (North Sydney).—We have now heard some four speeches on the matter engaging the attention of honorable members. As was proper, two of them dealt very largely with the matter of the Coalition, interchanges of opinion that had taken place, the terms that were proposed, and the results that had followed. The honorable gentlemen who dealt with that subject rightly concluded that both this House and the country ought to know exactly what has taken place in such negotiations. As they were the persons most competent to give the fullest information on the subject, I shall not attempt to trench upon their province, or, at this stage, to offer any opinion on the negotiations that have taken place. I shall

confine myself chiefly to remarks in reply to the arguments of the Minister for External Affairs. The honorable and learned gentleman has delivered an able speech, a caustic speech, and, on the whole, not a bitter speech. I need hardly say that it was an audacious speech and an exaggerated speech, because it was a speech by the honorable and learned member for West Sydney. The blemish in it, if I may say so, is that it assumed a self-righteousness which is not justified by the history of his party, either in the immediate past or in this Parliament. What did the honorable and learned gentleman say about the iniquity of free-traders and protectionists combining when they thought a bigger issue was at stake? Did he not complain that the action of honorable members holding diverse opinions on fiscalism in agreeing to come together and to sink the fiscal issue, even for a time, in order to enforce their views on other matters, was dishonest and inexcusable? Yet the present Ministerial Party comprises free-traders and protectionists, and honorable members of it have been assisted in their return by the votes of free-traders and protectionists alike.

Mr. BATCHELOR.—They did not combine for office.

Mr. DUGALD THOMSON.—They sunk the fiscal issue, and combined to sink it when they went for office.

Mr. BATCHELOR.—No.

Mr. PAGE.—Let the honorable member try it, and see.

Mr. DUGALD THOMSON.—We have already tried it, and we do see.

Mr. PAGE.—Honorable members have not tried it. They are not game to do so.

Mr. DUGALD THOMSON.—They have sunk the fiscal issue, and have determined that that matter shall be left, not to the near future, but to a future whose nearness we cannot yet estimate. I admit that honorable members opposite may have a justification for their attitude. They may consider that Socialism is a better thing than fiscalism, and having an opportunity to introduce it, they think they should sink the lesser measure in favour of the greater. But why should they reproach others who may think that Socialism is a worse thing than fiscalism, and, who, acting upon the lines of the party now occupying the Treasury benches, decide that, for a time, and not for ever, the fiscal issue should be set aside and the larger issue dealt with?

Mr. McDONALD.—What is the larger issue? The honorable gentleman might explain.

Mr. DUGALD THOMSON.—I have already explained it; but if the honorable member chooses to talk while I am speaking, I cannot be expected to repeat myself.

Mr. McDONALD.—I have listened very attentively.

Mr. DUGALD THOMSON.—Our attitude is precisely the same as that of the members of his own party. If they do not find fault with their own attitude, they have no right to cast a stigma upon those who sit in opposition. I am not going to support the compliments which have been paid to the Labour Party for the attachment to principle which they claim. In many ways they have won my admiration. The original Labour Party in New South Wales always possessed my admiration for their consistency. There was no question of opportunism with that party. They never troubled as to whether their policy might react upon themselves, to their own injury. When they adopted a principle, and said that it was the best for the country, they were prepared to support it at all risks to themselves. For instance, they adopted the referendum as one of the main planks in their platform. After its adoption, several decisions were given in Switzerland under that mode of obtaining popular opinion which were against the views held by the Labour Party in Australia. Did they go back, therefore, on the principle of the referendum? No. They said—"We have adopted a system which, in our opinion, is a right and proper one, and, although it may give results adverse to our wishes, we stand by it as a plank in our platform." But what has recently happened in New South Wales? The Parliamentary Labour Party there have been drawing up a fighting platform, and because the decision of the referendum taken upon the question of the reduction of members was adverse to them, they quietly dropped the principle out of their programme, and, although it has been replaced, it has been replaced, not by them, but by a labour conference outside of Parliament. We have seen the members of the Labour Party in this House abandon their policy time after time.

Mr. MAHON.—Can the honorable member give us one instance of that?

Mr. DUGALD THOMSON.—I am going to mention a number. I do not make

assertions without trying to support them. Whether I succeed or not must be left to the opinion of honorable members. The Labour Party have abandoned their policy time after time. Have they not abandoned the attitude assumed by the right honorable member for Adelaide in connexion with the Arbitration Bill? Have they not, by that action, abandoned the right honorable member himself? Has he not made his sacrifice in vain? The very men for whom he made it will not support his action.

Mr. MAHON.—Ought not the honorable member to show that the action of the right honorable member was our action?

Mr. DUGALD THOMSON.—The party have given every evidence of that, by their speeches in this House, and by their support outside the Chamber.

Mr. BAMFORD.—At all events, his action was not suggested by the party.

Mr. DUGALD THOMSON.—I do not say that it was, but the party supported him in the attitude which he took. If they did not, they differed from their supporters outside of Parliament. What was that attitude? The right honorable member held that in the Arbitration Bill there should be a clause providing that British or foreign steamers trading to Australia, and carrying passengers or cargo along our coasts, should be required to submit to compulsory arbitration, and, in that connexion, he gave a promise to certain representatives of labour, one of whom is now a member of the Parliament, by which he considered himself bound to the introduction of such a provision in the measure.

Mr. MAHON.—Was not that only in the absence of a Navigation Bill?

Mr. DUGALD THOMSON.—It was independent of the Navigation Bill. I shall come to the Navigation Bill. I shall not omit any part of my subject. The right honorable member gave a promise and considered himself bound by it. Whether we agree as to the wisdom of that promise, or as to the desirability of inserting such a provision in the Bill, we can at least admit that his action was honorable and self-sacrificing, since, having given the promise, he stood by its consequences, and resigned office rather than break it.

Mr. HUGHES.—The right honorable member still sits with us.

Mr. DUGALD THOMSON.—I have nothing to do with that. I am relating facts. I am not discussing his position in the Chamber, but his action in connexion with

the Arbitration Bill, and the abandonment of his position in that connexion by the Labour Party.

Mr. HUGHES.—It has not been abandoned at all. The honorable member is quite wrong.

Mr. DUGALD THOMSON.—I am quite right. I could not make this charge if the Labour Party were not in power; but I can make it now that they are in power.

Mr. HUGHES.—The honorable member is quite wrong, and he knows it.

Mr. DUGALD THOMSON.—The honorable and learned gentleman's statement that I am wrong will not convince me. I shall support my contention by facts indicated by the Prime Minister. The Labour Party while they were allied to the late Government had not the opportunity to do anything in this matter. They used their influence, but it failed to affect those in power. Now, however, they have had an opportunity to support the right honorable member for Adelaide. The late Government, to a certain extent, agreed to support him. They promised to promptly introduce a Navigation Bill, practically at the same time as the Arbitration Bill, which should contain the provision which the right honorable member sought to carry into effect. The Labour Party have come into power, and have accepted the Arbitration Bill introduced by the late Government, with certain amendments, but they do not propose to insert the provision to which I refer. The Arbitration Bill, as they propose to amend it, will not apply to foreign and British shipping trading on our coasts. The right honorable member for Adelaide himself said that it does not, and he surely is the best authority on this matter. The Navigation Bill, which, according to the late Government, was to be dealt with concurrently with the Arbitration Bill, has now been relegated by the Labour Party to the waste-paper basket. A Royal Commission is to sit upon it, and no one knows how long it will be before it sees the light of day. That is one instance in which the labour leagues have abandoned a principle, and in that abandonment a friend of their proposals has been deserted. The next instance to which I will allude is the abandonment of State employes. The late Administration was defeated upon an amendment to include all State employes within the scope of the Arbitration Bill—not some, but all; but now that the Labour Party have come into power, what do they tell us? What has the Prime

Minister told us? That he intends to apply the provisions of the measure to only a portion of the Commonwealth and States services.

Mr. HUGHES.—The honorable member should read the definition of "industry," contained in the Bill.

Mr. DUGALD THOMSON.—The explanation of the Prime Minister was perfectly clear. He stated the intention of the party. I am not going to interpret the word "industry" as defined in the Bill. I take the interpretation of the Prime Minister. Whether we do or do not agree with the views expressed in his speech declaring his policy, he made himself abundantly clear, and was absolutely understood by honorable members to say that he did not propose to bring the clerical servants of the States or the Commonwealth under the operation of the Bill.

Mr. CROUCH.—He has changed his views within a month.

Mr. DUGALD THOMSON.—What he now proposes is that those connected with the clerical branches of the Railways and Post Office shall be brought under the Bill, but that officers who are not directly connected with what is considered an industry shall not be brought under it. Surely consistency cannot be claimed for a Government that has acted in this way so early in its Ministerial career. I wish to point to another abandonment of the public servants. The Labour Party, when out of office, were so strongly in favour of the inclusion of State servants in the Arbitration Bill, and considered it so essential to just treatment, and so important in the interests of industrial peace, that they were prepared to wreck the Ministry to which they were otherwise favorable, rather than abandon their position. But are they prepared to wreck themselves on the same principle? By interjection, the Prime Minister was asked, "Will you resign if you do not carry that provision?"

Mr. REID.—Ask an oyster if he will resign from the rock.

Mr. DUGALD THOMSON.—The Prime Minister replied that he would not say so. He could not agree to do that. That was a matter for consideration.

Mr. ROBINSON.—We shall have to scrape them off.

Mr. DUGALD THOMSON.—It is not a case of saving others, and not saving yourselves, but a case of saving yourselves, your position, and your emoluments when



in the interests of certain public servants you declined to save others.

Mr. FISHER.—May it not be that the Prime Minister would not use his influence to coerce honorable members.

Mr. DUGALD THOMSON.—That influence was used for all it was worth when the Labour Party desired to exert it during the term of office of the late Government.

Mr. WATSON.—Is that true?

Mr. DUGALD THOMSON.—Of course it is. I am speaking of the circumstance that the alternative was that the Ministry was to go out, and the Labour Party were to come into power.

Mr. WATSON.—But did we bring any pressure to bear?

Mr. DUGALD THOMSON.—I am not saying for one moment that the Labour Party brought individual pressure to bear, but I say that the result that would follow from the non-acceptance by the Ministry of the principle which was advocated by the Labour Party was used for all it was worth. In view of the fact that the Labour Party, when out of office, considered that the proposal to bring all State servants within the operation of the Conciliation and Arbitration Bill was of sufficient importance to justify the wrecking of the Ministry to which they were otherwise favorable, they would, in my opinion, be sacrificing the public servants to their own interests if they held that the matter was not of sufficient importance to justify them in wrecking their own Ministry rather than submit to an adverse decision.

Mr. WATSON.—We knew that the late Ministry objected to the inclusion of any public servants.

Mr. DUGALD THOMSON.—Yes, and the objection of the present Ministry is to the inclusion of all public servants.

Mr. WATSON.—Not at all.

Mr. DUGALD THOMSON.—According to the Government proposals, the objection of the Ministry is to the inclusion of all public servants. I shall point to another lapse from principle for the sake of convenience. Owing to the fact that a few labour members represent Western Australia, it is proposed to exempt that State from the operation of the provisions in the Navigation Bill which would affect oversea steamers.

Mr. WATSON.—Was that a part of the labour platform, which was intended to bring all honorable members within the fold?

Mr. DUGALD THOMSON.—I am coming to that. It was agreed by the Labour Party to shade their opinions upon this matter of great principle, and although the proposal would interfere with other States besides Western Australia, and would affect the transit of the perishable products of other States—

Mr. MAHON.—Of one State.

Mr. DUGALD THOMSON.—The proposal would interfere with many States in a variety of ways. No consideration was to be extended to such States, but the members for Western Australia, although as members of the Labour Party they were committed to a principle—

Mr. WATSON.—What principle?

Mr. DUGALD THOMSON.—The principle proposed to be embodied in the Navigation Bill which would affect oversea steamers.

Mr. WATSON.—That was not a principle of the labour platform.

Mr. DUGALD THOMSON.—Not that the employes on oversea steamers should be brought within the operation of the Conciliation and Arbitration Bill?

Mr. WATSON.—Yes.

Mr. DUGALD THOMSON.—Was it not a part of the labour platform that certain provisions should be inserted in the Navigation Bill, relating to the employment of coloured labour upon oversea steamers?

Mr. MAHON.—We are opposed only to unfair competition.

Mr. REID.—So are we.

Mr. DUGALD THOMSON.—I am not objecting to the attitude assumed by the Postmaster-General.

Mr. MAHON.—I am speaking for the party.

Mr. DUGALD THOMSON.—It was agreed that the representatives of Western Australia should be allowed a free hand to vote as they chose upon one of the most important principles embodied in the labour platform.

Mr. WATSON.—The honorable member's statement shows the unwisdom of depending upon press reports. No such stipulation was made. Whatever liberty was extended to the Western Australian representatives, was granted to all members alike.

Mr. DUGALD THOMSON.—Very well. I shall put the matter in another way. In the interests of a certain State—for the mere convenience of the people of that State, principally in connexion with travelling in mail steamers, even though there

are other good boats which compare favorably with some of the mail steamers—the members of the Labour Party were to be allowed a free hand with regard to what had been put forward as one of the principles of the party.

Mr. REID.—Uniform industrial legislation is one of the great principles of the Labour Party.

Mr. BATCHELOR.—What was wrong with that?

Mr. DUGALD THOMSON.—I am simply asking how the Minister of External Affairs can, in view of the circumstances I have mentioned, claim for the Labour Party consistency or attachment to principle superior to that exhibited by other parties.

Mr. WEBSTER.—Does the honorable member want us to come down to his level?

Mr. DUGALD THOMSON.—The Labour Party have sunk below it. There is a further abandonment of principle involved in the begging appeal for support, and the promise made by the Minister of External Affairs. He said that honorable members who might go over to the side of the Government, although not included in the labour caucus, would be allowed to influence the Government policy.

Mr. WATSON.—That would be only in regard to any departures from the stated intentions of the Government for the current session.

Mr. DUGALD THOMSON.—It was not stated in that way.

Mr. WATSON.—I am certain that my version is the correct one.

Mr. DUGALD THOMSON.—The Minister of External Affairs said that honorable members who joined the ranks of the supporters of the Government would be allowed to exercise a voice in determining its policy. That involves a distinct departure from the attitude formerly assumed by the Labour Party. Further than that, and worse than all, the Labour Party, which has set itself up as the strongest advocate of purity of election, purity of representation, and purity of legislation, made an offer, which I venture to say, was more degrading than anything I have ever heard in any Parliament in which I have sat.

Mr. REID.—It was an open bribe.

Mr. DUGALD THOMSON.—It was an absolute bribe, extending to anything up to £1,200, with a view to inducing members to cross the floor of the chamber and record their vote in support of the Government.

Mr. WATSON.—To what is the honorable member referring?

Mr. DUGALD THOMSON.—The Minister for External Affairs in his speech, with which the Prime Minister appears to be ill-acquainted—

Mr. WATSON.—I should like to know the honorable member's interpretation of it.

Mr. DUGALD THOMSON.—The Minister of External Affairs stated that if honorable members would cross the floor of the chamber, and support the present Government, they would not be opposed by the Labour Party at the next election.

Mr. WATSON.—So far as we are concerned.

Mr. DUGALD THOMSON.—The statement was made that honorable members who support the Government will not be opposed by nominees of the Labour Party. Although I have heard of many negotiations which were not conducted in the House itself—

Mr. WATSON.—Hear, hear.

Mr. DUGALD THOMSON.—Although I have heard of many negotiations, both in this Parliament and in others—negotiations which did not take place in the legislative chamber itself, I never previously heard of such a proposal being put forward by any party for the express purpose of influencing votes.

Mr. WATSON.—The honorable member has been deaf for some little time past.

Mr. DUGALD THOMSON.—That remark may possibly apply to the previous speaker, but I scarcely think that it applies to me. The deafness, and the blindness I claim is all upon the other side. Apparently the eyes can be shut, and the mouth can be opened when there is danger to position, prestige, and power by the very keenest advocates of purity and of the prohibition of bribery. I am astonished that it should be thought that honorable members who will not leave one side of the House from honest convictions are to be won over to support the Ministry by a promise which is practically a bribe—a promise that, to some, means perhaps a saving of £50 or £60 in their election expenses, and which may also mean a gain in the form of their parliamentary allowance, amounting to £1,200. I was surprised to hear such a statement made by a member of a Government which is just beginning its Ministerial life, when we would naturally expect that care would be exercised in any course that might be taken. When such methods are adopted by the Government so early in its

career, I say that the Labour Party has departed from the old attribute which I acknowledge it possessed—a strict desire to maintain the greatest possible purity in the administration of the affairs of government.

Mr. WATSON.—Do I understand that the honorable member would be in favour of stabbing an ally in the back?

Mr. DUGALD THOMSON. — The Prime Minister may understand anything except that I am in favour of bandying bribes across the floor of this House with a view to securing the votes of honorable members. The Minister of External Affairs devoted a good deal of his speech to the right honorable member for East Sydney, and I think it was highly complimentary to the latter that he did so. I do not intend to discuss the trivialities to which the Minister referred. He might at least have confined his attack to the larger matters. I wish, however, to allude to one or two of his statements regarding the right honorable member for East Sydney. In the first place, the Minister animadverted on the vote given by the right honorable member upon the proposal to exclude public servants from the Conciliation and Arbitration Bill. I wonder what he would have said had the right honorable member reversed his previous vote upon the same proposal? What would he have said if, when the proposal was not regarded as a vital one by the Government, the right honorable member for East Sydney had supported the Ministry, but, when it was regarded as vital, he had turned round and voted in an opposite direction? We should have heard the Minister eloquently denouncing his action as one of the most disgraceful contradictions of which any politician could be capable. Yet he does not give the right honorable member any credit for his recent vote. Does the Minister not recognise that in registering that vote, the right honorable member must have known that he was reducing his own chance of being "sent for" by the Governor-General, in the event of the defeat of the Ministry? But, in spite of that recognition, he still adhered to his previous vote, and did not attempt to wreck the Government by reversing it. The Minister also declared that the right honorable member for East Sydney should have led his party either with or against the Government. But it must be recollected that most of the members of that party had voted previously upon the same proposal. Was the right honorable member to demand from them a

reversal of their votes? Certainly not! He acted a better part in taking the course which he did, and in refusing to attempt to influence a single vote upon his own side. The Minister for External Affairs further attacked the leader of the Opposition, by declaring that, though the latter was in favour of reversing the black labour on mail steamers provision in the Post and Telegraph Act, throughout the negotiations which had taken place with a view to the formation of a coalition Government, he had said nothing about it. By interjection, the right honorable member for East Sydney explained that no member upon this side of the House was bound upon that matter, but that honorable members were free to take action if they saw fit. The Minister then went on to charge the right honorable member with being ready to amend that clause. He spoke against laying unholy hands upon the ark of the covenant, as represented by that provision. In the face of his diatribe, will it be believed that the Ministry themselves propose to amend that very clause?

Mr. WATSON.—Only in relation to Australian aborigines.

Mr. DUGALD THOMSON.—In relation to coloured aborigines. What does that mean? I am not opposed to the amendment—I am merely comparing the attitude of the Government—

Mr. WATSON.—It does not involve a reversal of policy.

Mr. DUGALD THOMSON.—I do not say that it does. I am merely alluding to the attack which the Minister of External Affairs made upon the right honorable member for East Sydney. The Government propose to amend that very clause, so as to permit of black labour carrying our mails. I admit that it is the aboriginal labour of Australia. But what will the British Government think if we employ Australian aborigines in carrying mails between various parts of the Commonwealth, whilst we refuse to allow aboriginal coloured labour from other parts of the Empire to be employed on British ocean-going ships under contract to carry our mails?

Mr. WEBSTER.—That is a wholly different matter.

Mr. DUGALD THOMSON.—The difference is that it suits the representatives of some parts of Australia that the mails between certain points should be carried by

means of black labour, because otherwise the system would be dearer, and the people would not enjoy the conveniences they now possess.

Mr. McDONALD.—Can the honorable member give us one instance in which Australian aborigines are so employed?

Mr. DUGALD THOMSON.—I would refer the honorable member to the Postmaster-General, who could tell him of many cases in Western Australia in which aborigines are so employed. The Minister has already given expression to his opinion on this subject, and I believe that he has also put a question in this House, in relation to it. In the case of our ocean-going mails, we have to deal with British ships, which are, so to speak, British territory, and employ the aborigines of other parts of the British Empire. We are prepared to allow the aborigines of one part of the Empire to perform this work for us within our own territory, but we say that aborigines of other parts are not to be employed on the ocean in British ships engaged in carrying Australian mails.

Mr. POYNTON.—Would the honorable member exclude all coloured labour?

Mr. DUGALD THOMSON.—I am merely referring to the inconsistency shown in the attack made on the right honorable member for East Sydney, for daring to propose any alteration.

Mr. REID.—I was first abused for having agreed not to do so.

Mr. DUGALD THOMSON.—Quite so. The Ministry propose that black labour shall be employed in the carriage of mails within our own territory. That is a proposal to which I do not object, and my only desire, in referring to it, is to show the inconsistency of the attack upon the right honorable member for East Sydney.

Mr. POYNTON.—Does the honorable member say that the White Australia policy was to be left an open question, so far as the projected coalition was concerned?

Mr. REID.—Honorable members on this side of the House are as strongly in favour of a White Australia as is any honorable member opposite.

Mr. DUGALD THOMSON.—The honorable member for Grey should know that I said nothing in the nature of the statement which he suggests. Doubtless he has achieved his object by getting in his interjections. He is seeking to draw a red

herring across the trail in order to divert public attention from the very awkward position in which the Ministry stand in relation to this matter. I have put the true position before the House. We have never heard from this Government that ever ocean mails are not to be carried by black labour. We have never heard that it is the intention of the Government that black labour shall not be employed in the carriage of mails to the various ports of Australia. The late Ministry spoke of resorting to the poundage system, so far as oversea mails are concerned, and although their proposals in that regard do not bind the present Government, I would ask whether any improvement would be secured? Under the poundage system our mails would still be carried, as under the contract system, by vessels employing black labour. If there is a colour stain in the one case is there not a colour stain in the other? If it is desirable to exclude coloured seamen from British vessels employed in the carriage of mails under the contract system—and that is said to be the object of the section in the Postal Act which deals with this question—is it not desirable to exclude coloured seamen under the poundage system? Is black poundage any better than black contract? But we have not had an outline of any proposal on the part of the Government to make a change in that direction. The Minister of External Affairs also attacked the right honorable member for East Sydney this afternoon on the ground that while he held certain opinions, he had yet failed to give vent to them. In other words, he asserted that the document which was drawn up as the basis of the projected coalition did not embody any proposal to give effect to opinions expressed by the right honorable member at the last elections. I should like to know how many instances there are in which the Ministry have not sought to give effect to their opinions. Does not the programme which they have put before us give evidence of a marked moderation of their views as compared with those which we have heard many of them express on the hustings in various parts of Australia? In the circumstances, it comes with an ill grace from an honorable member of a Ministry which is repressing many of its own opinions or principles to attack a right honorable member who is not in power for having repressed certain of his political opinions. Then, again, the Minister of External Affairs asserted that the

Labour Party in another place had gained more members than the other two parties combined.

Mr. WATSON.—As the result of the last election.

Mr. DUGALD THOMSON.—A larger increase?

Mr. WATSON.—At the last elections they secured ten as against nine members.

Mr. REID.—Not an absolute majority.

Mr. WATSON.—A majority so far as the last elections were concerned.

Mr. REID.—But not an absolute majority in another place.

Mr. SPEAKER.—Order.

Mr. DUGALD THOMSON.—I understand what the Prime Minister means. His contention is that at the last election the Labour Party in the Senate gained returns equal to the aggregate returns secured by the other two parties in that Chamber.

Mr. FISHER.—One more.

Mr. DUGALD THOMSON.—Exactly; but how many votes do they represent?

Mr. WATSON.—The honorable member believes in the principle of equal representation.

Mr. DUGALD THOMSON. — The Prime Minister is in error. I did not believe in the proposal that there should be equal representation in the Senate, and I said so during the Federal election campaign; but inasmuch as we could not secure Federation without the adoption of that principle, we had to accept it.

Mr. WATSON.—The honorable member's leader did not try to secure it without the adoption of that principle. That was my objection.

Mr. DUGALD THOMSON. — The Prime Minister was then in the habit of drawing lugubrious pictures of the effect which the working of this principle would have on his party.

Mr. WATSON.—I still object to it.

Mr. DUGALD THOMSON.—Quite so; but in order to secure Federation, we had to concede something to the smaller States. The granting of the principle of equal representation has not had that injurious effect upon the Labour Party which the Prime Minister predicted; but it seems to me that the party should not claim undue credit for the increased representation which they have secured in another place. The number of votes polled by the successful labour candidates at the last Senate elections was very much below that obtained by the successful candidates belonging to other parties in that Chamber. An attack

has been made on the honorable member for New England and the honorable member for Lang, because, in voting for the amendment of the Conciliation and Arbitration Bill which led to the defeat of the late Ministry, they announced that they were in favour of the clause as it stood, but supported the amendment only for the reason that they wished to oust the Government. The objection comes with an ill grace from a member of the Labour Party. In my opinion, the honorable members in question acted far more honestly than honorable members sometimes act when, for party or other reasons, they vote for a proposal which they do not favour, but refrain from announcing at the same time that, as a matter of fact, they are opposed to it. The fact that the honorable members in question announced that they voted for the amendment only because they wished to oust the Government must redound to their credit. It certainly speaks well for the honesty of an honorable member when he states that he proposes to vote for a certain proposal only because an object which he has in view could not otherwise be secured. The Labour Party has constantly resorted to the practice without any explanation to which exception is now taken. Does the Prime Minister forget the occasion on which some of the members of his party voted for a proposal in which they did not believe in order to oust a Ministry in which they did believe?

Mr. WATSON.—Every party must sink minor matters. The Opposition, as well as other parties, do so, and are compelled to do so.

Mr. DUGALD THOMSON.—But the Minister for External Affairs has cast reflections on the honorable members in question for adopting a practice which has been followed by members of all parties. He has cast reflections upon them for doing what they considered necessary, although a labour caucus has been known to change its corporate opinions from day to day through one or two members constituting a majority changing theirs. These are tactics which are not unknown to the public, and the fact that the honorable member for New England and the honorable member for Lang saw fit to announce the object that they had in view in voting as they did shows honesty, not dishonesty, of purpose. So that was also an attack which should hardly have come from a member of the Labour Party. I now come to the question of saving the late Ministry. Why

did the Labour Party, which regrets, or did regret, the removal of that Ministry from office—I do not know that that regret lives now—not save it?

Mr. BAMFORD.—Time is a great healer.

Mr. DUGALD THOMSON.—And something else is more effective still. Why did not the Labour Party save the late Ministry?

Mr. WATSON.—Because we were pledged to the country.

Mr. DUGALD THOMSON.—Yes; but the present Ministry is not going to sacrifice its own life over the same pledge.

Mr. WATSON.—We never took the stand that the late Ministry was justified in resigning office.

Mr. DUGALD THOMSON.—The members of the Labour Party said that the late Ministry would have to sacrifice its life.

Mr. WATSON.—No.

Mr. DUGALD THOMSON.—It was of sufficient importance, after the Ministry took their stand, to say that the late Ministry should die.

Mr. WATSON.—We never said so.

Mr. DUGALD THOMSON.—The honorable gentleman, in his unofficial capacity, sacrificed the life of the late Ministry. But apparently the principle at stake is not of sufficient importance to demand the sacrifice of the life of the present Ministry. The honorable gentleman has not announced that he will commit suicide yet, in spite of being questioned on the matter, so that I have been speaking by the book so far.

Mr. WATSON.—There is plenty of time.

Mr. DUGALD THOMSON.—There is plenty of time to face a death-bed. The Minister of External Affairs has asked us to trust the Government, and said that if the House does not agree with its policy it can throw it out. So far as we have gone—of course, I shall be pleasantly surprised if the position should alter—we have evidence that the Ministry will not go out on its measures, but will have to be pitched out.

Mr. WATSON.—I know that the honorable member's leader did not go out on one of his measures.

Mr. REID.—Which one of them?

Mr. WATSON.—When I moved an amendment against the right honorable and learned gentleman's Local Government Bill, and it was carried, he did not go out of office.

Mr. REID.—Because I had a bigger thing on.

Mr. WATSON.—Quite so.

Mr. DUGALD THOMSON.—If it had been of sufficient importance, I have no doubt that the right honorable and learned member would have gone out.

Mr. WATSON.—But who is to judge of the importance?

Mr. DUGALD THOMSON.—If the Ministry will not go out of office if defeated on the question on which they obtained office, then we may conclude that they will not go out of office when defeated on any of their measures, but will remain on the Treasury benches simply as a committee, bringing forward special measures, and saying to the House: "If you like you can alter our Bills; if you alter them too much we may abandon them; but we shall not abandon office."

Mr. WATSON.—That was the usual record in New South Wales in 1894.

Mr. DUGALD THOMSON.—If we are to be governed in that fashion; if we give the Government power to transact the business of the country in that way, we give them power to live for ever. The Ministry must not object to be faced with the question, whether they represent a majority in the House, on any matters on which a majority can combine?

Mr. WATSON.—We do not object.

Mr. DUGALD THOMSON.—In other portions of the House there will be differences of opinion, as there are in the Labour Party. For instance, I was much amused to find that the Ministry is termed the Conservative wing of the Labour Party. There will be differences of opinion, but if there is a policy on which there can be a combination by a majority, that majority, which is only a combination on certain things, and not on everything, must not raise pleas of unfairness, if it meets with the fate that minorities should meet with in Parliament. The Minister of External Affairs put forward the argument that as the two policies—that of the proposed coalition, and that of the Government—are to a certain distance exactly the same, why disturb the Government? But there is something beyond that policy to be considered; there is something even in the proposals of the Ministry that goes beyond that policy. I take it to be the duty of honorable members, if they are offered two policies so far alike, to take that which does not go beyond that of which they approve. The departures from similarity are two. They are of much importance in a way—not so much in themselves, but as to what they indicate. One

is the taking over of tobacco manufacture. That may find favour with some persons. We know that tobacco manufacture and importation has been taken up by some Governments. We know also that there is an apparent monopoly in the tobacco trade, and that there are reasonable objections by persons to monopoly. But the Ministry, so far as they have been able to get an opinion, seem to think that there is no power in the Constitution for the Commonwealth to enter into such an industry.

Mr. WATSON.—There is a doubt, any way.

Mr. DUGALD THOMSON.—So far as the honorable gentleman's information goes, there is a doubt.

Mr. REID.—A very grave doubt.

Mr. DUGALD THOMSON.—The Prime Minister has stated that, if the Commonwealth has not that power, he will attempt to have the Constitution altered in order to allow the tobacco industry to be conducted by the Government. I think that he means to go further than that. I believe he will strive to have the Constitution altered so as to allow any industry to be conducted by the Government. That is a very different matter. I do not say that there are special circumstances about the tobacco industry, or that the adoption of this policy in other countries has proved the desirability of its adoption here, because, so far as my experience goes in those countries, it is simply a means of taxation, and the Government increase the tax by raising the price of the article and reducing its quality. But whilst there might be reasons for the tobacco monopoly being taken over by the Government, that would appeal to some persons, there would require to be very much stronger reasons for committing us to what the Government would take power to commit the Commonwealth to, and that is the adoption of the socialistic control of all industry by the Government.

Mr. G. B. EDWARDS.—I have a little thing of my own which I should like to sell them.

Mr. DUGALD THOMSON.—The Prime Minister did not indicate how he was going to provide the States with the revenue which would be taken away from them if the Commonwealth Government went in for the manufacture and importation of tobacco.

Mr. WATSON.—We anticipate that we shall get a larger return from tobacco under this proposition than we now get from Excise.

Mr. DUGALD THOMSON.—We will suppose that that assumption is correct. Three-fourths of the return from Customs and Excise is the property of the States. There will be no compulsion to return one penny of the profit from the tobacco monopoly to the States.

Mr. WATSON.—Neither is there any such obligation in regard to Excise, after a few years.

Mr. DUGALD THOMSON.—The States have a guarantee for some years, under the Braddon section.

Mr. WATSON.—That will expire.

Mr. DUGALD THOMSON.—Parliament can maintain it in operation.

Mr. WATSON.—If Parliament can make that provision, there is as good a safeguard for the States in regard to our tobacco proposal as there is in regard to Excise.

Mr. DUGALD THOMSON.—The States want some security. They will not take our mere *ipse dixit*.

Mr. WATSON.—That is all they have in any case. They have only the chance of the Federal Parliament granting them supply after the ten years' period has expired.

Mr. DUGALD THOMSON.—They have at present a bond under the Constitution.

Mr. WATSON.—Which may be altered after ten years.

Mr. DUGALD THOMSON.—Besides that, they have in the States some voice in regard to deciding whether the Braddon section shall continue, or otherwise.

Mr. WATSON.—So they have under any other circumstances.

Mr. DUGALD THOMSON.—The Prime Minister should have shown us how, in the immediate future, the States are to be dealt with in regard to their legal right to the revenue which they will lose by a proportion of the profits—if there are any—from the tobacco business, not being due to them under the Braddon section. As to the banking proposals of the Government, I do not propose to deal with them at length, or to detain the House much longer on other matters. I would only say that, of course, the Prime Minister would not claim that his proposals are original.

Mr. WATSON.—Quite so.

Mr. DUGALD THOMSON.—The right honorable member for Balaclava expressed himself as being rather favorable to the idea, although he thought that it required more consideration.

Mr. WATSON.—It is a Canadian proposal.

Mr. DUGALD THOMSON. — In that respect again there may possibly be some reduction of State revenue.

Mr. WATSON.—Of course. But the Commonwealth has to take over some non-productive services, and that will largely counter-balance any fall in the revenue of the States, such as that caused by our policy in relation to a note issue and matters of that sort.

Mr. DUGALD THOMSON.—There is, however, the important fact, that revenue is affected. If the Government propose to get money from banking institutions and to alter the Constitution, why should it not be altered in the direction of having transferred to Federal control the largest banking deposits made by the bulk of the people? I refer to the Savings Banks, which are now in the hands of the States Governments.

Mr. WATSON.—We have no power to interfere with the States Savings Banks.

Mr. DUGALD THOMSON.—Not unless the Constitution is altered. But I am speaking of the proposed alteration of the Constitution.

Mr. FISHER.—One step at a time.

Mr. DUGALD THOMSON.—We have to face these considerations before taking any step. The Savings Banks have hitherto been usually conducted in connexion with the Post Office. But the tendency seems to be to separate them. Under present circumstances, the States are removing many of the Savings Banks from the post-offices. There is a legitimate opening I should think for Federal action, because it is the people's money deposited with a Government which is concerned, and not the money of shareholders, taken out of the banks without their consent, by the authority of the Federal Government. I am not raising an objection at the present time to the proposal of the Government, but I think that the whole matter will have to be considered.

Mr. FISHER.—Would not what the honorable member suggests interfere with State loans?

Mr. DUGALD THOMSON.—No, it would not. It would, of course, if the Federal Government were to assume control of deposits which the States Governments now have under their control in the Savings Banks, but I am referring to future deposits. I raise this question as associated with one of the institutions taken over by the Commonwealth, viz., the Post

Office. As to the promised amendment in the Electoral Act, one of the most important reforms, requiring immediate action, is the redistribution of seats.

Mr. WATSON.—We are dealing with that. The Minister is getting particulars.

Mr. REID.—The Government will go straight this time, I hope.

Mr. DUGALD THOMSON.—It is not right that the very policy upon which the Federal Parliament was created—equal representation—should be continually departed from. I do not care what the effect is upon different parties. It is a bargain, an understanding. We may approve or we may disapprove; but we have agreed, and the principle ought to be observed. The sooner we give effect to that principle, the sooner we have a redistribution, the better for the Commonwealth.

Mr. WATSON.—We hope to have the data ready for this session. The Minister is at work upon it now.

Mr. DUGALD THOMSON.—As to the Capital site, I notice that the Government propose—although they do not intend to make it a *sine qua non*—that there shall be 900 square miles in the Federal territory. I understand that that condition will delay the settlement very seriously. I cannot think that the Government of New South Wales will feel that it is just to ask them for something which far exceeds the demands of the Constitution. Further than that, personally, at any rate, I am against the spirit that is embodied in that demand. I think that we ought not to endeavour to make a separate State out of the Commonwealth territory.

Mr. WATSON.—We do not want to hand over to private individuals the unearned increment.

Mr. DUGALD THOMSON.—I do not think there will be any.

Mr. WATSON.—There is bound to be some.

Mr. DUGALD THOMSON.—It will possibly be like a case of which we have had an illustration in Sydney. In my opinion, the Federal Capital will be of such small dimensions for years that we need not trouble about the unearned increment. The dimensions of Washington were very small for many years, although the population in the United States grew more rapidly than ours is growing at present.

Mr. FISHER.—Ottawa affords a better comparison.

Mr. DUGALD THOMSON.—Ottawa occupies a position on the lakes, which makes



it somewhat important as a trading centre. But we propose to build a capital at some site that will not be important from a trading point of view. None of the suggested sites occupies a position upon an important water-way. Some of the sites have no railway communication, and some would not justify the construction of a railway. My opinion is that the unearned increment, which can be expected will not be very great. I have no objection to the Commonwealth getting whatever unearned increment there may be, but the idea of having a small separate State is against my opinions of what is desirable.

Mr. WATSON.—The honorable member surely would not call thirty miles each way a separate State?

Mr. DUGALD THOMSON.—Yes, it is separating the Commonwealth from the rest of Australia. The more we make the Commonwealth a part of Australia, and blend it with the rest of Australia, the better it will be for our governing institutions. The Government has claimed support on the ground of the moderate programme which it has put forward. But I would remind honorable members, as the right honorable member for East Sydney did, that behind that programme there is a much larger programme to which the members of the Government have subscribed their names. Behind that again there is the programme of the labour conferences, which nominated for election to Parliament the members of the present Ministry. That programme extends to limits that I am sure would not secure the indorsement of the majority of the members of this House. For instance, I think I am correct in saying—I am open to correction if I am wrong—that in one, if not two, of those conferences, one of the proposals agreed to was the abolition of the Imperial veto. That means neither more nor less than separation from Great Britain. How far that policy is going to be pushed, or how soon it is going to be pushed, we cannot say. But beyond the policy of Ministers there is still another policy; and it is put forward only in its mildest form, so that the public of Australia shall not be alarmed. The Minister of External Affairs said that the Socialists detest the Labour Party. Why do Socialists detest the Labour Party? It is not because the Labour Party are not Socialists. I do not say that all the Labour Party are Socialists, but that party generally have announced themselves to this House as Socialists. Why this marked feeling between

out-and-out Socialists and the Labour Party, as Socialists? It is because the Socialists say that the Labour Party want to proceed step by step towards the same goal, whilst the Socialists declare for an out-and-out policy, leading at the earliest possible moment to a full realization of Socialism.

Mr. G. B. EDWARDS.—The millennium on Thursday week!

Mr. DUGALD THOMSON.—There is the difference between the two bodies. The Socialism of the Labour Party is a veiled Socialism, while the Socialists desire to make Socialism an aggressive movement, and to accomplish it at once. If we wish to know what the policy suggested is in its outcome—I do not say immediately, but in its outcome—we must go to one who has expressed his views, and who is in a position to judge what is the opinion of the Labour Party. Mr. Tom Mann is an apostle brought to Australia to preach a policy to the labour bodies of Victoria, a policy in which, presumably, those who brought him out believe. Mr. Mann announces that Socialism will be well on its way in ten years in Australia, and he gives in a few words, which I shall read, what his view of that Socialism is. First, however, I shall read a briefer definition, by Mr. Bradlaugh, as follows:—

Socialism denies private property, and affirms that society organized as the State should own all wealth, should direct all labour, and should compel the equal distribution of all produce.

There are some, I know, who differ from a part of that view, and who hold that the distribution shall not be equal, but unequal. If the distribution is to be equal, no matter what the merit, no matter what the capacity, no matter what the exertion, must we not, if we adopt such a policy, face a deterioration of our people?

Mr. FOWLER.—I challenge the honorable member to name a single Socialist who advocates such a doctrine.

Mr. DUGALD THOMSON.—There are Socialists who advocate such a doctrine.

Mr. FOWLER.—The honorable member is talking about communism, which is a totally different thing.

Mr. DUGALD THOMSON.—There is a Communistic Socialism. I am not using my own words, but quoting the words of a man intimately associated with labour, Mr. Bradlaugh.

Mr. HUTCHISON.—But not with the Labour Party.

Mr. REID.—A May Day deputation put forward exactly what the honorable member for North Sydney is quoting, and the Prime Minister expressed his sympathy with their aspirations.

Mr. DUGALD THOMSON.—I was not aware of that fact, but I accept the statement of the right honorable member for East Sydney. I am now quoting what is the policy of one class of Socialists. I am not saying that this is the policy of all Socialists; in fact, I have already said that it is not. What I am now dealing with is Communistic Socialism, with which I am glad to know the honorable member for Perth does not agree.

Mr. FOWLER.—No Socialist does.

Mr. DUGALD THOMSON.—There are Socialists who do. There is a Communistic Socialism, as well as a State Socialism, as the honorable member for Perth knows; and communistic Socialists do agree with that policy. As I say, I am pleased to know the honorable member for Perth does not agree, because I think he must admit that such a policy must lead to the deterioration of the people. But, if we are to have unequal distribution of the product of labour, who will make the division?

Mr. HUTCHISON.—The Government make the division at the present time in nationalized works.

Mr. DUGALD THOMSON.—Will the division not be made by a State Department of some description, and is it not the very objection to our present nationalized works that we cannot get a fair distribution—that Governments and members of Parliament interfere?

Mr. HUTCHISON.—Yes, because the works are run by individualists.

Mr. DUGALD THOMSON.—Is it not a fact that, in any case, somebody who has no personal interest in the matter, must interfere to fix each party's share of the product? It may be said that when I favour certain services being conducted by the State, such as the railway and postal services, I am a Socialist. But it might as well be said that because I eat vegetables I am a vegetarian—which I am not. I quite agree that there are some institutions which it is desirable that the State and people should control, especially those institutions where we are prepared to make a loss on parts of the services in order to benefit some other department of the State. Our railways, for instance, can benefit our lands, and, to a considerable extent, may be substituted for roads. In

the Postal Department it is desirable, in the interests of the whole, to extend non-paying services; and that will only be done—I do not say that it can only be done, but that it will—by the State which is interested in the whole, and not merely in the post-office itself.

Mr. FOWLER.—The honorable member is evidently a bit of a communist himself.

Mr. DUGALD THOMSON.—The honorable member, as I say, might as well call me a vegetarian because I eat vegetables. I am quite willing to take the best out of everything, but I am not willing to admit that universal State Socialism, which is the goal of the State Socialists, is the best, or will give the best to the community.

Mr. MAUGER.—And could not be, under any circumstances?

Mr. DUGALD THOMSON.—If the honorable member had the creating of a people, State Socialism might be the best; but until he is a creator, it will not, under present conditions at any rate, and with human nature as it is, be the best. We do not need to estimate, because we know what the result of bureaucratic control has been in the past. We know that it has failed in every instance. In our own experience, the communistic form of Socialism absolutely failed, as will be admitted, in the case of the settlement in Paraguay; and the State form of Socialism, as applied universally to the industries of a State, has failed wherever it has been attempted. These proposals in themselves do not frighten me. I am not afraid of facing any such proposals, if I can see that they are in the interests of the people as a whole. But history and every argument that occurs to me, convinces me that such proposals, carried to their ultimate issue, would be in the worst interests of the State, and the worst interests of the people of the State. Fancy such a state of affairs as Mr. Mann outlines! He is a State Socialist, in favour of the unequal division of the product of labour; and what does he say? I quote Mr. Mann, because he ought to know what he is talking about, and he says—

The Socialist programme will be well on its way in Australia in about ten years. I know that it would not be right to declare that the Labour Party of this State (Victoria) is definitely straight-out Socialist. It is not. It can only truthfully be described as a socialistic body, by which I mean one that is making more and more, and relatively rapid, strides in favour of Socialism clear and avowed.

The most energetic minority are undoubtedly the avowed Socialists, or collectivists; the others are rapidly travelling in that direction; but that means nothing more than that they indorse both voluntary and State co-operation, and seek to have it universally applied. He says that the party will go in for the nationalization of mines, the control of land and machinery of production. Every person is to be rewarded according to the services which he or she renders to the community. There will be no need for gaols, except for idlers. A man will be allowed to retain what he gains from actual work. He will be allowed to have his furniture and his bicycle, and perhaps his motor car, but whether he will be permitted to have his house will be dependent upon the stage of development which socialism reaches.

That is what we are asked to enter upon by the apostle of the trades union bodies, brought out to preach labour doctrines throughout Victoria.

Mr. REID.—A man who is now paid to carry on a mission in Victoria.

Mr. KENNEDY.—A paid agent.

Mr. DUGALD THOMSON.—He has turned prophet now as well as apostle, and this is what he prophesies:—

Ultimately the municipalities will control house accommodation. Well-behaved people will always have food, or clothing, or other necessities—

Whether the ill-behaved will go without clothing, I do not know—

—and will be allowed a fair amount of travel.

An HONORABLE MEMBER.—What is the honorable gentleman reading from—a newspaper cutting?

Mr. DUGALD THOMSON.—I am reading from a published speech by Mr. Tom Mann, which, so far as I know, has not been contradicted.

Mr. CARPENTER.—He has not time to contradict it all.

Mr. DUGALD THOMSON.—We soon see a contradiction where one is thought necessary. I am quoting from a report which appeared in the *Sydney Daily Telegraph*, as taken from a Melbourne paper.

Mr. CARPENTER.—Is the honorable member reading a portion of Mr. Tom Mann's remarks?

Mr. DUGALD THOMSON.—I am not prepared to think that the report differs from what Mr. Tom Mann actually said, because I have read previous speeches by him to the same effect. Many State Socialists put forward the same view, and I quote Mr. Mann, not as the best authority on Socialism, but as the best authority as connected with organized labour bodies. I am not one of those who fail to recognise that there are many evils connected with

our present social system. I think that the best remedy for them is the adoption of a system which has yielded great good in Great Britain, and that is the system of co-operation. I believe there would be a larger distribution of the proceeds of industry amongst those who need it most as the result of the adoption of such a system. It is free from the marked objections to Socialism.

Mr. FOWLER.—Socialism is merely a system of co-operation.

Mr. DUGALD THOMSON.—Yes, but a system conducted by the State.

Mr. FOWLER.—No, conducted by the people.

Mr. REID.—Then the honorable member can have it any day he likes.

Mr. DUGALD THOMSON.—Socialism is a system of co-operation conducted by the State, but when those brought up to certain industries devote themselves to co-operation in those industries a two-fold effect is obtained. In the first place, they understand their business, and they have individual interests. They can reduce the cost to the consumer in most cases, and while they do that they are always under the spur of exerting themselves, of perfecting their skill, and of studying their calling, and increasing their aptness in turning out work rapidly in that calling. The spur of personal interest is there, and by that very spur the position, character, and competency of our workers is maintained. Instead of falling into the rear behind other countries, instead of reducing bit by bit—as they would be certain to do under a system of Socialism controlled by the State, the product of the industry and the consequent dividend which can be given to those engaged in the industry, they have this spur of personal interest, thus maintaining a higher standard in the community, and also obtaining in most cases the beneficial effect of a reduction in cost to the consumer. I say that the examples of co-operation in Great Britain have shown that the system can be carried on with success, whilst the operation of Socialism anywhere in the world—and it was adopted thousands of years ago in some parts of the world—has never been attended with success.

Mr. FISHER.—To what co-operation is the honorable gentleman referring?

Mr. DUGALD THOMSON.—To the co-operation in a business of those brought up to that business for the benefit of the whole.

Mr. CROUCH.—Can the honorable gentleman refer to any example of successful industrial co-operation, other than trading?

Mr. DUGALD THOMSON.—Some of the co-operative societies of Great Britain are amongst the most successful institutions in the world.

Mr. CROUCH.—They are engaged purely in buying and selling, and not in manufacturing.

Mr. DUGALD THOMSON.—They are engaged in manufacturing, as well as in ordinary trading. Mrs. Sydney Webb has written upon them, and in some instances they have been a gigantic success. There are also a number of smaller co-operative societies throughout Great Britain, some of which, though limited to small mining and other districts, are also successful.

Mr. FISHER.—And private enterprise tried to kill them when they started.

Mr. DUGALD THOMSON.—Private enterprise had a perfect right to compete with them, and the system that will not stand that competition cannot be a good one. The observations I have addressed to the Labour Party are not addressed to individual members of that party. Those gentlemen have, individually, my highest respect; but in reply to the very fierce attack upon our motives by the Minister for External Affairs—an attack to which I do not object—I have felt that I should be at least as keen in my criticism. As for any action which will be taken by honorable members, I say that if they believe in what is announced as the ultimate goal of the Labour Party, their place is on the Government side in this House. If they do not believe in it, and if, so far as immediate legislation is concerned, they can secure a similar policy from honorable members who would constitute a majority in this House, I do not see how they can cross the chamber. At any rate, I hope that no one will be induced to cross the chamber from either one side or the other by any holding out of personal advantage, such as an unopposed election, because although it might not be expressed in direct money terms, that is as much a bribe as is anything that could be offered to a member of this House.

Mr. FISHER.—Hear, hear. "Codlin is the friend, not Short."

Mr. POYNTON (Grey).—For some six months past it has been apparent that we would be taking part in a discussion similar

to that now engaging our attention. I am one of those who believe that much good will come out of the present situation. I believe that the time has arrived when there will be a division in this House on distinct lines, and it is on that account I address honorable members for the first time from this side of the chamber. I think that those who have been my associates in this House during the past three years will concede that I leave them with the very best feeling between us. I have upon all occasions made my leanings apart from the particular question which brought us together, the Tariff question, clear to the leader of the party to which I formerly belonged, and to those associated with him. When that question was shelved, it became apparent that there would be a new division of parties, and that we should have to form new associates in this Chamber. When the Prime Minister, speaking at Ballarat, staked the existence of his Government upon a particular clause of the Arbitration Bill, and the general elections which followed soon afterwards gave certain results, it became evident that a crisis was only a matter of a short time. It came probably a few hours sooner than it would otherwise have come, because certain honorable members voted for a proposal to which they had expressed themselves as opposed. That is immaterial to me. It is a matter between them and their constituents. Had not the Deakin Government been defeated then, it would certainly have been defeated a little later, upon the division which was to follow. But for months before that came about the press of this State, the leading newspapers of the other States, and the leading politicians in this House, urged that the position occupied by the then Government was an intolerable one; that the labour members who sat on the corner benches were squeezing more from the Government than they were entitled to get, considering the number of votes which they represented. But is it not a singular fact that both the right honorable and learned member for East Sydney and the honorable and learned member for Ballarat have admitted that on no occasion, either here or in the State Parliaments, have the Labour Party in any way tried to take advantage of the situation? It used to be said that if the Labour Party wished to obtain certain measures, they should act in direct opposition until they were able to occupy the Treasury benches. Now they do so. Their position to-day is unique, and ma<sup>1</sup>—

an important epoch in the history of constitutional government. We have, on the Treasury benches, a number of honorable gentlemen, who have got there, not because they intrigued or conspired to overthrow the late Ministry in order to obtain office, but because the responsibility of administration has been thrust upon them. When the honorable and learned member for Ballarat staked the existence of his Ministry upon the carrying of a particular clause, and was defeated, he recommended that the honorable member for Bland should be sent for to form an Administration, and there was no other course open to the honorable gentleman than to accept the responsibility. But the Labour Party having accepted office, what has happened? An effort was made, not only in this Chamber, but throughout Australia, to remove them from the Treasury benches, even before they had had a chance to announce their policy. It is well known that there was a proposal to remove them before the granting of an adjournment to give them an opportunity to formulate their policy, but to the honour of those in opposition they would not be a party to it. The present occupants of the Treasury benches, and their followers, have had pronounced upon them the finest eulogy that any party of men could have from men sitting in opposition to them. The leaders of the Opposition have told us of the wonderful assistance which they have received in carrying into law measures which they believed to be in the interests of Australia. The right honorable member for East Sydney could not have carried into effect a policy which it needed a considerable amount of courage to bring before the State Parliament of New South Wales, but for the assistance of the Labour Party there, while the honorable and learned member for Ballarat has admitted that he has received most valuable and loyal aid from the party in this House. I know that none of the measures put upon the statute-book of South Australia during the past ten years, for whose beneficent operation the ex-Premiers responsible are always ready to claim credit from the people, would have been possible without the assistance of the Labour Party. I do not refer merely to so-called labour legislation. The *crédit foncier* system now in vogue in South Australia, which has been of great benefit to the primary producers there, is one of those measures. Another is a measure introduced by a Liberal Government, having for its object the giving

Mr. Poynton.

of assistance for the exportation of wine. The late much respected leader of the Labour Party in South Australia, Mr. J. A. Macpherson, moved an amendment which made the provisions of that measure apply to other produce, and while they have failed, so far as they relate to the export of wine, they have, with regard to other produce, been a great success, notwithstanding the bad seasons of the last few years. I appeal to the honorable member for Gippsland to say whether he can point to any legislation in the direction of liberalizing the land laws for the benefit of agriculturists or pastoralists which has not been supported by the Labour Party. I can speak with some degree of knowledge with regard to my own State, and I claim that during the last ten years liberal legislation, which has benefited thousands of the primary producers, has been rendered possible only by the assistance of the Labour Party. It is admitted by the leaders of the Opposition, that the Labour Party have in the past given valuable assistance in placing upon the statute-books legislation which has operated for the benefit of the general community, and I ask what magic influence is likely to bring about such a change in the party that their occupancy of the Treasury benches will become a menace to Australia. Will they act with less honesty in office, than out of office; will their administration be lax as compared with that of other Ministries, or are they objected to on account of their youth? If the last mentioned ground be taken, let me point out that it is in the interest of good government that some young blood should be infused into the administration of our Departments. Ministers who have sat on the Treasury benches for years naturally get into a certain groove, from which it is almost impossible to shift them, and we may expect young Ministers to strike out for themselves upon new lines, and to galvanize into vitality some of the heads of Departments who are now hide-bound by official traditions and influenced by rules which should have been discarded long ago. What is the charge against the Ministry? I have listened carefully to the speeches of the honorable and learned member for Ballarat, the right honorable member for East Sydney, and the honorable member for North Sydney. The labour pledge was objected to, the labour caucus was condemned, and the socialistic bogey was raised. Now, what is the caucus? The members of the party meet in caucus to

decide important points bearing upon their platform, which has already been placed before the country in black and white. Is there anything very dreadful in that? Has not a similar course been adopted by every political party? It is true that there is another kind of caucus, of which we have had recent experience. We have heard of a number of men meeting, not on a common platform, but as representatives returned upon diametrically opposite principles, and deciding to disregard the pledges which they had given to their constituents—pledges which, above all things, should be sacred to honorable members. Which of these caucuses is to be regarded as the more honorable? As a matter of fact, nothing can be done by the labour caucus to vary the platform of the party, but they may arrive at a determination upon some matter which is under consideration by the House, and which may affect the life of the Government. The other caucus to which I have referred was assembled with the object of ejecting from office a number of men—who, they admit, have done much to assist in passing beneficial legislation—before they have had an opportunity of showing what they could do. Objection has been taken to the fact that, in connexion with the Labour Party, a pledge has to be given that if a candidate is not selected he will stand down. There is, however, nothing new in that. The right honorable member for East Sydney endeavoured to persuade honorable members that he had some terrible disclosure to make with regard to the platform of the Labour Party. He selected not the fighting platform of the party, but what has been termed the general platform. After endeavouring to make it appear that something dreadful was about to be brought under the notice of honorable members, his disclosure turned out to be of the most innocent character. He told honorable members that it had been agreed by the Labour Party, that even though it necessitated an amendment of the Constitution, they would endeavour to secure, what?—not anarchy, nothing like that; but uniform industrial legislation. I ask any man of common sense whether, in view of the fact that the Inter-State barriers have been removed, and that widely differing industrial legislation is in operation in the various States, it is not abundantly evident that, in the interests of both employers and employes, uniform industrial legislation is necessary. What was the experience of

Victoria? I remember that, when the jam industry was brought under the operation of the Shops and Factories Act, the sweating employers of Victoria transferred their operations to Tasmania, where there were no Wages Boards to control them. We had a somewhat similar experience in South Australia. We extended very liberal protection to the tobacco industry, and some of the Victorian manufacturers, rather than submit to restrictions in their own State, which were intended to insure fair conditions of employment to their hands, went to South Australia, where they could employ girls free from any control as to wages or hours of labour. It is only fair to the employer, who is prepared to pay a reasonable wage to his employes, that we should enact uniform industrial legislation. Did not Sir William McMillan admit in this Chamber that, as the Customs barriers which formerly existed between the States had been abolished, Inter-State free-trade, in the absence of some such legislation, would to a great extent be robbed of the advantages which it would otherwise confer? Reference has also been made to the proposal to establish a State tobacco monopoly. I do not intend to discuss that matter just now, because time will not permit me to do so. I desire, however, to deal generally with the policy proposed by the Government, which seems to be regarded by some as a menace to Australia. I think I am right in claiming that the policy which has been put forward by the Ministry, approaches more closely to that which New Zealand has followed for some years past than any policy previously submitted in Australia. Have honorable members forgotten the period when Sir Julius Vogel held Ministerial office in New Zealand, and when people were leaving that country in thousands by reason of the "safe" legislation which was being enacted? We have since witnessed the result of ten or twelve years of administration by the Ballance and Seddon Governments; and what is the position there to-day? Are not the people flocking from these States to New Zealand, where there is an abundance of work? Of course, it will be said that New Zealand possesses advantages over these States in the matter of its climate, its land, and its general possibilities. I admit that it does. But did it not possess the same sunshine, the same rain, and the same land fourteen or fifteen years ago that it does now? I find that between 1890 and 1903 the population of New Zealand

increased by 177,000. In 1890 its public and private wealth totalled £150,000,000, but in 1893 it represented £244,000,000. Similarly, whereas in 1900, the production of New Zealand was valued at £22,000,000; in 1903 it had advanced to £32,000,000, an increase of £10,000,000. Again, whilst in 1900 the land values of that country represented £46,000,000, in 1903 they totalled £65,000,000—an increase of £19,000,000. The exports from New Zealand in 1900 were valued at £9,000,000, but in 1903 they represented £13,000,000, an increase of £4,000,000 in three years. These are the results of a class of legislation which some people regard as a menace to Australia. At this point, I desire to say a few words in reference to the attitude of the ex-Prime Minister. I cannot for the life of me comprehend the position which he takes up. If I understand what language means, I heard him say, upon the occasion when the Prime Minister asked the House to grant him an adjournment for three weeks, that he was deputed on behalf of his party to wish the Government well in the task which they had undertaken, that the three weeks' adjournment would be readily granted, and that at the end of that period they would be judged by the measures which they proposed to submit. Has that promise been kept? Certainly not. Instead, we hear that he took part in secret conferences which were held one day in a certain suburb, and another day in a different suburb, because the press were on the alert to discover where they took place. These negotiations for the formation of a coalition Ministry were conducted, despite the sacred promise which the honorable and learned member for Ballarat made upon the floor of this House that the Government would receive honorable treatment, and would be judged by their measures more than by anything else. Then the Government have been condemned because their proposals are not so drastic as some honorable members would desire. But I would point out that the Ministerial policy contains, at any rate, a fair proportion of the programme upon which members of the Labour Party were elected. I do not know of any other Government from whom a policy has been demanded for a generation ahead. It has always been sufficient for a Government to submit a policy, the carrying out of which would cover the life of the existing Parliament. Very often Ministries did not even do that. I have no desire to occupy the time of the House at

*Mr. Poynton.*

undue length, because I feel that we ought to proceed with business as early as possible. If those in opposition intend to submit a no-confidence motion they should take immediate action. Several months have elapsed since the opening of the present session, and yet practically nothing has been accomplished. In the first Parliament we gained a reputation—very justly so, I think—for the legislative work which we performed, and surely it should be our desire to maintain it. We are supposed to be statesmen, but are we acting as such? Australia possesses great resources. We have in this Commonwealth vast wealth, we possess a great inheritance, and yet we are witnessing an unseemly scramble for the "loaves and fishes," an indecent attempt on the part of some honorable members to gain possession of the Treasury benches.

Sir JOHN FORREST.—I do not think that is very complimentary.

Mr. POYNTON.—It may not be complimentary, but it is true.

Sir JOHN FORREST.—I do not think it is.

Mr. POYNTON.—Honorable members are showing an indecent haste to get on to the Treasury benches, and, at the same time, are trying to convince the public that they are prompted by patriotism.

Sir JOHN FORREST.—That is ridiculous.

Mr. POYNTON.—The right honorable gentleman has spent nearly a lifetime on Treasury benches, and he has done really good work in his time; but he has had a great deal of luck. Other persons have entered upon great undertakings, but they have not come out so successfully as he has done. I have nothing to say against his past. He has had a very good innings. But there is no man who would growl more deeply, or find fault more quickly, than he would if he were ejected from the Treasury benches without having been given a chance to show what he could do. Does he wish to put out the members of this Ministry because they have had no experience in office? Is that the plea which is raised? I wish to know when some of the bright members of this House will be considered to have been sufficiently long here to be intrusted with the great and important duties that attach to the office of Minister of the Crown. Of course, I know that if eight gentlemen are trained on these benches, and show that they are equal to the occasion, there will be eight more applicants for Treasury billets. It is all very

well for honorable members opposite to try to throw dust in the eyes of the people, to say that the country is in danger, and that those honorable gentlemen should be turned off the Treasury benches at any cost. Sacrifice, if needs be, they say, your pledges to your constituents; sacrifice anything so long as you turn them off those benches. I do not intend to help them to do anything of the kind. I have crossed the floor because I see nothing to fear in the platform of the Labour Party. In fact, I was returned practically on every line in their platform, and so were other honorable members sitting on the left of the Chair. We have, I repeat, a great inheritance. We hear a lot of talk about why do we not develop what are called the tropical parts of Australia; we hear it said that our legislation is such that it hampers their development. But do honorable members believe that, in the non-tropical parts, we have reached that stage that we have got beyond the point of development? There is material to our hand, I submit, for carrying out a great public works policy that would redound to the credit of any Government. Along the banks of the Murray, from its mouth to its source we have the material for settling a large industrious and thriving population.

Mr. FULLER.—Is not that a State matter?

Mr. POYNTON.—The States desire this Parliament to undertake the work, and it could be carried out without impairing the navigation of the river in any way. I venture to submit that in no other country would such immense wealth, in the shape of water, be allowed to flow into the sea day after day. We wish to consider a proposal to undertake a work of that character. Its execution would redound much more to the credit of the House than does this challenging of the present occupants of the Treasury benches.

Mr. McCOLL.—There is nobody shaping at that work yet.

Mr. POYNTON.—I wish to refer to one more matter, and I am forced to make this reference because of the following paragraph which appeared in the *Argus* to-day:—

The Tarcoola telegraph line bids fair to remain a lasting evidence of Federal postal extravagance. Authority for the construction of the line was obtained while Senator Drake was Postmaster-General. Gold had been discovered at Tarcoola. A canvas town sprang up there in a week. Reports of fabulous discoveries of gold were received daily. It was claimed that

a permanent field, which would support a very large population, had been established. As an additional inducement for the erection of telegraph facilities, it was claimed that Tarcoola would become one of the main centres of settlement along the proposed transcontinental railway route. Fourteen thousand pounds was hastily voted for the work. The greater portion of this amount was expended. But instead of a thriving business, the central postal authorities state there is only a small receiving-office at the mushroom township to-day, which a small boy could manage.

In the first place, I fail to understand what the expenditure of that money has to do with the *Argus*. It was the State of South Australia which wanted the work carried out, and it is responsible for the whole expenditure. In order to show how unfair the paragraph is, I propose to mention what has been done over a small part of that gold-field. During the last six months one mine crushed 2,770 tons, yielding 3,147 oz. 8 dwt. of gold. The half-yearly balance-sheet shows that £10,000 was received. Honorable members will have some idea of the difficulties which that company have had to contend with when I say that in the half year they spent over £4,000 on cartage. They experienced great difficulty in the matter of water, and even now they cannot keep a 20-head battery going for the want of water. One mine in this little mushroom place that the *Argus* spoke of has paid away on wages and material—excluding cartage—about £8,295 in the last six months. The mine shafts are developed from 150 feet down to 300 feet. Out of the gross quantity of stuff which has been taken out, notwithstanding all the difficulties which had to be contended with, 10,417 tons have been crushed, yielding 18,511 oz. of gold. I venture to say that if this gold-field were situated in Victoria, or anywhere near that State, we should not find the *Argus* saying anything about such a promising industry. I may add that the Curdnatta mine, situated at Tarcoola, crushed 99 tons, yielding 174 oz. of gold. The Wilgena Enterprise mine, situated thirty miles east of Tarcoola, crushed 345 tons for 350 oz. of gold. From the Glenloth gold-field, situated about fifty-five miles to the south-east of Tarcoola, small parcels have been carried by camels to the Government battery at Tarcoola. Of the different parcels treated 12 tons returned 1 oz. 1 dwt. per ton; 4 tons returned 2 oz. per ton; 10 tons returned 1 oz. 9 dwt. per ton; 8 tons returned 1 oz. 7 dwt. per ton; 2 tons returned 1 oz. 4 dwt. per ton; and 3 tons returned 1 oz. 15 dwt. per ton.



These are returns from a field some forty miles beyond Tarcoola. I mention them, not merely because of the criticism of the *Argus*, but because of the fact that the Government has not yet decided upon the route of the proposed Transcontinental Railway. A few miles further on there is another field which promises well. I have some specimens obtained there at a depth of 150 feet which would astonish honorable members. I know that the right honorable member for Swan considers that the line ought to follow a route nearer the coast.

Sir JOHN FORREST.—I have not said anything of the kind. I mentioned that a big saving would be effected.

Mr. POYNTON.—The right honorable member at all events indicated in one of his speeches that that was his opinion. I have traversed a great part of the country, and am able to say that the lands which would be tapped by the railway, if the route I favour were followed, are far better than any that are to be found on the coast line. The facilities of construction which it offers are superior to those of any other route. The country is much firmer than that nearer the coast, where a series of sand ridges extend for many miles. The existence of these hills has frequently been referred to by Victorian critics.

Sir JOHN FORREST.—Where are these sand ridges?

Mr. POYNTON.—There is a belt of country, some few miles wide, running nearer the coast, in which these sand hills are to be found.

Sir JOHN FORREST.—Where?

Mr. POYNTON.—I know that they exist, for I have been over them. They are to the west of the Gawler ranges.

Sir JOHN FORREST.—That is not so. I have been over the country.

Mr. POYNTON.—The critics talk of nothing but spinifex and sand being met with. That may be true of a strip of country about ten miles wide, but I have it on the authority of Mr. Laurence Wells, surveyor, who, on behalf of the State Government, has been exploring the country, and obtaining information for the Lands Department, that the land consists of rolling downs well-grassed, and carrying first class edible bushes. In my opinion, that is the route which the line, if it is built, must traverse. I have already mentioned Tarcoola, and other fields, which would act as feeders to the line, if the route I have mentioned were followed, and I would also point out that the construction

of the railway along this route would serve Mount Gunson, where one of the largest deposits of copper to be found in South Australia exists; and my statement in regard to it will be supported by one of the members of the Ministry. The ore met with there is of low grade, running from 5 per cent. to 8 per cent., and owing to the difficulties encountered in carrying the ore a distance of eighty miles to the sea-board, or in taking machinery up to the field, it is impossible to work it. With railway facilities, however, it would undoubtedly give employment to thousands of men. I thank honorable members for the attention they have given me, and while I would not be so presumptuous as to say that I think the debate should now come to a close—

Mr. WILKS.—The honorable member nevertheless thinks that it should.

Mr. POYNTON.—The honorable member is quite right. I think that the debate should be brought to a close as early as possible. If there is to be a direct motion of want of confidence tabled, let us have it submitted, and have done with it. If we deal with it at once, we shall clear the atmosphere, and shall be able to do much more work that will tend to the good of the country than we shall be likely to accomplish if we continue to wrangle over the present situation.

Mr. LONSDALE (New England).—I rise to address myself to this question with a desire to abstain from giving utterance to expressions calculated to give offence to any honorable member. The debate has so far been conducted on lines which, with one or two exceptions, reflect credit upon the House; but I think that the honorable member who has just resumed his seat might well have refrained from charging honorable members of the Opposition with improper motives in following the course they have adopted. Such an assertion does not help his case, nor is the debate likely to be shortened by the imputation that the one and only object which honorable members on this side of the House have in view is that of securing a seat on the Treasury benches and participating in the emoluments of office. It seems to me also that the Minister of External Affairs might well have avoided, to a large extent, the attack which he made upon the right honorable member for East Sydney. Whatever opinion he may entertain in regard to the right honorable gentleman, many years will elapse before he occupies the position which the right honorable member for East Sydney

enjoys in the estimation of the people of New South Wales. Rightly or wrongly, the people of New South Wales hold him in high esteem because of what he has done for them in the past. I may say at once that, in connexion with his public career, there have been occasions on which I have differed from him. I disagreed with him in respect of his attitude on the Commonwealth Bill which led to the creation of this Parliament. But, unlike others who also shared my views, I did not side with him in the action which he took. I gave clear expression to my opinions, and had to pay the penalty of fighting against the Commonwealth Bill. The Minister of External Affairs referred to the assistance which the Labour Party gave the right honorable member for East Sydney, and I know that in New South Wales they helped him to carry out the policy which he put before the people. It was a policy of the most drastic kind, and in giving effect to it, he required all the assistance that could be secured. But that was not the policy of the Labour Party at the outset. It was the policy of the right honorable member for East Sydney at the beginning, and men like myself can take credit for having advocated and fought for it year after year in New South Wales, until it took practical shape in politics, and was ultimately successful. I have asserted in my own electorate and elsewhere, when certain men have been referred to as the leaders of the movement, that I was one of these leaders who devoted their time and what little ability they had to the work of instilling into the minds of the people of New South Wales that which was best for them. In support of the legislation which the Labour Party favour, reference has been made to the position of New Zealand. I am satisfied, however, that no one can rightly assert that the Conciliation and Arbitration Act in operation in that colony has brought about the prosperity which at present prevails there. It is impossible for any one, who rightly reads the history of New Zealand during the last few years, to say that its prosperity is due to any such agency. The wages paid there have been very high; but we all know that increasing prosperity has always led naturally to an increase of wages.

Mr. THOMAS.—They have arbitration and protection in New Zealand.

Mr. LONSDALE.—The Conciliation and Arbitration Act has had nothing to do with the prosperity of New Zealand. I do not

say that there is any objection to that legislation, so far as New Zealand is concerned; my sole contention is that not one case can be cited in support of the assertion that it has brought about the prosperity which New Zealand enjoys. Compulsory arbitration may be good or bad, but the position of New Zealand cannot be used as an illustration in support of the passing of a Conciliation and Arbitration Act for Australia. New Zealand has for some time past been on a rising tide of prosperity; and if wages have increased, the fact remains that they would have done so had there been no Conciliation and Arbitration Act. Honorable members may accept my opinion for what it is worth—and it is worth as much as is that of any other honorable member—that the wages of the working men of New Zealand would possibly have been higher, had there been no such Act in operation.

Mr. THOMAS.—They might have been higher, had there been a free-trade, instead of a protective policy in force.

Mr. LONSDALE.—There is no doubt about that. But the honorable member is always trying to side-track me on to the subject of free-trade and protection. I am prepared to debate that with him at any other time. I think that I have said in answer to an interjection from the same honorable member, that protection had nothing to do with the prosperity of New Zealand, which has arisen from its export trade, from its increased production of gold during the last few years, and from the enhanced value of its agricultural products. If the honorable member believes that the advance has resulted from the increase of imports, he makes a mistake; because, just as the imports have risen, so have the exports in proportion. There has been an increase in the imports of New Zealand just as there has been an increase of exports. That is clear proof that the prosperity of the country has not been caused by the decrease of imports, but that the exports have been paid for by the imports. But I do not wish to be side-tracked in that direction.

Mr. THOMAS.—I wanted to know the honorable member's opinion of the causes of prosperity in New Zealand.

Mr. LONSDALE.—What I want to make clear is that, if we read the history of New Zealand for the last five years correctly, it cannot be shown that the Arbitration Act has improved the position of that country.

Mr. CARPENTER.—Except in securing industrial peace.

Mr. LONSDALE.—If the honorable member can make it clear to those around him that the Conciliation and Arbitration Bill is merely for the purpose of securing industrial peace, I venture to say that a great many will soon drop the subject. Industrial peace of that kind has been secured in several places by a reduction in the wages of the men.

Mr. CARPENTER.—No.

Mr. LONSDALE.—The honorable member must allow me to state what I know to be a fact. Honorable members have all heard of the Teralba case, which resulted in a decision that did not give the men the wages that they required, but a reduced amount. There was no industrial peace there. The men at first refused to work, though some time afterwards they went back to their employment.

Mr. FRAZER.—The honorable member knows that the leaders of the men never advocated such a course.

Mr. LONSDALE.—Exactly; I am not saying what the leaders of the men advocated. I say that if a body of men have their wages reduced by the Arbitration Court, they will go out in spite of their leaders. When there is a rising tide in the affairs of a country, wages may be raised by an Arbitration Act. But they will be raised without an Arbitration Act under such circumstances.

Mr. CARPENTER.—By strikes?

Mr. LONSDALE.—No; wages will naturally go up under such circumstances, whether there are strikes or not; though probably by means of unions wages may be raised earlier than without them. Wages may be prevented from falling by means of unions. I give credit wherever I think it is due. We should always speak of things as we find them. I admit that by means of unions wages can be prevented from falling as soon as they would otherwise fall.

Mr. MAUGER.—When our land boom was at its height, sweating was more rampant in Victoria than it is to-day.

Mr. ROBINSON.—Nonsense.

Mr. LONSDALE.—It may be so. In the remarks which I intend to make to-night, I propose to deal somewhat with my personal history; because I want to make it clear to those who are the representatives of labour that my sympathies are entirely with labour, and with the masses of the community. I want to show that I am

not speaking from a capitalist's standpoint.

Mr. FOWLER.—Did the honorable member ever know a politician who said that his sympathies were not with labour?

Mr. LONSDALE.—I want to make it clear, from my connexion with them, that my sympathies are with them.

Mr. MAUGER.—“By their fruits ye shall know them.”

Mr. LONSDALE.—Undoubtedly. There is nobody who has a greater desire to help the masses than I have. I will yield to no one in that direction. But my opinion is that the course which is proposed to be taken by the Government, by means of their Conciliation and Arbitration Bill, will not improve the position of the masses very much. I hold that there are ways in which the object can be accomplished much better than the means offered by this restrictive legislation.

Mr. BROWN.—Does the honorable member think that the coalition programme is a better one?

Mr. LONSDALE.—I am not going to say that. As far as I am concerned, I believe that the ultimate trend of labour legislation is in a direction to which I am opposed. Consequently, I shall be found opposing honorable members opposite from that point of view. Of course I know that there are honorable members on my own side of the House with whom I cannot co-operate entirely. I am against the Conciliation and Arbitration Act to a very large extent, and a number of honorable members on my own side of the House are in favour of it. I made it clear, when I spoke previously, that I was absolutely against the Bill, and that I should do all I could to wreck it, as well as to wreck the Ministry which had introduced it. I also stated that if the Labour Party introduced a similar Bill, I should do my best to destroy it. I will further say that if the party on this side of the House introduced such a Bill—

Mr. BROWN.—If the coalition introduced it?

Mr. LONSDALE.—I should take the same attitude with regard to their Bill as I shall take with regard to the Bill introduced by the Labour Party. I do not believe that the measure will be of any advantage to the community. Nearly all my life I have been a workman. I have been employed for wages. I have lived amongst the masses. I have not been a capitalist. I do not hold the opinion that

a man degrades himself by working for another. I contend that a man who works for another for wages occupies just as high a position as the man who employs him. I do not look down upon those who take wages for the services which they render. If there is any obligation at all, from my point of view, it is not on the side of the man who gives his week's work before he receives his pay. It is on the side of the capitalist, who, as a rule, has received the full value of the labour and exertion of the man whom he employs, before he pays that man the wages that are due to him. There cannot be any obligation on the part of the worker. He stands, at least, on an equal footing with the man who employs him, and as men they are equal.

Mr. CONROY.—The workman is merely getting the money value of his work.

Mr. LONSDALE.—That is all. Therefore nobody can look upon me as thinking that a man, who is employed by another, occupies an undignified position. I hold that the dignity of labour is equal to the dignity of capital at any time. I have mixed with men, and have worked side by side with them; and when I first entered Parliament I laid down my trowel to take up the position. When I was defeated, after a three years' term, I took up my trowel again and went to work, asking for no Government billet, or any other assistance. I refused to accept any favour of the kind; and when friends of mine sought to move in that direction, I said—"No; I have earned my living in the past, and can earn it again." During the twelve months I was out of Parliament I worked at my own trade, and, when re-elected, once more laid down my trowel. After another three years I was defeated, and took up exactly the same attitude as before. I was defeated, in the first instance, because the Labour Party, who were against me, made a triangular duel of the contest. The Labour Party opposed me because I refused to allow any body or set of men to control my actions. When I was asked whether I would sit or vote with the Labour Party I said—"No, I will promise no such thing: I am a free man; I have always been a free man, and intend to remain so, and I shall not allow any body or set of men to control my actions."

Mr. BAMFORD.—I suppose the honorable member got union wages when he was at work?

Mr. LONSDALE.—I have never been a unionist, but, under all circumstances, I was

paid the highest wages. If I got out of employment I went elsewhere, and, never belonging to any union, but fighting my own battle, I always received the highest wages.

Mr. BATCHELOR.—The honorable member makes a mistake; the unions did fight his battle.

Mr. LONSDALE.—The unions did not fight my battle. In my early days, where I was employed, there were no unions in my particular branch of trade. I do not want to go too much into personal matters; but, if I did so, I could tell honorable members of a strike in which I was the only man who ceased work, and the only one who ultimately got top wages. All the other men, after they had agreed to strike, stayed at work at the lower rate, but I, who had "gone out" alone, received the higher wages. Probably I am too independent; that may be one of my faults, but no other charge can be laid against me. I make these statements in order to show that I am a true labour man. In my own district, miners and others have been my most loyal supporters; and, instead of telling them that this kind of legislation would be of no help to them, I declined to throw dust in their eyes and make fools of them. I did not wish to speak so warmly as I usually do; but I feel earnestly about these matters, and what I have said describes my attitude. I was an employer for some years.

An HONORABLE MEMBER.—And ashamed of it.

Mr. LONSDALE.—I am not ashamed of being an employer, because every man can rise to that position if he be given a fair opportunity. If a man be given a fair opportunity to employ himself and to use his powers aright, it is in him to become an employer, and to reach a position, in some degree at any rate, of comfort for himself.

Mr. HUTCHISON.—Did the honorable member, as an employer, always give the highest wages?

Mr. LONSDALE.—The honorable member has anticipated me. At Armidale, whence I come, the truth of the statements I am making are well known to working men. When I was an employer, the day's work consisted of ten hours, and when the agitation for eight hours began in 1881, I conducted my work on the latter principle for months, although I had taken contracts on a ten-hour basis, and other contractors were working their men the longer time.

fact will, at any rate, show my sympathy with labour; and here I may say that I always paid the highest wages, though I did not pay all my employes the same amount. I paid every man according to his ability. I never paid one regular wage, or one grade of wages; but I gave the very highest, each man, as I say, according to his ability; and the men who were employed by me would very much like me to start again as an employer. That is all I have to say on that point. I want to make it perfectly clear that if my views are not the views of the Labour Party, it is not because I am not in sympathy with those who toil. My views are not those of the Government, simply because I believe a mistake is being made in the kind of legislation proposed. I do not think that we can help humanity by any legislation. This is more a moral question, although it is to some extent an economic one, and must be dealt with on economic lines. We cannot run counter to economic truth; but to a large extent the redemption of the working classes and of the masses must come from moral force. I care not what legislation we pass in the direction of helping men. Unless they are capable of elevating themselves, no law will ever help any human being.

Mr. FOWLER.—But, suppose they are not capable of helping themselves in all cases.

Mr. LONSDALE.—I say they are capable of helping themselves.

Mr. FOWLER.—Must we not consider their environment?

Mr. LONSDALE.—There must to some extent be an allowance made for environment.

Mr. FOWLER.—And heredity?

Mr. LONSDALE.—I do not go so far as that; I do not believe there is much in heredity. Each individual can improve his condition, and improve it immensely, if he will only develop the moral qualities he should develop. The more we go in the direction of assisting humanity by State employment and similar methods, the more we weaken those very moral qualities which men ought to possess. After the recent meeting of the House, I was the other day talking with a few men in Sydney, one of whom spoke of the progress that would be made under the Labour Party. I asked him what he meant by "progress," and, of course, he replied, "The rule of the people." I then asked him, "What is the rule of the people going to do for you, seeing that if the people

pass wrong laws they will not help you. Even if they pass right laws, I equally do not see how you will be helped?" I pointed out that if legislation were to raise a man's wages from £2 to £10 per week, and that man still spent his money wastefully, no good would result. I will not repeat all I said to this man, but I asked him where would be the good if men still spent their increased wages wastefully.

Mr. HUTCHISON.—They do not all do that.

Mr. LONSDALE.—A great many do, I am afraid. I admit that present conditions are wrong and hard; but let us be truthful, and look at the facts as they exist. We know there are large numbers of persons who would be better off, and whose position would be improved, but for their weak moral qualities—people who, if they would join in co-operation, could soon raise themselves to the position of capitalists. I want the thought to rest with the Labour Party that nothing can help men if men do not help themselves—that we cannot by any legislation lift men to a higher state of prosperity. We may, of course, help a man by giving him food, providing his clothing, and so forth, by legislative interference; but I say, at once, that by so doing we take all the best out of the man. My life has not been one of ease and comfort. Perhaps it is not quite correct to say that it has not been a life of comfort; but it has not been a life of affluence. My life has been one of struggle, and I have passed through as much difficulty as most men. In the city, where I lived for thirty-six years, I have stood with my back against the wall, fighting the whole of the influence of the place. I have been down into the lowest depths into which a man can get. I do not mean depths of poverty or misery; but I have been almost without friends and friendly assistance. An old gentleman who has had knowledge of me during the whole time I have been in that city, said to me the other day, "Would you like to go through your life again?" I thought for a moment or two, and then I said, "I should like to go through it again." My friend said, "What, after all you have passed through?" and I said, "Yes. I should." There is some glory in looking back upon the past, knowing that I have had to fight through these things, and have come to occupy the position I hold to-day in the opinion of men in the district who fought against me. I say, at once, in

view of the lowly position I occupied, that it is a glory to one to have succeeded as I have done.

Mr. BAMFORD.—Does Mr. Sawers think in that way?

Mr. LONSDALE.—It does not matter to me what Mr. Sawers thinks. I am speaking of my personal conviction that trials and stress are not the worst things for a man. Difficulty and the knowledge of what it is to suffer, are not the worst things for any men. On the contrary, they develop courage, and power, and strength. I realize to-day that so far as my individuality is concerned, I am a better man, because of the fighting I have had to do in the past, and the difficulties through which I have had to come. They have given me more courage, more strength, and power than I should have had without them. Honorable members will find that the heroic men, and the strong men, as a rule, arise from the ranks, and have to fight their way upward; they are not to be found amongst men who have been accustomed to affluence and comfort. Personally, I look upon these things as a blessing, rather than a curse.

Mr. THOMAS.—Does the honorable member say that poverty is a blessing?

Mr. LONSDALE.—Yes, I do.

Mr. THOMAS.—Then the honorable member can have the poverty, and let me have the other thing.

Mr. LONSDALE.—I have had to struggle through to reach my present position, but I am not a rich man to-day, and I never will be one. It is not in my nature to be one. I am putting my view before honorable members in order to show my opinion of these socialistic proposals. I do not think they will be for the good, either of the nation or of individuals. Instead of building up a strong people they will do exactly the reverse. We have heard of Great Britain's position as a colonizing nation. We have been told that the British people are the only people who can colonize successfully. Is that because the British Government stands behind her colonists? Is it because Great Britain sends out officials to take care of her colonists? We know that the reverse is the case, and that Great Britain has become a great colonizing power because of the inherent strength of her people, and of their individual strength, and because they have been able to fight the battle with difficulty, and have been strong to overcome it. If we go to

any German or French Colony we shall find as many officials as colonists.

Mr. O'MALLEY.—More.

Mr. LONSDALE.—More, if the honorable member pleases; but I say as many, and so far as those nations are concerned, it has not been possible for them to make the success of colonization that the British people have done. Certainly no one can say that Great Britain has stood behind her colonists in the past, and helped them by law. She has, to a very large extent, allowed them to work out their own destiny, and to fight their own battles, and it is in doing so that they have developed the strength and power which has made them the people they are to-day. I say that if we inaugurate a system that is to coddle a man, we shall take all the grit out of him, and we shall never be a strong nation. I see by the Ministerial programme that it is said we want a citizen soldiery and an Australian Navy. If we are to have a citizen soldiery we must develop strength in the individual, and we must not coddle him. The honorable member for Grey referred to the assistance which the Labour Party has given to various political leaders. They may have given such assistance in this House; it is not for me to say that they did not, because I was not here during the first Parliament. That they gave assistance in certain directions to political leaders in New South Wales I know, and I have referred to that; but I am able to say that during the last Parliament in that State they have given no help to the people. I am able to say that their support of the State Government in reckless expenditure has brought disaster to that State, where they are now passing through one of the most severe winters they have ever experienced. The giving of support for concessions is an evil thing, and it should not be permitted to occur in this Parliament. I think that honorable members in this House may be divided into two parties, but it must not be supposed that I am prepared to support anything that a coalition party may bring forward. So far as the caucus has been concerned, we have been absolutely free. Those who are acquainted with the inner working of meetings of the Opposition or Ministerial parties are aware that there may be differences of opinion, and that no man is bound by the opinions of any other man. He must decide for himself, according to his conscience and judgment, as to the course he shall take. Thor

who know me will admit that it will give some trouble to bind me to take a course which my conscience and judgment does not approve.

Mr. WATSON.—Honorable gentlemen opposite do not think the honorable member of much value on that account.

Mr. LONSDALE.—They do think that I am of value on that account. The statement has been made that certain honorable members would not be opposed at election time if they supported the Labour Party. That is a kind of thing which ought not to be either said or done. I might ask what honorable members opposite would do for me, but I have defied them in the past, as I have defied all sections of the community. I have no hesitation in saying that I have refused to be the nominee of capitalists, just as I have refused to be the nominee of the Labour Party. I stand fighting the battle for the community as a whole. I do not say that I have been wrongfully approached, but capitalistic authorities have given me to understand that if I refrained from agitation in favour of certain principles, they would give me their support, and I have declined their support upon those terms.

Mr. BATCHELOR.—That is not an uncommon experience.

Mr. LONSDALE.—I do not claim that it is, but I desire to point out that, personally, I do not believe in any sectional legislation. Honorable members opposite say that they are in favour of legislation for the general benefit of the community. That may be so. The Labour Party in New South Wales have supported a Ministry which has spent a great deal of money in providing employment for the people. It has taken upon itself the position of a private employer. During the last few years the revenue of New South Wales has been £2,000,000 a year more than was being received when the right honorable member for East Sydney controlled the destinies of that State.

Mr. THOMAS.—And the New South Wales Ministry has spent the money.

Mr. LONSDALE.—The question is not whether the Ministry has spent it, but how it has been spent. Not only has the present Administration spent the £2,000,000 of excess revenue to which I refer, but it has also spent large sums of borrowed money to give employment. The more employment that has been given, however, the more men there have been to find employment for. The

expenditure of the Government merely developed in the people of the State a desire to lean upon the Government for support instead of trying to obtain employment for themselves, and the doctrine has been preached by the leader of the Labour Party there, that it is the duty of a Government to find employment for its people.

Mr. THOMAS.—Hear, hear!

Mr. LONSDALE.—I am glad to hear the honorable member say "Hear, hear," because his interjection illustrates the ground of my objection to the policy of the Labour Party in this Parliament. Their one object is to put the State in the place of the private employer. I honestly think that they believe that that is the best policy for the country. The difference between us is one of opinion. I think, however, that if they carefully consider the matter, they will ultimately come to the conclusion that the State cannot carry on productive enterprises as well as a private employer could do. It may be said that working men will be better off in State employment than in private employment, but I very much question that. What has been the result of public expenditure in New South Wales. Pressure was continually being brought to bear upon the Ministry to give more employment, until finally all the revenue and all the money that could be borrowed was spent, and there was a stoppage of Government works, with a consequent dismissal of the men formerly employed upon them. Not only have large numbers of public servants been dismissed, but the stoppage of Government expenditure has decreased the income of business people, so that private individuals engaged in industrial enterprises have had to dismiss many of their employees. Therefore, the people of the State are now facing the worst winter they have yet had. This unhappy condition of things has arisen chiefly from the reckless manner in which money has been spent by the State in finding employment. If the £2,000,000 to which I refer had been left in the hands of private individuals, they would have invested it in productive enterprises, and would have given more employment than has been given by the Government, while as they would have been careful not to exceed their financial strength the dismissals which are now taking place would not have occurred. The Prime Minister has told us that the nationalization of the tobacco industry will save money to the people, and will give work to all; and he promises not to allow political influence

to be used in connexion with it. What does he mean by political influence? I suppose he would not allow a member like myself to have a cheap smoke, or to seek to obtain better conditions for the men employed in the industry. Personally, I do not smoke, so that I shall obtain no advantage. But there is an influence which I call political, and which will always be used in connexion with State employment. In New South Wales it at length came to pass that the trades unions were permitted to name the men who should be employed by the Government. Will any one tell me that that was not political influence? No State member intervened, but the unions picked out the men, and they were employed, and non-unionists could not get a job. Non-unionists are as much citizens of the States as are unionists; and there are as many good men among the non-unionists as there are among the unionists. Therefore, the non-unionists have as much right to obtain employment from the State as have the unionists. Yet political influence was used to prevent non-unionists from obtaining State employment. We have seen an example of the use of political influence in connexion with the Postal administration here in Melbourne. I am not a capitalist, but a true working man. If I lost my seat in Parliament, I should have to take up my trowel and earn my living with it; and I am prepared to do so rather than ask the State to feed me or give me work. No union should be able to interfere with the individual public servants of a Department, but every man in a Department should have justice. Every public servant should have the right to appeal to his Minister. If a man has been treated unjustly, and a superior officer prevents him from appealing to the Minister, that superior officer should be dealt with.

Mr. BAMFORD.—How could he be dealt with?

Mr. LONSDALE.—If a Minister controlled his Department as he should, he could make it clear that such conduct would be punished.

Mr. BAMFORD.—How is the individual public servant to reach the Minister? The honorable member knows perfectly well that he cannot.

Mr. LONSDALE.—I know that he can. I have used political influence, if honorable members like to call it so. When men have told me they could not get to the head of their Department, I have said to them: "I do not know whether you are right or wrong, but I shall give you a chance to

make yourself clear to the officer who has to decide the matter." I never used any undue influence, but I did my best to insure justice. Political influence of the kind to which I have referred should be excluded from the public Departments, and no honorable member of this or any other House should be allowed to bring pressure to bear upon Ministers. The most an honorable member should be permitted to do is to introduce to the Minister any man who has a grievance, and leave him to state his own case.

Mr. MAHON.—Would not the honorable member allow associations representing the employés to make representations to the Minister?

Mr. LONSDALE.—No, I should not. I should not, however, object to follow the plan adopted in the railway service of New South Wales. There an Appeal Board, upon which the employés as well as the Commissioners are represented, has been created. Before this board the men have a right to appear for the purpose of obtaining redress. The public works which have been carried out by day labour in New South Wales have imposed upon the general taxpayer far greater burdens than would have been the case had the work been let to contractors.

Mr. SPENCE.—Quite the reverse has been proved.

Mr. LONSDALE.—The reverse has not been proved, because the reports of the Boards of Inquiry which investigated the conditions under which certain public works have been carried out by day labour show that they cost more than if they had been constructed by private enterprise.

Mr. SPENCE.—The engineer at the head of the Public Works Department has stated that the work was more cheaply carried out.

Mr. LONSDALE.—No doubt certain railway works have been constructed at less cost than under the old contracts carried out in years gone by. The circumstances were, however, altogether different, and no fair comparison could be made. It has been proved conclusively that the cost of stone-cutting and masonry work performed in Sydney by day labour, has been far greater than similar work alongside carried out by private contractors.

Mr. HUGHES.—Where has that been proved?

Mr. LONSDALE.—In connexion with the erection of the new wing of the Prince Alfred Hospital.



Mr. HUGHES.—What about the telephone tunnels?

Mr. LONSDALE.—I am not aware that the cost of that work has ever been fully investigated. In connexion with the Fitzroy Dock, and the Prince Alfred Hospital, the results worked out as I have indicated. I do not think that in these cases any allowance was made for the cost of the clerical work entailed. I spoke to Sir John See, the Premier of New South Wales, on this point, and he urged that the Government would have had to maintain an Accounts Department in any case. My retort was, "Yes, of course; but the staff of your Accounts Department has been very considerably increased, as the result of the day-work system." It stands to reason, that if, instead of writing out one voucher for, say, £1,000, for a contractor, that amount has to be divided among, say, 333 men, each earning about £3 per week, much extra work will be involved in keeping the accounts.

Mr. HUGHES.—Who initiated the day-work system in New South Wales?

Mr. LONSDALE.—I believe that it was inaugurated by the Hon. J. H. Young, who was a member of the Reid Ministry. I have no desire to be unfair. If a system be wrong and wasteful, no special merit will attach to it because it was introduced by a certain Minister. I do not pretend to say that everything done by the Reid Ministry was right. I contend that it was not possible to carry out public works by day labour as cheaply as by private contract. It may be argued that the profits of the employer may be saved by directly employing day labour, but I venture to say that, in most cases, the extra cost of the day labour would represent a very handsome profit for any contractor.

Mr. PAGE.—Why did not the honorable member expose the evil of which he is complaining?

Mr. LONSDALE.—It has been exposed.

Mr. BROWN.—There was never a McSharry case in connexion with the day labour system.

Mr. LONSDALE.—No, but there has been something as bad. The McSharry case arose out of the construction of railways in years long gone by. His Honour Mr. Justice Barton could tell honorable members more about that than any other man.

Mr. WILKS.—He did very well out of it.

Mr. LONSDALE.—Yes, he did. If private contractors had the same command

of capital as has the State, they could carry out public works at far less cost than if day labour were employed under direct State control. The effect of State employment is to destroy the self-reliance of the people. I do not propose to say very much with regard to the proposal to nationalize the tobacco industry. It is rather amusing to find the Labour Party putting forth their whole strength in order to encourage a business of that kind. I should be disposed to discourage it in every way I could, but evidently the Ministry intend to bolster it up in order to derive from it as much money as they can. They do not tell the working man that they will be able to provide him with cheaper tobacco. They tell him that he will have to pay as much as ever for his tobacco, but that they will give some of his money back to him in the shape of old-age pensions. I have read Mr. Chamberlain's promise of old-age pensions to the people of England. He said that if they would allow him to impose a duty on their bread he would provide for them old-age pensions. One of the cartoons published represented two men as investigating his scheme. They found it difficult to understand how it was going to work out, but, after a while, one of them said to his mate—"I can see it; he is going to starve us to death first, and then give us the old-age pensions." There is a good deal in that view of the case. The Ministry propose to take all they can out of the working men for their tobacco, and then to give them old-age pensions. If they had directed their energies to the improvement of the conditions under which the dairying industry is carried out they might have accomplished some good. We are told by medical men that a good milk supply is one of the elements necessary to the building up of a sturdy community, and that the lives of more infants are sacrificed owing to the impurity of the milk supply than by any other means.

Mr. FOWLER.—That is one of the glorious results of private enterprise.

Mr. LONSDALE.—Exactly, and that is why I say that the Government should do their best to increase the longevity of the people, and to reduce the death rate by insuring a thoroughly pure milk supply. If the Government wish to nationalize some industry, I would suggest that they should start with dairying. I fancy, however, that they will not touch that industry, because the undertaking is too big for them.

They would prefer to establish a State monopoly in tobacco, hoping to obtain a little kudos by providing the necessary funds for the payment of old-age pensions. If, as has been said, the tobacco industry in Australia is in the hands of trusts, I presume that those trusts control the supply of the leaf. If that be so, I should like to know how the Government propose to obtain the leaf that would be required for the carrying on of the industry?

Mr. FISHER.—We can produce the tobacco leaf here.

Mr. LONSDALE.—We produced tobacco leaf in Australia long before I was born, but I am assured that it was of inferior quality. It may be possible for us to produce it in large quantities; but, before doing so, we should know whether it is of good, bad, or indifferent quality.

Mr. McDONALD.—Why, the best tobacco leaf grown is produced in the New England district.

Mr. LONSDALE.—I am aware that in the neighbourhood of the Moonbies and Nimingah Flat, tobacco is grown; but I have yet to learn that it is as good as the imported leaf. Personally, I do not believe that any tobacco is good.

Mr. FISHER.—The companies very eagerly buy up the Queensland leaf.

Mr. LONSDALE.—That is because of the difference between the Excise and the Customs duties, which goes into their pockets. As the result of protection, certain individuals are privileged to rob the community. I am a Liberal, not a Conservative. I like to go to the root of any matter—to ascertain the cause of the trouble. I desire to see less interference with human liberty. I do not believe that we can assist the community by unduly interfering with individual freedom. I am in favour of allowing men free opportunities to use the powers with which they have been endowed. If that be done, they will work out their own salvation.

Mr. McDONALD.—The honorable member is an anarchist.

Mr. LONSDALE.—I am not. I believe in giving equal rights to all men, and special privileges to none.

Mr. DAVID THOMSON.—The honorable member is worse than Fleming.

Mr. LONSDALE.—I believe in giving equal rights to the working man, the capitalist, and to those who stand between them. My history proves that I am sincere. My opinions may be wrong, I may not take the right course, but those who know me

best, know that my actions are influenced by an intense desire to assist the people. I need never have been out of Parliament, had I played the game which some men play. But whenever the people's interests and my own were opposed to each other, I refused to sacrifice the former, and as a result was defeated time after time. The Conciliation and Arbitration Bill will not confer equal rights on all men. It will create an aristocracy of labour, and if an individual does not join that aristocracy, he must starve.

Mr. FRAZER.—Nonsense.

Mr. LONSDALE.—It is not nonsense. We have had experience of the working of a somewhat similar measure in New South Wales.

Mr. FRAZER.—We have had that experience in Western Australia as well.

Mr. LONSDALE.—How long has the Western Australian Act been operative? In New South Wales the statute operates in favour of unionists only.

Mr. FRAZER.—Does not any award apply to non-unionists as well as to unionists?

Mr. LONSDALE.—Yes; but a non-unionist cannot obtain employment.

Mr. FRAZER.—That is not so.

Mr. LONSDALE.—It is. The Conciliation and Arbitration Bill, which was introduced by the late Government, proposes to give a preference to unionists. In addressing myself to this point the other evening, I related an instance in which an employer had been fined for performing a benevolent act, by employing a non-unionist. The honorable member for Kalgoorlie, or some other member of the Labour Party, thereupon interjected, "It served him right."

Mr. FRAZER.—It was not I.

Mr. LONSDALE.—It was then that the honorable and learned member for Wannon observed—"He is a humanitarian." The interjection, which was made by some member of the Labour Party, shows that that body favours the punishment of a man who employs a non-unionist.

Mr. SPENCE.—He would not be punished if he did not break the law.

Mr. LONSDALE.—That is my point. Under the Arbitration Act which is operating in New South Wales, a preference is given to unionists, which the law has no right to give. It involves an interference with individual liberty. It does not confer equal rights upon all men.

Mr. FRAZER.—Had it not been for the efforts of unionists we should never have obtained a compulsory Arbitration Act.

Mr. LONSDALE. — That would have been a very good thing, too.

Mr. TUDOR.—Anarchy again!

Mr. LONSDALE.—There is no anarchy in that statement. I quite recognise that it is difficult to prevent sweating, because, if we increase the wages of some men and women others would be sweated, because they would not secure any employment.

Mr. THOMAS.—What about equal rights?

Mr. LONSDALE.—I cannot reply to all these interjections. I do not hear them properly. No artificial means can raise wages above a certain level, because they are regulated by the prosperity, or otherwise, of the country. All these attempts to interfere with a man's liberty destroy the spirit of emulation. We may, of course, coddle men. When I was speaking before the adjournment for dinner, an honorable member interjected — "Do you like poverty?" and I replied in the affirmative. As a matter of fact, I should prefer to be in a position of poverty than to lean on a Government to secure that which I need. I hope that, when I cannot earn what I require, I shall pass from this life into a better or a worse world.

Mr. FISHER.—We all hope that it will be a better one.

Mr. LONSDALE.—That is the view I have always taken of this matter. The Labour Party claim to be Radicals and Liberals, but from my point of view they are the reverse.

Mr. McDONALD.—We are Socialists.

Mr. LONSDALE.—Viewing the party generally that appears to be so. I did not intend at the outset to speak at such length as I have done, and I have only to say, in conclusion, that if we believe that the State should find employment for every one—and the Government programme does not indicate that intention on the part of the Ministry in only one direction—we should vote for them. I am not going to quarrel with any honorable member because he entertains certain opinions, but if the Government lean in the direction of extending the principle of the State employment of labour to all industries—and we see the initiation of such a scheme in their platform—we should oppose them. We have to look, not at what is the intention of the Ministry at the outset, but at what is their evident purpose. We have all read the statement of Tom Mann, that he and his

party would allow a man to own a motor-car, and possibly his furniture, but that they are not sure that a man should be allowed to possess his own house. We must look at what is the intention of the men associated with this party outside as well as inside Parliament; and although I do not know why the honorable member for Wentworth should be allowed to have a motor-car while I do not possess one—

Mr. KELLY.—The honorable member's turn will come.

Mr. LONSDALE.—It seems to me that we should get to the root of the matter by passing an Act declaring that all who possess motor-cars shall allow those who do not possess one to use them free of charge. I do not see why some men should have such conveniences while others have not; but Mr. Mann, and those who think with him, take a different view, and it seems to me that when men talk as he has done, they give utterance to what is nothing more than sheer foolishness. I shall certainly vote against any tendency in the direction indicated by him in the remarks to which I have referred.

Mr. HUTCHISON (Hindmarsh).—I do not wish to unduly prolong this extraordinary debate on the unique spectacle presented by both the followers of the late Government and the Opposition, but many statements have been made that call for some reply. We have the honorable and learned member for Ballarat telling us that he resigned because of the position of parties, as if we had been faced for the first time with the existence of three parties, all of them in a minority, in this House. I venture to say that that was precisely the position of the last Parliament, and that no section of this House could have held office save for the support of a second party. That, indeed, has been the position of the Parliaments in most of the States of the Commonwealth, and it is one with which we are likely to be faced for some time to come.

Mr. ROBINSON.—Not in the Victorian Parliament.

Mr. HUTCHISON. — It will be the position unless the Labour Party in this and some of the States Parliaments continue to make the rapid advances which have lately marked their progress. I would ask the honorable and learned member for Ballarat why is it wrong for a Labour Government to be dependent on the support of another party, and yet right for the honorable and learned member for Ballarat, or the right honorable member for East

Sydney—who occupied that position for quite a number of years in the State Parliament of New South Wales—to hold office in such circumstances? The right honorable member for Adelaide occupied a similar position in South Australia, and yet nothing went wrong; but, as soon as the Labour Party come into power, we have a thousand and one reasons advanced in support of the contention that their position is unconstitutional. If it is unconstitutional to hold office in such circumstances, it has always been so, and it is surprising that the unconstitutionality of the position was never discovered before. No reason has been advanced for the contention.

Mr. G. B. EDWARDS.—If the Labour Party form an alliance that will make the position of the Government constitutional.

Mr. HUTCHISON.—I venture to think that when a vote is taken it will be found that the Ministry have a majority, unless some honorable members go back on the pledges they have given during the last few days. Has it not been demonstrated that all sections of the House are in accord with the Government programme?

Mr. DUGALD THOMSON.—No.

Mr. HUTCHISON.—I contend that it has, and that being the case, the Government must have a majority behind it. The intention of honorable members opposite is, we are told, to establish majority rule. But we have always had, and always will have, majority rule in Australia. We cannot place any measure on the statute-book unless it be agreed to by the majority, and that being so, it must be seen that we have had, from first to last, majority rule in the Parliaments of Australia. The honorable and learned member for Ballarat tells us also that his Ministry resigned because the amendment made in the Conciliation and Arbitration Bill, on the motion of a member of the Labour Party, meant an interference with States rights. I wish only to point out that it is impossible for this House to usurp any of the rights of the States, and that, therefore, there can be nothing in the contention put forward by the honorable and learned member. We cannot usurp any right that is not given to us by the Constitution. The States themselves will take care that we do not, and they have the protection of the High Court, to which they may appeal whenever they desire to do so. When the honorable and learned member was giving some of his reasons for seeking to bring about a coalition, he made certain

statements in regard to the Labour Party, which I heard with astonishment. I know that he has always spoken well of the party, and I think he will admit that they are deserving of commendation for the support they extended to him. The honorable and learned member asserts, however, that the Labour Party have invariably opposed with the greatest fierceness those candidates whose views most nearly approximated to their platform. That, at all events, cannot be said of the Labour Party in South Australia.

Mr. G. B. EDWARDS.—It can be said of South Sydney.

Mr. HUTCHISON.—Mr. Speaker was never opposed by the Labour Party in South Australia, nor was the right honorable member for Adelaide. On the contrary, we have always worked to secure their return.

Mr. KELLY.—Would it be of any avail to oppose them?

Mr. TUDOR.—We may oppose the honorable and learned member for Ballarat next.

Mr. DEAKIN.—There is no objection.

Mr. HUTCHISON.—The point is not whether it would be of any use to oppose the honorable members I have mentioned. Our position is that as soon as we discover an opponent of our principles, we fight against him. We have, further, been told that in the attempt to bring about the coalition, there was no sinking of principles. I fail to see how free-traders and protectionists, Radicals, Liberals, and Conservatives, can unite unless they are going to sink some principle.

Mr. DUGALD THOMSON.—Such a combination is seen in the Government which the honorable member supports.

Mr. HUTCHISON.—The members of the Labour Party may sink their identity; but it cannot be said that any member of the party in this or in any other Parliament has ever attempted to make an alliance on the lines attempted during the last few days by certain honorable members.

Mr. JOHNSON.—Are there no free-traders and protectionists in the Labour Party?

Mr. HUTCHISON.—Undoubtedly there are; but we consider that the fiscal issue is only of secondary importance. We were invited, of course, by the honorable and learned member for Ballarat to join his party organization; but where is it now, and what are the principles which it holds? Our principles, as has been stated by the right honorable member for East Sydney,

one is excluded who chooses to take advantage of the measure, and its provisions are designed to confer benefits on the whole of the people of the Commonwealth. The honorable member for North Sydney made the remark that it was proposed to abandon some of the public servants. I am quite satisfied that the Labour Party will never abandon any principle which they have advocated. They have not done so in this case. The Prime Minister stated clearly last session that he was not satisfied that the whole of the public servants could be included under the Arbitration Bill. I myself, in speaking on the question, stated that I had a doubt, on account of the word "industrial" being used in the Constitution, whether every public servant could be included. I was quite prepared to include the whole of them, but I had a doubt. Our legal authorities were entirely at variance, and I expressed the opinion that we should have the point settled by the High Court.

Mr. ROBINSON.—Why does not the Government carry out that course?

Mr. HUTCHISON.—It will be quite time enough for the honorable and learned member to ask that question when an amendment which I find has been placed on our files is dealt with. He will find that every member of the Labour Party who has pledged himself to the inclusion of the State servants will vote for it. We were indebted to the right honorable member for East Sydney for an opinion in regard to this very provision. He told us that the whole of the public servants are included under the Arbitration Bill as brought down by the Government. If that be so it settles the whole matter. It is quite in order for any private member to do precisely what the honorable member for Kennedy and the Minister for Customs did—to stand up in his place and move an amendment, if he is so minded. The members of our party are free agents. They are not bound by the caucus in regard to such details. We are quite at liberty to move in regard to such matters, just as any other honorable member can do. The honorable member for North Sydney told us that the Labour Party only sunk the fiscal issue when they sought office. I do not think that that statement can be supported. The fiscal issue was sunk in the only way it could be—by a conference of representatives of the whole of the Labour Party throughout the Commonwealth. That was held at a time when there was no prospect of office whatever.

I think the honorable member for North Sydney did the Labour Party an injustice when he said that they sought office at any time.

Mr. DUGALD THOMSON.—I never said they did.

Mr. HUTCHISON.—They have not sought office on this occasion, though they are not going to shirk responsibility when it is practically thrust upon them. I am sorry that the honorable and learned member for Ballarat should have seen fit to resign on such a question. There was not a member of the Labour Party—certainly not a member of the present Ministry—who thought that it was one which should have been made vital to the existence of the Government.

Mr. JOHNSON.—He got tired of labour domination.

Mr. HUTCHISON.—If the honorable and learned member for Ballarat got tired of labour domination, I pity him if he gets into the camp of the honorable member for Lang. He will have a far worse domination there. The honorable member for North Sydney further stated that a bribe was offered by the Labour Party to those who support it. What was the bribe offered to bring the two parties opposite together? Were they going to be at each others throats when the next election takes place? Does the honorable member believe that if those two parties entered into a coalition, he would be opposed by an ex-Ministerialist? Let me tell the honorable member that the position is simply this: that whatever the members of the Ministry or the Labour Party in this House may propose, we have organizations that will dispose. It has been clearly stated that, when the time comes to seek the suffrages of the electors once more, it will be made clear that no bribe whatever has been offered. Quite a number of honorable members came over to this side of the House before they knew what the Labour Party intended to propose. They took us on trust. They knew perfectly well that we were not likely to give a bribe. And none has been given. I was astonished that the honorable member for North Sydney should have put the matter in that form. Then he went on to say, as has been said over and over again since I came into this House, that Socialism means equal distribution.

Mr. DUGALD THOMSON.—No, excuse me. I never said that.

Mr. HUTCHISON.—The honorable member read an opinion.

Mr. DUGALD THOMSON.—Of Mr. Bradlaugh; and I said that that was Communistic Socialism.

Mr. HUTCHISON.—Why should the honorable member raise the question of Communistic Socialism at this particular juncture, when no member of the Labour Party advocates it?

Mr. DUGALD THOMSON.—The honorable member misunderstands me. He did not hear me afterwards say that State Socialists desire unequal distribution, and that I understood the Labour Party were State Socialists.

Mr. HUTCHISON.—Yes, I heard that remark; but we ought to be very careful in dealing with statements of that kind, because newspapers have a habit of reporting, probably, only one part of a speech, and it is necessary to make it clearly understood that we do not advocate Communistic Socialism. The honorable member for North Sydney also said that because he supported nationalized railways or post-offices, he might be called a Socialist. I say that certainly the honorable member may be called a Socialist, if he is not prepared to hand over those services to private enterprise.

Mr. DUGALD THOMSON.—I do not admit that I am a Socialist.

Mr. HUTCHISON.—Then the honorable member does not deny that he is a Socialist.

Mr. DUGALD THOMSON.—I do deny it.

Mr. HUTCHISON.—While the honorable member supports these nationalized services it is fair to put him down as a State Socialist, to the extent; at any rate, of not interfering with existing nationalized works. The honorable member for New England has told us that public works undertaken by Governments did not pay—that they cannot be carried out as cheaply as by private enterprise. I tell the honorable member that in South Australia a great many public works have been carried out departmentally, and the Engineer-in-Chief gave evidence before a Royal Commission only the other day, stating that he had never superintended any work that was not done more cheaply than it could have been done by private enterprise. We are also told by him that many of these works were tendered for, and that in every instance the Departments did the work more cheaply; and, further, that there has been no exception to this rule. Of course, I can understand that there have been failures in some directions. But it must be remembered that our

socialistic works have been conducted by individualists who have no sympathy with the principle, and who were not concerned in making the works a success, but concerned rather in making them a failure. I contend that, if some of our nationalized works were undertaken by Socialists, a better balance-sheet would be shown at the end of the following year. I shall conclude my few remarks by stating that so far as I have been able to gather from all sections of the House during this debate, the present Ministry have a right to demand a fair trial. Members of every section of the House have admitted that they are entirely in sympathy with the programme; and, that being so, the Government ought to have extended to them the same fair play that the Labour Party have extended in the past, and, I trust, will extend in the future, to any Ministry which may be in office.

Mr. ROBINSON (Wannon).—Like other honorable members who have spoken on this side of the House, I feel that the present position of parties is unprecedented in the history of Australian politics. Any observer who comes within this legislative chamber must be struck with the fact that, while on one side of you, Mr. Speaker, there is a small number of members, there is, on the other side, a great majority apparently opposed to the present Government. The sooner that state of affairs is put an end to—the sooner we have a division which will settle up matters once and for all, and separate the “sheep” from the “goats”—the better I shall be pleased. I shall welcome any motion likely to divide the House on proper lines.

Mr. TUDOR.—Let us have a dissolution.

Mr. ROBINSON.—I am quite prepared for a dissolution at the present time. No time would suit me so well as the present; no time suited me so badly as the middle of harvest time, last December. It is a matter of indifference to me who leads the attack in the present state of affairs. If a motion is submitted by any recognised leader to secure a division on the sound basic principle of whether or not there shall be majority rule, I shall be quite content to follow him.

Mr. TUDOR.—What about the majority of the electors at the ballot-box?

Mr. ROBINSON.—If the honorable member will allow me, I shall deal with these matters in my own way. In the last Parliament this House was divided on the fiscal question; but in this Parliament

such a division is impossible. Notwithstanding the able speech of the Minister of External Affairs, who, I am sorry to observe, is so exhausted by his effort as not to be able to attend the House, the fiscal question cannot be raised in this Parliament. It does not lie in the mouth of that Minister to accuse anybody of sinking their fiscal principles, seeing that he was one of the most ardent free-traders that New South Wales possessed, and that he was dubbed by the newspapers of that State "the free-trade orator." It comes with very bad grace from that gentleman to charge others with sinking their fiscal principles. He is now in a position of authority as a responsible Minister of the King, and if he believes in free-trade principles, as on the hustings he said he did, and if his attack on the leader of the Opposition is well founded, why does he not press forward a revision of the Tariff? The Minister for External Affairs does not do so, because he knows that no such project, if put forward, would be regarded seriously by the House. To charge the leader of the Opposition with inconsistency on this point exhibits a degree of disingenuousness to which I did not think the Minister could descend. The remarks of the Minister relating to the leader of the Opposition, seemed, to my mind, more ingenious than ingenuous. For instance, on the question of old-age pensions, the Minister for External Affairs grossly misrepresented the leader of the Opposition, and did that honorable gentleman a very grievous wrong in this connexion. As I take it, the leader of the Opposition in the last Parliament stated that it was cruel to hold before the electors of Australia a system of old-age pensions, when the responsible Government, then in power, knew that it was impossible to raise money for such a purpose, unless we introduced some heavy scheme of direct taxation, such a scheme being beyond the sphere of practical politics. The leader of the Opposition expressed the view that to hold out the prospect of old-age pensions to the people of Australia was an improper act; and to-day he takes up exactly the same position. If the Minister for External Affairs had been fair enough to read the proposed programme of the coalition, he would have seen that his attack on the leader of the Opposition was unfair and unjust—that so far from the right honorable gentleman having changed, he had not altered his position one iota. What the coalition proposal in this regard

*Mr. Robinson.*

was, I had best read from the official programme—

It is highly desirable that a uniform system of old-age pensions throughout Australia should be adopted as soon as possible, and that steps should be taken to accomplish this in co-operation with the States.

What does that mean? It means that the Federal Government should approach the States Governments, and say to them, "Will you consent to our taking over the old-age pension scheme, and deducting from the three-fourths of the Customs revenue, to which you are entitled, under the Constitution, the sum necessary to pay the pensions?" There is no contradiction whatever between the present attitude of the leader of the Opposition and his attitude last session. On the contrary, the part of the programme, which I have read, shows that his sentiments on the previous proposal were absolutely just and fair; and the fact that such a proposal is now put forward is practically a victory for the principle which he advocated then. That any responsible Minister should charge the leader of the Opposition with inconsistency, and political dishonesty, on so slender a basis, is most marvellous. I opposed Federal old-age pensions, because I saw, as every honorable member must see, that we could not raise the necessary sum, in addition to our present taxation. But the scheme proposed for the coalition seems to be one whereby all the difficulty which previously existed might be overcome. If the consent of the States were obtained, there would be no difficulty in submitting such a scheme. But where is the Labour Party's scheme for old-age pensions? It was a prominent plank at the last general election, and when the present Prime Minister spoke from the Opposition cross benches. It has been dropped. He has run away from the scheme, and the party have run away from it.

*Mr. MAHON.*—Nonsense!

*Mr. ROBINSON.*—The honorable member for Bland, at the time I speak of, promised direct taxation to initiate an old-age pension scheme.

*Mr. TUDOR.*—Would the honorable and learned member vote for it?

*Mr. ROBINSON.*—Now we find that there is no old-age pensions scheme in this two sessions programme. There is no mention of it, and no mention of direct taxation, to bring in the money for the old-age pensions, which were so good a cry

during the general election. Now that honorable members opposite occupy soft and comfortable seats, they prefer to leave these contentious measures to a more convenient season.

Mr. SPENCE.—Has the honorable and learned member read our programme?

Mr. ROBINSON.—I have read the programme, and I listened with much pleasure to the speech delivered by the present Prime Minister. I distinctly recollect, and *Hansard* will bear me out, that the honorable gentleman said that, as soon as the Government could possibly give time to it, they would submit a scheme for old-age pensions, the revenue necessary for the purpose to be raised by direct taxation.

Mr. FISHER.—Next session.

Mr. ROBINSON.—This is the party that accuses those opposed to them of shirking their principles. It seems to me that, in connexion with the measures to which I have referred, they have themselves shirked their principles as completely as has any Government known to Australian history.

Mr. McDONALD.—The honorable and learned member is a marvel.

Mr. MAUGER.—Of course—he is a Victorian.

Mr. ROBINSON.—Will the honorable member permit me. In addition to the shirking of these measures, they now have a bunch of carrots held up in front of one or two of the shaky members. We are now to have a complete change in the attitude of the Labour Party in regard to the conduct of elections. A basic principle of that party is to be sunk, at any rate, until the present crisis is over; I do not know for how much longer.

Mr. MAHON.—There is no crisis.

Mr. ROBINSON.—It would appear that now-a-days we are to have a reversal of the old parable of the pharisee and the publican. Before it was the pharisee who thanked God that he was not as other men were, and to-day we have the Labour Party thanking God that they are not as other men are.

Mr. MAHON.—With good reason, too.

Mr. ROBINSON.—They are not unjust, extortioners, and pledge-breakers, as are those who are opposed to them.

Mr. SPENCE.—It is correct to say that they would be tax-gatherers.

Mr. ROBINSON.—In this connexion we witness a distinct breaking of pledges, and an abandonment of the fundamental principle which differentiates the Labour

Party from all other parties in political history, in order that they may be enabled to tide over the present crisis. We were told by the Minister for External Affairs—and I understand that the honorable and learned gentleman's statement has to-day been backed up by the Prime Minister—that those who support them in this present trying time will not have opposition at the next elections from the Labour Party. Nay more, not only will they not have opposition, but they are to receive the enthusiastic support, without fee or reward, of the whole of the labour leagues scattered throughout the various electorates. That important principle upon which they have conducted their business for the past fifteen years is to be thrown over at once. Such a thing was not proposed at the last Federal election, nor was it suggested during the debate on the Address-in-Reply. It was not suggested during the debate on what was practically a no-confidence motion, which ousted the Deakin Administration, but it is suggested now, so that honorable gentlemen opposite may not be removed from the Treasury bench.

Mr. SPENCE.—The honorable and learned member did not suggest the proposed coalition either.

Mr. ROBINSON.—I ask honorable members to compare this attitude with the attitude adopted by the party in Victoria, and throughout the States of Australia in the past. The party has been beseeched by genuine and sincere Radicals to abandon the practice by which they have levelled the most bitter attacks at those who have been most nearly associated with them in political thought. They have always refused requests of this kind which have been made to them. Let us take the present Victorian elections, and the case of one gentleman, who, unfortunately, is somewhat down in public opinion at the present time.

Mr. McDONALD.—Mr. Bent?

Mr. ROBINSON.—Mr. Bent's party will wipe out the honorable member's party effectively on the 1st June.

Mr. HUTCHISON.—The honorable and learned member should not prophesy, unless he knows.

Mr. ROBINSON.—There is one gentleman who has long been associated with radical politics in Victoria. I refer to Sir Alexander Peacock, who brought in a very far-reaching Factories Act, for which he received the thanks of the whole of the Labour Party. They actually presented him with his own portrait in oils, so that his



work on behalf of the Labour Party and the oppressed workers should never be forgotten. They went to that extreme length of adulation in order to thank him for the work he had done for them. But to-day there is no gentleman who receives more bitter and adverse comment from the same party than does Sir Alexander Peacock; not because he has changed his opinions, but simply because of their definite plan, one by one, to cut the throats of those who will not pledge themselves to the party platform. I am reminded by the Minister for Trade and Customs—

Mr. FISHER.—The honorable member does not want to be unfair.

Mr. ROBINSON.—No; I am reminded that according to the Ministerial programme, an Old-age Pensions Bill will be introduced next session after the Navigation Bill.

Mr. FISHER.—The honorable and learned member denied that it was mentioned. A young member should be put right sometimes.

Mr. ROBINSON.—I desire to correct myself. I see that we are to have Federal direct taxation proposed by the present Government. To-day, in Victorian State politics, Mr. Donald Mackinnon, another earnest Radical, is also the subject of their most bitter opposition. In connexion with other seats where extreme Liberals are fighting, the opposition to them, in nearly every instance, is due to the Labour Party, who, rather than witness the return of men who can be trusted, prefer to accept the chance of losing the seats to some third party. I am glad to see present the honorable member for Melbourne Ports. At the last Federal elections that honorable member was opposed by the party with the utmost bitterness. So was the honorable and learned member for Corio and the honorable member for Bourke. Those who read the *Tocsin*, the official organ of the Labour Party in Victoria, must have noticed that the most virulent abuse and the worst epithets were levelled at the three honorable members to whom I have referred. Candidates who fought the party straight out, and threw down the gage of battle to them and all their works, as I did, never got the same blackguarding as those sincere and earnest Radicals. The most vicious remarks were made about them from labour platforms, and the most vicious and contemptible attacks appearing in the labour press were levelled at the heads of those gentlemen.

Mr. MAHON.—Does the honorable and learned member not think that he should allow them to complain?

Mr. ROBINSON.—I propose to make my own points in my own way. Those honorable members were denounced in the vilest language. Now the scene is changed, not in a day, but practically in the twinkling of an eye, and those honorable members are to be taken to the party's bosom, and guaranteed the gratuitous support of labour leagues. The *Tocsin* is to turn round, and instead of denouncing the honorable member for Melbourne Ports as little better than a criminal, it is to be prepared to paint him as a saint, and all labour organizations will do the same thing if he assists to maintain the present Administration on the Treasury bench. As the Minister for External Affairs has said, it is proposed that these honorable members shall receive better treatment than the party mete out to its own members. In proof of that, we have only to notice the treatment meted out to a gentleman who formerly was a member of the party in another place. I refer to ex-Senator Barrett. Before entering the chamber, I refreshed my memory by turning up the correspondence which took place between Senator Barrett and Mr. Stephen Barker, the Secretary of the Political Labour Council in Victoria. I trust I shall be permitted to make some quotations, which will be found interesting, as showing how men will sometimes eat their principles. Mr. Stephen Barker, in a letter addressed to Senator Barrett, on the 14th April, 1903, asked the following questions:—

1. Are you willing to allow your name to be submitted to the ballot?
  2. If so, will you sign the pledge of the party?
  3. If willing, please sign enclosed pledge.
- Pledge.*—I hereby pledge myself to support every plank of this platform, and, if selected, to contest any public election, and if not selected, to retire, and support the candidate selected.

Mr. Barrett, in reply, asked—

Am I to understand that retiring members are to be treated in expressly the same way as outsiders?

He stated that that had not been the practice in Victoria. He also pointed out that it was not being made the practice in regard to the members of the House of Representatives.

Mr. TUDOR.—Yes; it was. I had to submit myself.

Mr. ROBINSON.—Mr. Barker, in his reply of the 29th April, 1903, sent a copy of

the platform of the party; and on being further questioned by Mr. Barrett, replied that—

The Political Labour Council will conduct the plebiscite in accordance with the constitution of the Council.

But this system is now proposed to be abandoned for the time being. Mr. Barrett wrote on 7th May, 1903—

I am willing to sign and accept the whole of the Federal platform, and pledge myself to work for the principles it contains. But now, in addition to this, all are asked to pledge themselves, without regard to their records, and, if not chosen by you, to retire from the contest, and support men whom you may prefer, for reasons of your own.

He knew that there were three or four others after his billet, poor man!—

Your Council scarcely needs to be reminded that, until quite recently, for a period of twenty years, I had official connexion with the Trades Hall Council, devoting myself day and night to their interests. They have received the best working years of my life, and have recognised it by selecting me as their candidate for our national Parliament. What has occurred since, that I should be excluded from my post without a charge being made against me?

That is the treatment which was meted out to Mr. Barrett. Although no charge might be brought against any members of the Labour Party, and, notwithstanding that their record might be clean and honorable, they were compelled to submit themselves to a plebiscite, and, if not chosen, to pledge themselves not to contest an election. But the new friends of the Labour Party, men like the honorable members for Melbourne Ports, Bourke, and Corio, are to be treated in quite a different way. They are not to be compelled to submit themselves to the Political Labour Council for selection. The abuse which has been levelled against them is to be withdrawn. They are to be the "white-haired boys" of the Labour Party. The method of selection which has been in use by the party for fifteen years is to be abrogated in their case. In order to retain office, the Labour Party are prepared to abandon the system which makes the fundamental difference between them and other political parties. During the short time that I have been in politics, I have listened to four no-confidence debates; but I have never before known offers and bribes such as that to which I now refer to be held out to honorable members. I have never heard of members being asked to choose between having their throats cut and partaking of the fatted calf. The present position is degrading to Australian politics. A direct and

open bribe has been offered to honorable members. I was interested to read an observation made by another very genuine democrat who was bitterly opposed by the members of the Labour Party in his own State—I refer to the Premier of Western Australia. He has said, with what seems to be great accuracy, that the platform of the party is 25 per cent. practical politics and 75 per cent. bird-lime. Is not the proposition to which I am referring bird-lime, to catch the two or three members who may be swayed by such promises? It seems to me that it is. And it may catch some foolish birds. But what is usually done with birds which are caught with bird-lime? They are knocked on the head, and destroyed at the earliest opportunity. That is what will happen to those unwary birds who may be caught with this bird-lime. It will be found, on some trifling pretext, that they have offended against the laws of the Labour Party, that, at the river's bank, they have pronounced "shibboleth," "sibboleth." Will the men who, for years, have been working in these labour primaries, as they have been called by the honorable and learned member for Ballarat, and who have denounced the members whose names I have mentioned, suddenly turn round and gracefully swallow the proposal of the Ministry? It is not human nature to expect that they will. On the contrary, they will soon find a reason for showing that those who are being taken to the bosom of the party are neither true labour men nor true Radicals, and for some such reason these converts will be knocked on the head before the next election. I trust that those who may be trapped with this bird-lime will take means to cleanse themselves from the sticky stuff in time. We were told by the last speaker that the programme of the Government is the same as that of the proposed coalition.

Mr. TUDOR.—Does the honorable and learned member agree with the whole of the platform of the coalition?

Mr. ROBINSON.—I do not.

Mr. TUDOR.—Yet the honorable and learned member will support it!

Mr. ROBINSON.—I shall support those measures in which I believe, and vote against those in which I do not believe. That is the difference between my position and that of the honorable member. The last speaker, in the endeavour to confute the honorable member for North Sydney, stated that there

would be no abandonment of the public servants by the Government. Such a statement proves that he cannot have read the proposals put forward by the Prime Minister, and to enlighten him I will read the first amendment of the Conciliation and Arbitration Bill, of which the Prime Minister has given notice—

Clause 4, page 3, line 1:—

After "State" insert "including disputes in relation to employment upon State railways, or to employment in industries carried on by or under the control of the Commonwealth or a State, or any public authority constituted under the Commonwealth or a State."

Therefore, the great bulk of the public servants have been thrown over by the Government. The members of the Labour Party voted for an amendment moved by the present Minister for Trade and Customs to apply the Bill to all States servants; but now that the party have come into power they are refraining from carrying that proposal into effect. They have not the courage to put the provision into the Bill, and leave it to the High Court to decide as to its constitutionality. They propose to make the Bill apply only to public servants engaged in State undertakings which are distinctly industrial.

Mr. DUGALD THOMSON.—The Prime Minister has himself said so.

Mr. ROBINSON.—And the honorable member was quite correct in his statement that the Labour Party have abandoned most of the public servants.

Mr. WEBSTER.—We never made it a vital question.

Mr. ROBINSON.—Why did a member of the Labour Party move the amendment, and why did his colleagues support it if they knew that they could not give effect to it? Was that honest politics? Surely not.

Mr. HUTCHISON.—The amendment was moved by a private member.

Mr. ROBINSON.—And it was supported by the whole of the Labour Party. They knew that the carrying of it would bring about the defeat of the then Government. Now that they have in their turn come into power they have not tried to give effect to it. They have put forward what is, for them, a fairly mild programme. The Prime Minister says—"One step at a time." The non-contentious measures are to be put first. The pill has been sugar-coated, but after this session the sugar will have been sucked

off, and the nasty part will be tasted. We cannot ignore the fact that the Labour Party is pledged definitely and deliberately to a policy of State Socialism. When the May Day resolutions were presented to the Prime Minister, he stated that he was completely in accord with the proposals therein contained for the nationalization of land, capital, and every form of production and exchange. This is another case of "one step at a time." We are to have the wholesale tobacconists supplanted by the State shortly, and a little later on the retailers will also find themselves displaced. It is only a question of time for the Labour Party to consider every industry a monopoly, in which they will seek, first of all, to supplant the wholesaler, with the assistance of the retailer. Then, when the latter has been fairly caught by the bird-lime, he will be knocked on the head at the first favorable opportunity. The next matter to which I wish to refer is the financial policy of the present Administration. It seems to me that, in this matter, the Labour Party have reached the height of presumption. We are told that they are against all further borrowing. No more admirable precept can be preached than that there should be no further borrowing. I can say, in all sincerity, that, in my own small way, I have done all I could to impress upon the members of the Australian Natives Association the desirability of checking public borrowing, and of placing our finances upon a sound basis. But for the Labour Party to talk about putting a stop to borrowing seems to be very much like a burglar denouncing burglary. That party have been among the strongest advocates of borrowing. They have done more than any other party in Australia to bring about the reckless expenditure of borrowed money. I am in a position to give chapter and verse for this statement. In New South Wales the Labour Party have had control of the Government for the past five years. The members of that Government have not dared to draw breath without the consent of the Labour Party, and here are the particulars of the loan expenditure of that State during the period to which I refer. In 1899 the loan expenditure amounted to £2,025,000; in 1899-1900, to £2,400,000; in 1900-01, to £2,788,000; in 1901-2 to £4,938,000; and in 1902-3, to £4,700,000. Thus, in five years, £17,000,000 was borrowed and spent at the direct behest of the Labour Party in New South Wales.

Mr. BROWN.—That is not true.

Mr. ROBINSON.—The Labour Party did not say one word against the expenditure. Protest after protest was made by the Opposition in that State, and upon every occasion the Labour Party voted in favour of the Government which spent this huge sum. In connexion with every profligate act, which was exposed during the last two sessions of the New South Wales Parliament, the Labour Party voted to retain in power, and to whitewash, the Government which was responsible for this large expenditure. Therefore, for the Labour Party to talk about putting a stop to public borrowing is almost as bad as for a burglar to denounce burglary. They are taking up an attitude similar to that of a drunkard, who, after having drunk every drop of liquor in the town, expresses his willingness to sign the pledge. Now that the money-lenders will not give us another sixpence, and we cannot borrow any more, they propose to take credit to themselves for the resolution not to borrow any further. That seems a very extraordinary attitude to assume. In Victoria, very much the same conditions would have obtained if the Labour Party had been able to exercise sufficient power. When I was a member of the Legislature in that State, a deputation which waited upon the Premier, Sir Alexander Peacock, asked him to borrow money in order to provide work for the unemployed. They wished the money to be spent anyhow, so long as work was provided. They pointed to the fact that the New South Wales Government were spending borrowed money—throwing it about in the most reckless fashion—and asked Sir Alexander Peacock to do the same. Perhaps their bitter opposition to that honorable gentleman is due to the fact that he had more sense than to comply with their request.

Mr. FRAZER.—Did the honorable member say that he was a member of the deputation?

Mr. ROBINSON.—I did not. I would not accompany a labour deputation for something. We next have banking legislation proposed by the Government. We find that a couple of the leading, or misleading, articles of the *Sydney Bulletin* have been half digested, and that the proposals therein contained have been put forward as the financial policy of the Government. We are told that there is to be no borrowing in the future; but, as the honorable member for Wentworth pointed out, when

the Prime Minister was speaking, the Government propose a forced loan. They contemplate taking 40 per cent. of the gold reserves from the banks, and substituting their I.O.U.'s. What is the difference between that and burglary, except that the burglar does not leave his name and address with the bank? The Government propose to take £8,000,000 of coin out of the bank reserves, and to leave their I.O.U.'s in its place. Upon what principle of expediency or justice can such a proposal be defended? The Government consider that our conditions are analogous to those of Canada, but the slightest reflection should serve to show that they are entirely different. We have not a New York close at hand upon which we can rely to replenish our gold reserves in time of stress. We have to cross the ocean to make good any deficiency in that direction. I would ask why the banks are singled out for special treatment in this regard? Why should 40 per cent. of the reserves be taken from the banks only? Is this another case of "one thing at a time"? Are we to expect a proposal during the next Parliament to appropriate 40 per cent. of the reserves of other companies, and will such a scheme be ultimately extended to embrace a proportion of the reserves held by all private individuals? Those persons whose reserves were appropriated would have a very keen interest in the Government of the country. Is the policy of the Government to be regarded as one step in the direction of the confiscation of all property by taxation or otherwise? The proposal to which I refer is not confiscation by taxation, but direct confiscation. The effect of adopting the suggestion of the Labour Party would be to further impoverish the States. At present Victoria derives a revenue of from £24,000 to £25,000 per annum from the tax on bank notes, and the States would, therefore, be impoverished to the extent to which they now rely for revenue upon that class of taxation. One good point in connexion with the Australian democracy up to the present has been its freedom from currency quackery. In the United States that element abounds, because every third or fourth politician is a currency quack. Such persons think that if they could secure command of a printing-press they could make the country rich in no time. The same impression appears to be gaining ground in Australia. The progress of America has been retarded to an enormous extent owing to the time which has been wasted over the discussion of the

currency question. Honorable members who read the American periodicals, as I have done, must have noticed that some of the wildest schemes ever urged for the conversion of the currency are advocated by the political organizations of that country. Once we start meddling with our currency, which is now founded upon sound British money lines, Heaven knows where we shall end. We shall not be far distant from the time when the Labour Party will think that all we need to keep the country going is a printing-press, by means of which we can turn out notes at so much per ton. As one of those who are opposed to the present Government, I hope that we shall come to a division soon—the sooner the better, from my point of view.

Mr. FRAZER.—On what question?

Mr. ROBINSON.—On the question whether this Government and its principles and methods of conducting business are such as to merit the confidence of the House. When that time comes I shall have no hesitation in casting my vote in opposition to the Government. At this stage I should like to address one or two words to those doubting Radicals who may be caught by the political bird-lime that is being employed by the Ministry, only to be knocked on the head at a later period. I warn them that if they are deceived into swallowing the baits held out for their acceptance a very radical change must take place in Australian politics. Hitherto we have had in the Commonwealth Legislature a party, which was known as the Liberal Party, with a strong Radical wing, which was composed of labour members and members imbued with very similar ideas. If these Radicals take the bait that is now being offered to them that position will be completely reversed. The tail and the dog will change places, and they will become the appendages of the Labour Ministry. Instead of the labour members being one of the advanced wings of that party, the position will be entirely reversed. The Radical members will be treated as Conservatives, and unless they join the Labour Party, sooner or later their political death-warrants will be signed. Therefore, the more speedily this question is determined the better. Whatever may be said of the platform and the principles of the proposed coalition, it seems to me that one great merit may be claimed for it. Everything connected with the negotiations has been fair, square, and above board. The principles on which that coalition

ought to be formed have been clearly defined, and the platform which it advocates has been plainly set out. Indeed, I know of no attempt to form a coalition Government in Australia against which so little can be urged. If any effort be made to resolve the members of this House into two genuine parties, I shall welcome it. I shall do my best to end the system under which, at present, minority rule obtains, and under which, if the Labour Party are successful, socialistic measures affecting production and exchange will be brought within an appreciable distance.

Mr. WEBSTER (Gwydir).—Having listened to the characteristic and caustic address of the honorable and learned member for Wannon, I cannot express surprise at his method of dealing with the proposals of the Government. When, however, he declares that the Labour Party are using political bird-lime with a view to catching the votes of honorable members of the Opposition. I am impelled to ask whether it is not a condition of the proposed coalition that the fiscal question shall not be raised at any by-election which may take place during the life of the present Parliament.

Mr. WILLIS.—Have not the Labour Party imposed a similar condition?

Mr. WEBSTER.—I shall answer that question presently. Has it not been publicly stated in the press that if the followers of the late Government will only support the right honorable member for East Sydney in his endeavour to effect a coalition of parties, they shall have immunity from opposition, so far as the fiscal question is concerned, at any by-election which may occur? Consequently, I should like to know from the honorable and learned member for Wannon, who declares that the Radical members of the Opposition who may be induced to support the Labour Party will be “knocked on the head” at a later stage, what will be the position of those who entertain a different fiscal belief from himself, when once they have allowed the right honorable member for East Sydney to swallow them in the manner that is now being attempted? What will be their position after the next general election? They will then be told that the fiscal question is again to be raised. When I hear honorable members speaking in the strain adopted by the honorable and learned member for Wannon I am at a loss to know whether they are impartial critics. On the whole, I think that this debate has been well conducted, notwithstanding that it gave rise

to one little episode of which the press, and particularly the press of New South Wales, has made a great deal. I refer to my objection to allow the right honorable member for East Sydney to interrupt the speech of the Minister of External Affairs by making a personal explanation. Although the position which I took up was not popular in the House, I was perfectly within my constitutional rights, and I acted solely from a desire to conserve the strength of the Minister for External Affairs, who was suffering physically during the delivery of his speech. When I heard a gentleman of the standing of the right honorable member for East Sydney refer to the Minister as "Quilp," or "an imitation of Quilp," and ask—"Does not he remind one of Quilp?"—a character which of all others depicted by any writer is the most repulsive, both from a physical and moral stand-point—I felt justified in persisting in my objection because I realized that his sole object was to break the continuity of the Minister's remarks. We have heard a good deal this evening from the honorable member for New England, and the honorable and learned member for Wannon concerning what the Labour Party has done in New South Wales. Of course the honorable and learned member for Wannon is an authority upon what has been accomplished in that State. He has consulted *Coghlan*, and has looked at one column in that publication which sets out the total loan money that has been expended upon public works in New South Wales during the past four years. Had he been a fair critic he would have further investigated those figures, and have discovered that a large proportion of the money was expended, not only in carrying out public works, but in resuming property which had become a plague spot.

Mr. ROBINSON.—What sum was devoted to that purpose?

Mr. WEBSTER.—The total sum expended during the last four years by the Government of New South Wales on works of every description—excluding money devoted to the redemption of loans, and borrowed for the purposes to which I have referred—is £9,252,000. My honorable friend indicated, however, that they had spent over £17,000,000. When honorable members propose to quote figures, they should take care to master them, and to see that, in putting them before the House, they do not do an injustice to those whom many are seeking to malign.

Mr. KELLY.—Hear, hear.

Mr. WEBSTER.—Doubtless the honorable member for Wentworth will display much versatility in dealing with these figures. The honorable member for New England also indulged in a tirade of abuse against the New South Wales administration, and the effect which the Labour Party has had upon it. But it is a fact, that no one can controvert, that the statistics relating to the Savings Banks accounts of receipts, and to every avenue of production, show that, during the decade in which the Labour Party has been in existence in that State, there has been an improvement *pro rata* with the growth of the population that has not been witnessed in any other decade. Before leaving Sydney, I secured Mr. Coghlan's statistics relating to the matter, but I have mislaid them. I am able to say, however, from a perusal of them, that they demonstrate that, without exception, all sections of the industrial community affected by the policy of the present State Government have shown much progress. More money has been saved in carrying out public works, and more money has been expended on legitimate undertakings than was ever the case before. The honorable member for Wannon must remember that the question is not how much money has been spent, but has it been well spent? The extension of the railways system of New South Wales, opening up Crown lands and presenting possibilities to the holders of those lands, which never before existed, may not for the time being pay, but is indirectly the salvation of the country. It has been a source of encouragement to the people already on the land, and will help those yet to be settled.

Mr. KELLY.—Was the expenditure at the Fitzroy Dock a good thing?

Mr. WEBSTER.—That is one of the political diseases which really relate to those who are opposed to this form of government. If the honorable member were familiar with the history of the Fitzroy Dock for the last ten years, he would know who laid the foundations for a proceeding that has cast a stigma upon the name of New South Wales. The Government of the day in that State discovered the cancer, and had the courage to draw it out by the roots, and to place the board beyond political patronage. But, because the Government have removed this cancer from the sphere of political administration, those who were responsible for the trouble now turn round and blame them. The

state of affairs which existed was not a healthy one, but it was the creation of others. The present State Government have really followed the lines of their predecessors. Mr. E. W. O'Sullivan has followed the lines laid down by Mr. G. H. Reid and by Mr. J. H. Young, who introduced the day labour system in the mother State, and I give them credit for their action. Members of the Reid State Government—Mr. Reid and Mr. J. H. Young, Minister for Works—laid the foundation of the day labour system in New South Wales; and yet these are the men who are castigating the present Minister for Works in New South Wales for building upon those foundations. It appears to me that no apology is necessary for the mistakes made by men who desire to wilfully misrepresent others in whom they do not believe. I come now to the right honorable member, whose name is the centre of this debate, and who is the pivot on which the operations that at present occupy so much attention in the political world of the Commonwealth turn. I refer to the right honorable member for East Sydney. He is undoubtedly the man upon whom the eyes of Australia are fixed, and many are watching him critically to see his next move. We know that he has already the reputation of being one of the most changeable men who has ever stood in the political arena of the Commonwealth. I well remember his first election to the Legislative Assembly of New South Wales. For twelve years he occupied a seat in that Chamber as a private, but an influential, member, and although there were opportunities for private members to do good work, the only measure which he placed on the statute-book of the State during that period was a Bill to regulate the width of streets and lanes. This is an illustration of his constructive ability, and of the energy and the progressive ideas which he displayed as a private member of the State Legislature. Honorable members opposite talk about our betraying men. They talk about our inducing men to join our ranks, with the intention of giving them a political knock-down. But well do I remember how the right honorable member for East Sydney scaled the barriers in the way of his advancement to the position of leader of his party in the New South Wales Parliament. Well do I remember how he dealt with his old political chieftain, the late Sir Henry Parkes, when he found him failing

in health, and, because of age, practically failing in intellect. Nor do I forget the action of those who went with him—men who had formerly supported Sir Henry Parkes, but left him to act in conjunction with the right honorable member, who was prepared to take away from a feeble and failing old man the opportunity to make the crowning effort in the cause for which he had fought so honorably as compared with the right honorable member himself. Then we find him coming into the arena as a practical politician. What did he do during his five years of office in the State Parliament that he should take so much to himself? We hear him cackle, cackle, cackle of what he did in fighting for the principle of a life-time; we hear him stating again and again that he passed a land and income tax. At that period in the history of New South Wales, a land and income tax would have been passed by any one who had been in power. Public opinion had grown so strongly in favour of the imposition of the tax that he could not have done otherwise than impose it. The feeling was prevalent that the time had arrived when a land and income tax should be brought into operation. Several previous Governments, including an Administration of which the right honorable member was a member, had previously endeavoured to do so, and it was merely because he came into office at a time when public feeling was ripe for action, that he passed the tax.

Mr. McDONALD.—With the aid of the Labour Party.

Mr. WEBSTER.—Undoubtedly; and he could not have remained in office unless he had proceeded with that measure. What was the product of this wonderful man's existence as Premier of New South Wales? Did he give us a law on early closing, as he might have done? Did he give us a system of old-age pensions, as he might have done? Did he show his earnestness about those measures when he had the greatest majority that had ever stood behind a statesman in that country? When he had every opportunity to pass any useful legislation which might have suggested itself to him as being necessary for the welfare of the people, did he make use of his majority and endeavour to give to the people that needed legislation? No. He simply played with the Labour Party, once he thought that he had laid down the foundation on which he could at least base his argument in the future that he had obtained

*Mr. Webster.*

the enactment of a land and income tax. Had he followed the example of John Ballance or Richard Seddon in New Zealand, as he had every opportunity to do with his big majority, and passed a progressive land tax such as they passed, with the same provision with regard to the right of resumption at the owner's valuation, less a compensation for dispossession, we should not to-day be calling out for some means of placing people on the land in New South Wales. On the contrary, those rich agricultural and pastoral lands which are now locked up throughout the length and breadth of the State would have been regained to the Crown at a normal value, and hundreds and hundreds of settlers' sons would have been thriving on their own holdings. When this great reformer, who is always working for the interests of the people—who, as he says, is a greater labour man than any other man in this Chamber or outside it—whose heart, like that of the noblest son of Australia, is almost bleeding in sympathy with the aspirations of the labour people—when this man had the example of New Zealand legislation before his eyes, and could perceive its beneficial effects, was it any credit to him to take a mere paltry step towards reform, and thereby block any chance of bringing about a legitimate reform afterwards? Was it any credit to him to take that step when he might have taken a larger step, and given undoubted relief to the people of New South Wales, not only at that time, but even to-day, and in the future? I do like to hear these men telling us that they want to run the Commonwealth because the Labour Party are inexperienced, and therefore unable to conduct its affairs. Do I not remember that the right honorable member for East Sydney has time and again proved to the public that he will only go as fast as he is driven, and he will have to be driven very hard in order to get him to go at all. During his Premiership, in New South Wales, he produced a land and income tax, and that was all. Why did his legislative career come to a close then? He would not proceed with progressive legislation, and consequently he had to go out. After that event, what did we find? We found him on the Federal platform opposing the Braddon "blot" tooth and nail. All his speeches were a diatribe of criticism of that famous Braddon "blot," of the taxation which it would impose on the people. All these objections were put forward in his most

lucid and able way. He fought the first referendum as a bitter opponent of that provision. Although he told the people that he was an opponent of the Braddon "blot," that it was something which should be cast to the four winds of heaven, yet he voted for it. In the Legislative Assembly, in order to prevent the majority from ruling at the referendum, he prescribed a minimum number of votes by which the Constitution should be carried. The man who now believes in majority rule was the man who engineered the first referendum which had ever been taken in Australia. He placed an embargo on majority rule. He said—"Whilst I believe that you will get a majority in favour of the Constitution, yet I shall see that you do not get the Constitution because I shall get my servile followers to fix the number at such a standard that it will not be reached by the electors when the poll is taken." Hence it was that the Commonwealth Bill was not carried at the first referendum. There was an absolute violation of majority rule. For what purpose? Australia's noblest son, as he was called, was running in the lead, and the right honorable member for East Sydney wished to hold him back until he could scale that position. When a man has intrigued to kill majority rule on a proposal that affected a nation, well might the men whom he is asking to join him to-day, whom he is conjuring his brain to discover a way to make part and parcel of his party, look into his history, and say—"No; we are not prepared to trust one who has failed so often, who has swallowed his principles so frequently." At the second referendum on the Commonwealth Bill what did we find? The whirligig of politics had brought the right honorable member into power, and he at once arranged a Conference with the Premiers of the other Colonies. He immediately began to intrigue again. He had a chance of being the first Federal Prime Minister, and, therefore, he would allow the majority to rule at this referendum. He did not prescribe any stipulated number to prevent the majority from ruling. But he went further than that. The moment the responsibility of his actions was cast on him what did he do? He at once abandoned his objection to the notorious Braddon "blot"—that terrible burden which he had said was to be inflicted on the people—that curse in the Constitution—and he did so because he knew that otherwise he could not possibly hold his position.



As a Privy Councillor, he had undoubtedly entered into some bond to see that that provision was included in the Constitution for a purpose appertaining to preferential trade, which will in the future have to be considered. We find him abandoning his objection to that provision. And what do we find him putting as a bait to the electors? It was the right honorable member who first raised the Federal Capital question. The right honorable member for Adelaide has told the House that the question of allocating the Federal Capital, as arranged by the right honorable member for East Sydney at the Conference of Premiers was nothing more nor less than a bribe, conceded by the Victorians, to induce him to take part in the Federal campaign. When we find a man who is prepared to turn round in this manner, how is it likely that people will trust him? How can the protectionists in this House trust themselves in the company of one who says that, only until the next elections will he agree to cry a truce, and that after the next elections they will have to go to their masters as men who have practically compromised themselves? This is a wonderful position for a statesman of the right honorable member's calibre and pretensions to occupy. But, although he has much to say on these matters, we are fully satisfied that he does not convince many people now-a-days of his sincerity. He told us during his speech last week, that those men who fight behind and support the Government for three years, are entitled to the support of that Government when they go up for election. What a wonderful contradiction we have here! In the next breath he says to those whom he wishes to coalesce with him, "Although you are entitled to my assistance for supporting me in this Parliament, yet, owing to your having different fiscal opinions from mine, I cannot convey to you that tribute which is your due as my supporters, because, in the fiscal fight, you must take your own side, and look after your own interests." To those who sit behind the Labour Party we say, "If you agree with our programme, and can see eye to eye with us, come over and help us to pass that programme into law, and we will not turn our back upon you at the next elections. We are prepared to give every support to you, and you shall have the support of the party to which we belong."

Mr. JOHNSON.—The honorable member and his party have not the power to pledge

that support. It rests with the labour leagues, and not with the Government.

Mr. WEBSTER.—I know that the honorable member for Lang understands these things. He has been a labour leaguer himself. He signed the pledge of the Labour Party, and stood for election under its banner not many years ago. He tries to infer that what I have stated is not likely to be carried into effect. But I tell him here and now that that promise has already been secured by our party from those who control the movement elsewhere. We are prepared to say that our recommendations will be accepted, because they are given with the noblest of purposes, by the conference of delegates of our movement, when they come to decide upon the future policy of the party.

Mr. JOHNSON.—How can the honorable member possibly tell what the conference will decide?

Mr. WEBSTER.—I fancy that I know quite as much about that subject as the honorable member for Lang does. But, while we promise so much, the leader of the Opposition, and his party, on the other hand, only promise that those who support them will secure immunity from opposition during any by-election that may take place before next January. After that, to the slaughter—to the execution! That is practically the situation. We are in the position to say that we, as men, will not turn our back on those who help us—not to hold office, for we claim that it was through no seeking on our part that we got into office. It was through no seeking on the part of Ministers. Office was thrust upon us by a combination of honorable members opposite, who have been disappointed in the turn that events have taken, and who never dreamt that our party would take the responsibility of assuming office. But, as they have taken it, oh! how disgusted are the men who thought that they should have been sent for, and should have been able to engineer the party on the Opposition side of the House so as to dish the Labour Party a second time. We have taken the Treasury bench. We put our platform forward. It is in black and white. There is no mistaking it. We ask all liberal-minded men to support it. I am not referring to such as the honorable and learned member for Wannon. He has proclaimed himself a deadly enemy of the Labour Party. We are not asking such as he

to come to our support. We are asking the men whom we know are conscientious supporters of the planks of the labour platform which the Prime Minister has put forward in his political programme. They are in harmony with our ideas, and can honestly come over and support them. But what about the honorable members who support the agreement which has been read by the honorable and learned member for Warran? What of those honorable members who differ from four or five of the propositions of that programme, and who have categorically condemned them in public, but who, nevertheless, are prepared to marshal themselves in a coalition formed upon the basis of a programme with which half of the honorable members opposite cannot possibly agree? What hypocrisy on the part of those honorable members! And what of the right honorable member for East Sydney, who himself has practically disavowed his belief in some of the propositions included in the platform of the proposed coalition? I find that during the debate the honorable member for North Sydney also exceeded himself in his denunciation and misrepresentation of the objects of the Labour Party. I did think that from that honorable member we should hear a true, fair, and honorable exposition of the case. I gave that honorable member credit which I could not give to his leader.

Mr. KELLY.—The honorable member would not give the latter a fair hearing.

Mr. WEBSTER.—I only interfered when the leader of the Opposition failed to allow others to speak so as to be consecutively heard by the House, and I was perfectly justified in what I did.

Mr. SYDNEY SMITH.—The honorable member is the only man who thinks so.

Mr. WEBSTER.—At any rate, I am satisfied to take the responsibility for my action. The honorable member for North Sydney, in regard to the fiscal question, asked, "What are these men complaining about when they talk about our sinking the fiscal question?" But the positions are quite different. Those on the Opposition side were returned as fiscalists, whereas we were returned as labour men. Those of the Opposition were under the banner of free-trade, and they knew that the great question in New South Wales was free-trade first, free-trade second, and free-trade all the time. That was the be-all and end-all of their

political creed at the time. And yet those who nailed their colours to the mast, and who, during the campaign, used words of condemnation towards members of the Protectionist Party such as the labour members have never used towards their opponents, now attack the present Government. Those are the men who, as I say, passed along the word of condemnation from platform to platform right throughout New South Wales, in regard to the very men with whom they now seek to coalesce. The honorable member for North Sydney now says, "There is no difference; you sunk the fiscal question, and we are now simply doing the same." But we never made the fiscal question a vital issue. No labour representative ever made that a vital question; and if the Free-trade Party gave their support to a labour man because he was a free-trader, it was because they knew they could not beat him. It was very often a question of "sour grapes" when the Free-trade Party gave their support to a labour man, and having given that support, they made a virtue of necessity. If the Free-trade Party sought to tie to their wheel labour candidates who were labelled members of the Free-Trade Party—if protectionists gave support to protectionist labour candidates—that is no business of ours; the support was unsought by the Labour Party. The bulk of the labour candidates sought support on the labour platform, and not on fiscalism; and for the honorable member for North Sydney to indicate that labour members ran on the same lines as members of the Opposition is, as I interjected, to drag the Labour Party down to a very low level. But no one on the Opposition side can drag the Labour Party down to the level at which the members of the Opposition have been during the last fortnight. The honorable member for North Sydney goes further, and accuses the Labour Party of having dropped the referendum—with having favoured the referendum at first, and advocated it as a plank in our platform in connexion with the settlement of the question of the acceptance of the Commonwealth Constitution, but with having repudiated it when the question of the reduction of the number of members was raised in the Legislature of New South Wales. I deny such a charge *in toto*. I took particular notice of what the honorable member was saying; and it is because I consider he was unfair, that I take this opportunity of denying that the Labour Party in New South Wales

repudiated the referendum, when it was proposed in connexion with the reduction of members. We supported the referendum, and supported the Government which proposed it, even on the question of the reduction of members, even when we knew that if a reduction were decided upon, our party would suffer very materially. When men make statements and charges of that kind, and resort to such subterfuges, how weak a case they must have. I expected that the honorable member for North Sydney would, at any rate, give a fair statement of the case; but when he follows the example of his chief, and misrepresents and prevaricates, so far as political facts are concerned, I begin to lose hope of every member on that side. The honorable member for North Sydney also said that we had been abandoned by the right honorable member for Adelaide. In that the honorable member was trying to work on the feelings of the House, although he saw the seat which that right honorable member took when the House met. It must have been gall and wormwood to the Opposition to find the policy of the Government indorsed by the right honorable gentleman—to realize that he could see eye to eye with the Labour Party. The seat which the right honorable member took indicated that he was prepared to trust the Labour Party to carry out the programme in reference to the Conciliation and Arbitration Bill, and the Navigation Bill—it was an indication that he preferred the Labour Party to any party on the Opposition side of the House. In this the right honorable member paid a tribute and compliment to the Labour Party. It was, indeed, a credential to the Labour Party when the right honorable and learned member, who has suffered so much in defence of the principles which he tried to place on the statute-book, indicated by the seat he took that he gave his practical support to a Ministry who have assumed a responsibility which for many years they were told they were not prepared to bear. That is practically a denial to the statement of the honorable member for North Sydney, who dared to say that the Labour Party had been abandoned by the right honorable and learned member for Adelaide, or that that right honorable member had abandoned his party. Neither is a fact, and I resent such misrepresentation. The Labour Party are prepared, as our platform shows, to practically adopt the proposals of the right honorable member for Adelaide. As to the

*Mr. Webster.*

States servants and the Arbitration Bill. members of the Opposition know full well that the Labour Party did not make their inclusion a vital question. The Government of the day preferred to make that a vital question; but that was no fault of ours. The Labour Party were prepared to stand or fall on the inclusion of the railway men; but we neither proposed to include States servants nor to include railway servants. All we did was to create a blank in the Bill, and on that the late Government were defeated. Are we to be tied down by the will of the leader of the Opposition? Are the Opposition to dictate to us as to what our proposals shall be? Are the Opposition to formulate, not only our intentions, but our professions, and so forth? We are here to stand by what we have indicated and what we are prepared to indorse. We are not prepared to indorse that part of the Arbitration Bill which was made a vital question, not by us, but by the Government of the day.

*Mr. KELLY.*—Who moved the amendment?

*Mr. WEBSTER.*—It was made a vital question by the leader of the Opposition, and the conservatives who followed him; and those whom he bade to go the other way went that way, to serve the purpose which they understood better. The honorable member for North Sydney made a statement which was very unfair and very unmanly. He alleged that the Labour Party had practically offered bribes to men on the other side to come over to the Government side—bribes, as he stated, bordering on £1,200 a year. It was not a direct statement, but half a lie, and we know that—

A lie that is half a truth is ever the blackest of lies.

When a man says something by inference, which he is not prepared to say directly, he shows the white feather, and does not act up to the standard of a scrupulous man. We have offered no bribe at all. If any bribes are being offered, it is by honorable members opposite that they are being offered. If any arrangements are being come to with respect to office, it is on the other side that they are taking place. Does not the report of an interview with the honorable member for Gippsland, which has appeared in the newspapers, indicate that there has been some communication of this kind between honorable members on the

other side, who have been negotiating, and those to be negotiated with? If it does not, I cannot read clearly, nor can I interpret what I read. Then the honorable member used the strangest apology for an argument that I have ever heard made use of by a prominent man in a legislative assembly. Speaking of the policy of a White Australia, the honorable member referred to the fact that the Prime Minister has admitted that he is prepared to amend the Post and Telegraph Act so as to enable the aborigines of Australia to be employed in connexion with the carriage of mails in the Commonwealth. The honorable member has referred to that as an example of inconsistency, but every one in this community must recognise the great distinction there is between doing justice to the aborigines of Australia, to those who owned this land before we came here, whom we dispossessed, and whom every year we are driving further into the back-blocks of the various States, and the course of action we take with respect to coloured aliens. It is our duty to see that the remnant of the men who formerly held this continent are properly treated, and we should do all we can to make their lot easier and happier than it would be if they were not treated with humanitarian feeling. There can be no parallel drawn between assistance to the aborigines of Australia and assistance to natives of India, lascars, and men from other parts of the British Empire, to whom as Australians we owe no obligation at all. We have no relationship with those people, other than that which arises from the fact that we are common subjects of the Empire. But we are under obligation to the aborigines of Australia, and I am proud that the Prime Minister has recognised our obligation, and proposes to amend the provision in our law which deprives them of doing that which will help them at least to earn something towards their livelihood, instead of drawing their support entirely from the States, and which will enable them to be more useful to the community in which they live. Personally, I am not afraid of the consequences of this discussion, whichever way it ends. I would rather go down on this side fighting with the flag of Democracy, labour, and progression aloft, than I would follow the other side with a certain tenure of political life for the rest of my days. I would rather be behind this party that puts forward a platform in which its members believe, and which they intend to carry into law, for one year, and do what good I

could in the time, than I would sit behind a party submitting a programme in the whole of which half of its members do not believe, and be dragged first to one side and then to the other, to suit the whims and fancies of the varied leaders and intriguers within its ranks. If we are sent into opposition to-morrow, we shall go there with clean hands. The Labour Party, when it leaves these benches, will leave them clean. It can be said, to the credit of the party, that since we have assumed responsibility there has not been one newspaper, or one public man, who has dared to cast reproach on the personnel of the Ministry, or of the party. That is a tribute to the party. The right honorable member for East Sydney has himself paid the party the highest tribute. The right honorable gentleman has given us credentials which should carry us throughout Australia. We could not ask for more than he has given us. He says—"There is another merit that they have, and that is that they have never exposed themselves to attacks on the ground of personal aggrandizement." I wish I could say that for the right honorable gentleman. I wish I could say that he has never exposed himself to attack on account of his anxiety to secure the emoluments of office. I wish I could say that for many men, who in the public life of all the States of this Commonwealth have from time to time sacrificed principle to secure office. I am proud to say that, on the admission of the right honorable member for East Sydney, the Labour Party have up to the present time never truckled to obtain the flesh-pots of office since they have held a position of power in this Legislature. The right honorable gentleman says, further, that members of the party have been uniformly honorable and straightforward. We did not need that testimonial. We have won it for ourselves. It is no compliment that the right honorable member should speak in that way of labour men, because throughout the States, during the existence of the Labour Party, we have won and maintained that record, and never since the party came into existence has there been any stigma cast, by press or politicians, on the honesty, straightforwardness, or integrity of the party. I ask honorable members opposite, before they come to a decision on the matters before us, to look to the character of the party on this side, and to give us the opportunity which the honorable and learned member for Ballarat promised would be given us, when <sup>†</sup>

Prime Minister submitted his policy to this House. I wish honorable members to keep the promise of the late Prime Minister, that no obstacle would be placed in the way of the present Government to propound a policy, and to carry it into effect so far as practicable, having regard to the honorable and learned gentleman's power to give that undertaking. The members of the Labour Party have submitted a programme which they are prepared to carry out, but honorable members opposite are not satisfied with what we have given them for this session and the next. They desire that we should submit our programme for this Parliament, next Parliament, the subsequent Parliament, and the Parliament after that. That is what they ask from the Labour Party. Never so far in the history of Australia has any other party been asked to exhibit a programme except for the current session; but when the Labour Party takes office these honorable gentlemen, who know what political procedure is, ask for something more. Why? Is it not because they can find no fault with what we have put before them, and they desire that we should submit something which they can lay hold of, something irrational, or something which will shock the public mind? They are not satisfied, because none of our proposals have that tendency. I say that, whether here or in Opposition, we shall be the same Labour Party, fighting all the time for the principles which we have advocated for years. They are not of mushroom growth, they are not the development of the moment, or of hysteria, nor are they the outcome of a selfish desire to secure the fleshpots of office at any sacrifice. We stand by our principles, and we are prepared to fight for them on this or on the other side of the House. Our opponents will have to give heed to the voice of the representatives of the people. They will have to pass that legislation which the people demand. If they do not, when the time comes for the people to again express their opinion, they must go. After the last general election, I fear nothing from an appeal to the people. The education of the masses is proceeding. The electors are awaking. They are beginning to understand their political rights, and to learn that they have equal political privileges and powers. They are commencing to appreciate the value of their powers, and, as each year rolls by, the adherents to the cause of progress will increase, while those who stand in the path

*Mr. Webster.*

will, as each election takes place, be swept aside to make way for the march of Democracy and the liberation of the human race.

Mr. SKENE (*Grampians*).—After the many fighting speeches which we have had, I hope I may be allowed to put in a few words in a quiet way in regard to the policy enunciated by the Government. I need not begin by paying any compliment to the Labour Party, because those of the party with whom I was associated in the last Parliament know pretty well my feelings towards them, and I know their feelings in regard to me. But before proceeding to criticise their policy, I should like to say a word or two in reply to the speech of the Minister for External Affairs. Speaking last Friday on the White Australia question, he was hardly fair to the honorable member for Kooyong and myself in what he said to the effect that we are utterly impenetrable to argument on the subject. That is an instance of the Labour Party's methods. They expect you to swallow their whole programme, and if you disagree with them on one point, you are taken as being entirely opposed to them. I have expressed myself upon the racial question, both in this House and elsewhere, as strongly as any honorable member has done. Neither the prohibition of lascar crews nor the exclusion of the six hatters has anything to do with the White Australia question. The prohibition of lascar crews is not a racial question, affecting the policy of a White Australia, but the policy of a White Ocean, while the exclusion of the six hatters has, of course, nothing to do with the White Australia policy. I spoke very strongly when the annexation of New Guinea as a territory of the Commonwealth was proposed, and I did so because I thought it was a great mistake, in view of our adoption of the White Australia policy. At the last elections, also, I put before my constituents an aspect of the question arising out of the condition of affairs in the Far East. I pointed out to them that, seeing that the balance of power there was likely to be very much disturbed, a reconsideration of the White Australia policy might be found necessary in the event of our occupation of the Northern Territory being non-effective. I suggested that, if we found that we could not effectively occupy the Northern Territory with white labour, we might have to consider whether indentured coloured labour could not be employed, for the benefit of white workmen as well as of the white

population generally. The indentured labour to which I referred would not be kanakas, but British subjects who were natives of India. If it became simply a question of obtaining labour at a lower rate, white workmen might be allowed to participate in the profits by the adoption of some such scheme as has been tried in America, making them shareholders in the enterprise. I put forward that suggestion as one to which it might be necessary to give effect hereafter, in the event of certain developments in the Far East, but said it might first be well to appoint a Royal Commission to investigate the subject. It was reported from Canada the other day that the Government of the Dominion have refused to ratify an Act of British Columbia on this subject, because it does not wish to hamper the Imperial authorities in regard to the Far Eastern question. Surely Canada, of all countries in the world, might feel secure from outside attack, seeing that she has not only Great Britain behind her, but is also protected by the Monroe doctrine, and the United States would have to come to her assistance if she were invaded. But, notwithstanding her position, she has shown that this is a subject which, from an Empire point of view, may require consideration. I put these matters before my constituents at election time, to obtain their views on the subject, and it was, therefore, somewhat ungenerous of the Minister for External Affairs to say that we are utterly impenetrable to argument in regard to it. So far as the exclusion of the six haters was concerned, I was extremely disappointed with the administration in that case. The speeches of the present Prime Minister, and Attorney-General, and of other honorable members, when the Immigration Restriction Bill was under consideration, quite allayed my suspicions in regard to the provision under which action was taken. I thought that the Government of the day could be trusted to administer it more liberally than it has been administered. We are now talking about immigration, in order that Australia may be developed, and yet I could not bring a ploughman from the old country, because of the interpretation which has been given to this provision.

Mr. MAUGER.—The honorable member could bring any one out, so long as he did not enter into a contract with him.

Mr. SKENE.—The contract would not be of so much importance to me as to the man on the other side of the world, whom I

was asking to come out. He would expect me to bind myself to fulfil my promise to employ him.

Mr. POYNTON.—Are there not ploughmen already in Australia?

Mr. SKENE.—Yes, though fewer than the honorable member may think. But that is not the point. It is suggested that we should adopt some scheme of immigration, but before any scheme can be successful, the provisions to which I refer must be modified.

Mr. MAUGER.—The same law is in force in Canada and in the United States.

Mr. SKENE.—There is no law in force in the United States which prevents citizens of that country from entering America.

Mr. MAUGER.—That is begging the question.

Mr. POYNTON.—In 1885 an Act of Congress was passed, prohibiting men under agreement from entering the United States.

Mr. SKENE.—In America there is no such Act as we have in force, debarring white subjects of the nation from entering the country.

Mr. MAUGER.—We do not debar them from coming here; we merely say that they must come here as free men, and ready to live according to our conditions.

Mr. SKENE.—The argument put forward in support of the provision, and it is one with which I concur, is that it would be undesirable to have labour coming here under contract at the time of a strike. That was really the strong argument put forward, but it seems to me to be outrageous that our fellow British subjects should be shut out if honest contracts are entered into when men are required. The honorable and learned member for Indi, when discussing this point some time ago, urged that we should adopt a provision similar to that contained in the United States Act, providing that any contract shall be null and void if it is found to be at variance with the legislation of the United States.

Mr. TUDOR.—That is not in the United States Act. It was the honorable and learned member for Angas who suggested such a provision, but I pointed out that experience in America showed that persons were landed and contracts were made in America which had the effect of defeating the law.

Mr. SKENE.—I had not intended to touch that point, and I need not detain the House by any further reference to it. I wish now to make a few remarks

with reference to the Government policy. The family likeness between the Government proposal and the programme put forward by the leaders on this side of the House, has been sufficiently referred to. I do not think very much need be made of the similarity between the two sets of proposals. The Governor-General's Speech furnished us with a policy in the first place, and, naturally, all parties selected those items which were most likely to commend themselves to the majority. The most notable proposals of the Government relate to the measures which are to be introduced next session. So far as the proposed banking legislation is concerned, I understand that the Prime Minister does not claim that his scheme, if carried out, will have the effect of improving our banking system, which is built up on a gold basis, than which no better can be found. Dr. Breckenridge points out that all systems of paper money have been brought forward as the result of Government needs. The Prime Minister referred in very complimentary terms to Dr. Breckenridge's work, and I have been endeavouring to obtain a copy for my own perusal. I found, however, that every available copy had been mopped up by the Prime Minister and his friends, and, therefore, I have not been able to obtain one.

Mr. FISHER.—That monopoly was quite unintentional.

Mr. SKENE.—I quite realize that. I have here some extracts from the *Bankers' Magazine* relating to Dr. Breckenridge's opinion on this banking question.

Mr. WATSON.—In respect to which sections of the Canadian system?

Mr. SKENE.—On the general question. I understand that Dr. Breckenridge is rather more of a historian than an expert critic.

Mr. WATSON.—He is admitted to be an expert.

Mr. SKENE.—I did not know that he was. It is pointed out that the system which the Government now propose to adopt was not introduced in Canada in order to improve the banking system, but to meet the needs of the Government at that time, and I would put it to the Prime Minister, are we as a community so pressed for money that we should be justified in running the risk of damaging our system of financing? At present we have limited information on the subject, and I think it would be well to afford every facility for discussion.

Mr. WATSON.—That is why I mentioned the matter at an early stage.

Mr. SKENE.—What I wish to point out is that, prior to the introduction in Canada of the system now proposed to be adopted here, the Canadian banking system was an excellent one.

Mr. WATSON.—The people of Canada did not think so before 1870.

Mr. SKENE.—The banking crisis in Canada occurred in 1866 and 1867, after the introduction in 1860 of the first Canadian Act.

Mr. WATSON.—The present Canadian Act was introduced in 1870.

Mr. SKENE.—There was an Act before that.

Mr. WATSON.—Not wholly on the same principle.

Mr. SKENE.—Whether that be so or not, according to the *Bankers' Magazine*, I find that—

In 1859 the Provincial Parliament of Canada had the subject of banking brought before it by several petitioners, and on the motion of the Minister of Finance, the Honorable (afterwards Sir) A. T. Galt, a Select Committee in banking and currency was "struck." Dr. Breckenridge says, "The Minister himself acknowledged that as a rule the banks had been well and wisely managed. During the panic in the United States, Canadian notes were received there with the same readiness as specie in payment of notes, which the local banks were called on to redeem. And yet the Minister was not satisfied. He had used the Committee to conceal the purpose which he revealed in 1860. This was the establishment of a bank of issue, or Treasury Department, for which he introduced resolutions on the 27th March. He wished, he said, to put the currency on a perfectly sure and safe footing by separating it from the banking interest, and by removing it from the possible suspicion of being affected by political exigencies. But his solicitude was insincere, his monetary theories false. His ultimate object was assistance to the Provincial finances; his proposed means, the emission of legal tender, though convertible, Government notes as the whole currency. The resolutions found slight approval, as the order for their consideration in Committee was discharged on the 18th May. They are interesting now, only as the forerunner of the Provincial Note Act of 1866, the provisions of which were largely due to the monetary fallacies and the financial exigencies of the same Minister."

I wish to direct the attention of the Prime Minister especially to this —

"The Government, in which the same gentleman acted as Minister of Finance, was obliged in 1866, to raise some \$5,000,000 to discharge the floating debt. The credit of the Province had suffered in the English market on account of the renewal from time to time of the balances in arrears. The Minister averred that the Canadian banks were unwilling to extend to the Government a loan amounting to 15 per cent. of their capital. The Bank of Montreal was already a creditor for \$2,250,000, and was pressing for payment. The

Government would not trust to the chance of meeting the engagements of the country by large loans at high rates of interest. The Government, said Mr. Galt, should resume a portion of the rights which they had deputed to others, and meet the liabilities of the country with the currency which belonged to it. In short, he acknowledged the primary cause of all paper curencies emitted by Government — Government sec.ds."

Mr. WATSON.—It was not Sir A. T. Galt's scheme that was adopted, but that of Sir Francis Higgs, which was introduced some years afterwards.

Mr. SKENE.—The point I wish to make is that it was not introduced in order to improve the Canadian banking system, but to assist the Government.

Mr. WATSON.—The system has not injured the Canadian banking system, as a system.

Mr. SKENE.—Opinions differ on that score. I have here a statement by another authority, Mr. Walker—

Mr. WATSON.—He is an interested party, as he is the general manager of one of the largest banks in Canada.

Mr. SKENE.—He is the general manager of the Canadian Bank of Commerce, and an acknowledged authority. I know that the Prime Minister is credited by the *Argus* with saying that no objection has been raised to this system.

Mr. WATSON.—I said that in Canada, amongst persons other than bankers, no objection had been raised.

Mr. KELLY.—Why should the bankers object if the system benefits the banks?

Mr. SKENE.—The *Banker's Magazine*, in referring to this matter, says—

There is a general consensus of opinion held in Canada regarding the Dominion's legal tender notes, and the stipulation in the Bank Act of 40 per cent. of cash reserves being held in the notes, that the effect has not been good, or such as to justify repeating the experiment elsewhere. Mr. B. E. Walker (general manager of the Canadian Bank of Commerce, and an acknowledged authority), in his *History on Banking in Canada*, page 4, which has already been quoted from, terms the Dominion notes "as the one serious blot in our currency system."

Mr. WATSON.—I was not speaking of the currency at all. Mr. Walker is discussing an entirely different matter, and one affecting the general currency.

Mr. SKENE.—I scarcely think the Prime Minister will contend that any banking system which has gold as its basis can be improved by the issue of paper money.

Mr. WATSON.—All the banks use paper money.

Mr. SKENE.—But they have gold at the back of it. I understand that the Government contemplate spending only two-thirds of the gold reserve which they propose to take from the banks. One-third of it will still be held as a reserve. That shows that the Prime Minister recognises that it is necessary to hold some gold.

Mr. WATSON.—Hear, hear. We wish to make assurance doubly sure.

Mr. SKENE.—That gold would be necessary to meet the fluctuating liabilities of the banks. If the liabilities of one of those institutions totalled £1,000,000 less this year than last year, it would naturally like to redeem some of its notes. But if a crisis occurred, and the banks had to fall back on their gold reserves, how would the Prime Minister make available to those institutions the proportion of their reserves which he proposes to spend?

Mr. WATSON.—In the first instance, the banks would exhaust their gold, and in the second place they would have the whole credit of the Commonwealth at their back, just as in 1893 they required the credit of the States Governments to pull them through.

Mr. SKENE.—When the Government come to deal with the two-thirds of the gold reserve which they propose to spend, they will really be establishing a paper currency.

Mr. WATSON.—The banks were very glad to get a Government paper currency in 1893.

Mr. SKENE.—I admit that there are exceptional cases, and I agree that those Governments which assisted the banks in 1893, did the proper thing. Had the Government of Victoria acted in the same way as did the Government of New South Wales, some of the banks in this State which failed would have pulled through. I venture to say that the mere fact of the New South Wales Government declaring its bank notes a legal tender assisted the financial institutions here. But these are exceptional cases. Three times the Imperial Government has come to the assistance of the Bank of England.

Mr. HUTCHISON.—This will be an exceptional case too.

Mr. SKENE.—It will not be an exceptional case if we introduce a paper currency, which may become, to some extent, permanent.

Mr. BAMFORD.—Is the honorable member aware that the Bank of England has



£16,000,000 worth of notes in circulation, behind which there is no gold at all?

Mr. SKENE.—There must be some gold behind it.

Mr. BAMFORD.—There is absolutely none.

Mr. SKENE.—I can understand that in London a great many transactions take place in connexion with money at short call, which may afford security against such in issue. I understand from the latest information which I can gather on the subject, that in Canada the bank notes are issued on a reserve of something like 5 per cent. I was astonished to find the very small reserve which is held behind something like 56,000,000 dollars of note issue. But so far as I can gather, the tendency of the Canadian legislation is to issue more notes—to go further in that direction than we do here. In Canada the notes in circulation on the 1st January last aggregated £11,500,000, as against a total circulation and deposits of coin of £88,000,000. Here the note issue represents £3,224,000, as against coin in circulation and on deposit aggregating £94,000,000.

Mr. FOWLER.—The people must require those notes, otherwise the banks would not issue them.

Mr. SKENE.—It is more probable that the gold is being driven out of the country. According to the latest returns, there is a very large amount of coin held, not only in Great Britain, but in New York. The book from which I have just quoted deals with this very matter. Macleod on Banking shows how an inferior currency drives a good currency out of the market. That is known as the Gresham law.

Mr. FOWLER.—But there has been no depreciation in the value of Canadian notes.

Mr. SKENE.—That may be so; but the fact that the Canadian banks—which have not a larger amount of gold in circulation and on deposit than we have—hold £11,500,000 in notes as against our £3,224,000, shows that the system adopted there has had the effect of driving coin out of the country.

Mr. HUTCHISON.—A national security will not depreciate a currency according to the Gresham law.

Mr. SKENE.—I have a work here upon the Gresham law from which I should like to read an extract for the information of honorable members.

Mr. SPENCE.—Had not the honorable member better wait until the Bill is introduced?

Mr. SKENE.—My desire is to obtain as much information as possible at the present juncture.

Mr. McDONALD.—There are about 200 books relating to the question of currency in the Parliamentary Library.

Mr. SKENE.—Macleod, in *The Elements of Economics*, writes of the Gresham law—

It is from this principle that a Paper Currency is invariably found to expel a metallic currency of the same denomination from circulation. And to show the generality of the principle, it was found in America that when a depreciated Paper Currency had driven all the Coin out of circulation, and a still more depreciated Paper Currency was issued, the more depreciated paper drove out the less depreciated paper from circulation.

That is the history of the world.

Mr. FOWLER.—It is not, so far as I am aware, the history of Canada.

Mr. WATSON.—They have there a well regulated system.

Mr. SKENE.—But the amount of notes, apart from Government notes, which they have in circulation is very large.

Mr. WATSON.—That is so.

Mr. SKENE.—Paper currency is discredited everywhere.

Mr. WATSON.—Not in Canada, where it is conducted on a proper basis.

Mr. SKENE.—The banking systems of America and Canada have been very poor. Two years after the American war I received \$6.75 for every sovereign I possessed; and I know for a fact that during the war a sovereign was worth \$9 in the United States.

Mr. WATSON.—That was in the States?

Mr. SKENE.—Yes.

Mr. WATSON.—That is a different position.

Mr. SKENE.—If anything in the nature of a war scare occurred, and we were offering paper money, the idea that the paper money was not as good as gold—and, of course, it would not be—would cause prices to be depreciated, and values would be disturbed. I have brought these matters forward only because of my belief that they are worthy of being threshed out; I am not dealing with them in any spirit adverse to the full consideration of the Government proposal. As far as I am able to see, the difficulty remains. I go right back to the question of what it is worth as a reserve. I put aside the matter of circulation in our own immediate neighbourhood, and I trust that the Government will pause before entering upon legislation of this kind.

Mr. FISHER.—We do not propose to do anything before next session.

Mr. SKENE.—Quite so; one step at a time. There is only one other matter to which I desire to refer, and it has been raised by references which have been made to machine politics. The Prime Minister will remember that last year he supported an amendment which I moved in the direction of dividing the States into divisions for elections to the Senate.

Mr. PAGE.—But the honorable member voted against plumping.

Mr. SKENE.—That is so, and to the credit of the Prime Minister, be it said, that though I was successful in my opposition to plumping, he supported me most loyally in the proposal to which I have referred. During the last elections I had an opportunity to see how the present system works, and on several occasions defended the position taken up by the Labour Party in running four candidates for the four seats in the Senate which were vacant in this State. When I heard men speaking of the selfishness of the Labour Party in putting forward four candidates, I at once explained that it was necessary for them to do so, in order to preserve their own voting power. The honorable member for Yarra gave me a hint in the House in regard to the matter, and I pointed out during the elections that, had they not adopted this method—had they run only one or two candidates for the four vacancies—they would have given the whole of their voting strength to some other candidate, plus that candidate's personal strength.

Mr. THOMAS.—The honorable member and those who voted with him against plumping forced us into that position.

Mr. SKENE.—Quite so. The Prime Minister agreed with me last year that it would be well to divide each of the States into three divisions for the purposes of the Senate elections, recognising that we should thus have a fair, clear issue in each division.

Mr. FISHER.—Have we the power to so divide them?

Mr. SKENE.—We have; and, as I have already mentioned, I moved an amendment to give effect to such a proposal. I trust that the Prime Minister will not lose sight of the matter, for I think the change would be a great improvement on the existing system. At this late hour I shall not further occupy the attention of the House. I have only to say, in fairness to my honorable

friends opposite, that I feel much as do other honorable members on this side of the House in regard to the present position of parties. I do not want to advance reasons which have already been given for the position that I take up. I believe that the Labour Party, although occupying the Treasury benches, are in a minority, not only in this House, but in the country, and therefore, whilst I have the greatest respect for them personally, when we come to a division on the matter of the principle, my vote will be cast against them.

Debate (on motion by Mr. KELLY) adjourned.

## ADJOURNMENT.

### CONDUCT OF PUBLIC BUSINESS.

Motion (by Mr. WATSON) proposed—  
That the House do now adjourn.

Mr MAUGER (Melbourne Ports).—I do not wish to anticipate anything that may be said in the debate which has just been adjourned; but, in discussing proposals which are not likely to be brought before us for two or three sessions to come, it appears to me that honorable members are simply wasting public time. We are traversing ground which will have to be gone over again, and, in my opinion, it is time that we set to work to deal with public business.

Mr. DUGALD THOMSON (North Sydney).—This is the first occasion on which I have heard a member of Parliament assert that we have no right to discuss that which the Prime Minister has set before us. The Prime Minister having made a statement as to the Government programme for the next two sessions, we have a perfect right, and, in fact, are bound to discuss them.

Mr. McDONALD (Kennedy).—I would certainly emphasize what has been said by the honorable member for Melbourne Ports. There appears to be a deliberate attempt to waste time, and I trust that the Prime Minister will impress on the House the desirableness of bringing the debate on the Government proposals to a close to-morrow night. It seems to me that the present state of affairs in this House is not in keeping with its dignity. The leader of the Opposition has threatened to move a want of confidence motion. Why has he not the courage to carry out that threat, instead of allowing the straggling debate on the Government proposals to continue? The position that has been taken up by the leader of the Opposition is bringing Federal politics into

contempt. I hope that we shall make some effort to conclude the debate to-morrow night, even if ye have to resort to an all-night sitting.

Mr. SYDNEY SMITH (Macquarie).—I am surprised to hear my honorable friend asserting that the time of the House is being wasted. All the speeches that have been made in the debate upon the Government proposals have not come from this side of the House. We have had to-day speeches from the honorable member for Grey, the honorable member for Gwydir, and the honorable member for Hindmarsh, all of them of considerable length, but no one has taken exception to them. We have had about an equal number of speakers from both sides of the House, and I fail to see, therefore, that there is any room for complaint. I have heard my honorable friend, the honorable member for Melbourne Ports, speak at length on more than one question, and I hope that we shall not hear any further complaint from him.

Mr. WATSON (Bland—Treasurer).—I had hoped that the debate on the motion relating to the Government proposals would have concluded to-night. It seems to me that while we should not attempt to limit the opportunity of honorable members generally to discuss proposals which the Government have put forward, there does not appear any probability of anything definite arising from the motion on which the discussion has taken place. As we have already had an indication from the right honorable gentleman who leads one section of the Opposition, that he intends in any case to take action to test the feeling of the House in regard to the Government's position, I had hope, and still hope, that the debate generally as to the position of the Government will hinge on that motion rather than on the one now before the House.

Mr. SYDNEY SMITH.—The Prime Minister invited discussion by making a long speech on the policy of the Government.

Mr. WATSON.—If I had not made a long speech, probably my honorable friends of the Opposition would say that I had not been sufficiently explicit. I am not complaining of the general debate, except that, if we are to have a motion to test the feeling of the House, it would be wiser to have the debate on that motion.

Mr. DUGALD THOMSON.—The Prime Minister's own supporters have done a large part of the speaking.

Mr. WATSON.—I admit that some members on the Government side have spoken;

but I think it would be wise, on the whole, if honorable members restrained themselves in view of the motion which is coming on. I trust that, so far as the present motion is concerned, we shall find ourselves able to dispose of it at to-morrow's sitting.

Question resolved in the affirmative.

House adjourned at 10.52 p.m.

## Senate.

Wednesday, 25 May, 1904.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

### MOTIONS WITHOUT NOTICE.

Senator STANFORTH SMITH (Western Australia).—I desire the leave of the Senate to move, without notice, that the report prepared by Sir John Forrest on Lyndhurst as a Federal Capital site be laid upon the table.

The PRESIDENT.—I do not think that the honorable senator ought to move the motion.

Senator STANFORTH SMITH.—Not with the consent of the Senate?

The PRESIDENT.—No; I do not think so.

Senator STANFORTH SMITH.—It has been done before, sir.

The PRESIDENT.—I know that it has. But I have thought over the matter, and come to the conclusion that it is a most objectionable practice for honorable senators to move motions, without notice, even with the consent of the Senate. There may be only twelve senators present, and, if no one objects, a motion may be moved and carried of which the majority of the senators have had no notice. This is one of the matters in which I think that a practice ought to be laid down. I do not think that a motion ought to be moved without notice unless the Standing Orders are suspended, which can be done at any time by an absolute majority of the Senate. Standing Order 100 was made to prevent motions from being moved without notice, and carried, to which the majority of the Senate may be opposed. But if motions are moved without notice, simply by leave of the Senate, when possibly only twelve senators are present, all of whom may be favorable to the motion, the other twenty-four senators, who may be strongly

posed to the motion, will have no opportunity of voting against such motion. I think that the practice is objectionable, and ought not to be permitted. I acknowledge that this has been done, but it has been done inadvertently. I believe that this practice may lead to most undesirable results. In my opinion, motions ought not to be moved without notice, unless the Standing Orders are suspended.

Senator MCGREGOR.—I think I can suggest a way by which the difficulty can be got over. If Senator Smith will give notice of the motion for to-morrow, the Government will have no objection to its being treated as formal business. I shall endeavour to have the paper with me, when I will lay it upon the table, and move that it be printed before the notice of motion is called on.

Senator Sir JOSIAH SYMON.—May I point out to you, sir, that standing order 109 implies that what Senator Smith proposes to do may be done by leave of the Senate. It seems to me that so long as that standing order remains as it is, every senator has the right to take advantage of it, and that practically we ought not to repeal its operation without very grave consideration. It reads as follows:—

No senator shall, unless by leave of the Senate—

That means that by leave of the Senate he may move a motion—

unless it be otherwise specially provided by the Standing Orders—

That is, that we may make a standing order forbidding it to be done—

to make any motion, except in pursuance of notice duly given at a previous sitting of the Senate, and duly entered on the notice-paper.

It seems to me that Senator Smith is absolutely in order so long as the Senate will give him leave to proceed with his motion.

The PRESIDENT.—I am quite willing to admit that the standing order appears to be in conflict with what I have said, but I submit to the Senate that the reasons I have given are very strong and powerful.

Senator Sir JOSIAH SYMON.—For repealing the standing order, undoubtedly!

The PRESIDENT.—Not for repealing, but for qualifying the standing order. It says—

No senator shall, unless by leave of the Senate, unless it be otherwise specially provided by the Standing Orders.

The question is, is it otherwise specially provided by the Standing Orders?

Senator Sir JOSIAH SYMON.—No.

The PRESIDENT.—If honorable senators will read the Standing Orders, I think they will see that the intention is that no motion shall be moved unless notice has been given.

Senator Sir JOSIAH SYMON.—Unless by leave of the Senate.

The PRESIDENT.—I submit that this is a matter which the Senate ought to deal with. I do not wish to take upon myself the responsibility of deciding it. I have given the reasons why I think that it is a most objectionable practice to adopt; but if the standing order is construed, as Senator Symon thinks it ought to be—a construction I am not prepared to disagree with—of course, I must obey it in the same way as every other honorable senator must do.

Senator DAWSON.—But any one senator may object to the motion.

The PRESIDENT.—Yes. I suggest that it is a matter which requires consideration, and if Senator Smith will give notice of the motion for to-morrow in pursuance of the request made by the leader of the Senate, it will get over the difficulty for the present time.

Senator Sir JOSIAH SYMON.—There is no doubt, sir, that the reasons given by you are exceedingly weighty reasons for the Senate to give this concession with great caution. They are very strong reasons to be taken into consideration by the Senate before granting leave, but I think that it would be a dangerous thing for us to whittle away the right which the standing order confers on honorable senators. The reasons which are suggested might, on a particular motion, be very strong reasons for withholding the leave; but, in introducing the standing order into our code, it was recognised that, in cases of urgency, or in cases where it was unnecessary that notice should be given, or in cases where the Senate might be unanimous, there ought to be no obstacle placed in the way of any honorable senator from moving a particular motion. Under the standing order, the Senate has the power in its own hands.

The PRESIDENT.—One senator has the power.

Senator Sir JOSIAH SYMON.—One senator has the power to object. It is with the greatest submission that I differ from the view of the President, because I think that this is a very salutary standing order which may be applicable in circumstances of

urgency, and in other circumstances which we can readily conceive of.

Senator DAWSON.—There is another course open to a senator, and that is to move the adjournment of the Senate.

Senator Sir JOSIAH SYMON.—That course is intended for a different purpose. A senator can only move the adjournment of the Senate, with a view to ventilate a subject of urgency; he cannot submit a motion on a subject. But standing order 109 places it in the power of the Senate to allow a senator to move a motion which may be carried, and may produce some result. If the motion of Senator Smith is one which the Senate feels might well be moved at once, it is a pity that he should not be permitted to move it, otherwise it is throwing doubt on the efficacy of the standing order.

The PRESIDENT.—In the first place, I think that Senator Smith is premature at this stage, because standing orders 62 and 70 provide for the routine of business. Before he moves his motion, if it can be moved, we ought to deal with notices of motions and questions, the answers to questions on notice, and the re-arrangement of business.

#### CIVIL SERVICE SUPERANNUATION.

Senator WALKER asked the Vice-President of the Executive Council, *upon notice*—

1. Is it the intention of the Government to introduce during the present session a Bill to establish a Commonwealth Civil Service superannuation scheme?

2. If so, will provision be made so that the scheme shall be established on a thoroughly sound and self-supporting actuarial basis?

3. Will receipts be confined to compulsory percentage contributions from civil servants by stated monthly or quarterly deductions from salaries receivable by them?

Senator MCGREGOR.—The Government has no such intention.

#### NEW HEBRIDES.

Senator STANFORTH SMITH asked the Vice-President of the Executive Council, *upon notice*—

1. Has the attention of the Ministry been called to the text of Anglo-French agreement dated 8th April, 1904, in which provision is made for the appointment of a Commission to settle disputes of their respective nationals in the New Hebrides with regard to landed property, and also with reference to the difficulties arising from the absence of jurisdiction over the natives of those islands?

2. Is it the intention of the Ministry to approach the Imperial authorities with a view of

obtaining the representation of the Commonwealth on that Commission in order to safeguard our interests and the interests of Australian colonists?

Senator MCGREGOR.—The answers to the honorable senator's questions are as follow:—

1. Yes.

2. The terms of a communication to be forwarded to the Imperial Government are now under consideration.

#### BRITISH NEW GUINEA.

Senator STANFORTH SMITH asked the Vice-President of the Executive Council, *upon notice*—

1. Will the Ministry inform the House as to their intentions regarding the recent collision with the natives of Goaribari Island, British New Guinea?

2. Does the Government intend to institute a full and searching inquiry into the matter; and, if so, will they indicate its nature and scope?

3. Will the Government afford the House any information as to the object of the visit of the Acting Administrator to the island, and the cause of the collision?

Senator MCGREGOR.—The answers to the honorable senator's questions are as follow:—

1 and 2. It is intended to appoint a Royal Commission to inquire into all the circumstances connected with the incident, but the precise terms of the Commission have not yet been settled.

3. The visit was paid to Goaribari by the Acting Administrator in the course of an ordinary visit of inspection to the Western Division. Its particular object appears, according to the despatch received from the Acting Administrator, to have been to arrest the murderers of Messrs. Chalmers and Tonkins, whom the Lieutenant-Governor had been unable to secure in 1902, the date of the last Government visit. The cause of the collision will be the subject of inquiry by the Commission.

#### REAPERS AND BINDERS.

SENATOR CLEMONS (for Senator FRASER) asked the Vice-President of the Executive Council, *upon notice*—

Is it a fact that duty is charged upon parts of reapers and binders and mowers, although they are free of duty?

Senator MCGREGOR.—The answer to the honorable senator's question is as follows:—

Reapers and binders and mowers are free of duty and all integral parts thereof also. Accessories only of such machines, e.g., whiffle-trees which are detachable, and form no portion of the machine itself, which is complete without such additions, are not free, but dutiable under their respective headings.

Senator CLEMONS.—I desire to ask the Minister if the Government have any evidence to satisfy themselves that these imported whiffle-trees and yokes have been used otherwise than in connexion with harvesters and mowers?

Senator MCGREGOR.—I am not aware that they have been used for any other purpose. I have received no information from the Department of Trade and Customs, but I shall look into the matter.

Senator CLEMONS.—I desire to know if the honorable gentleman will procure that information, and furnish an answer to the question to-morrow?

Senator MCGREGOR.—Yes.

### POST AND TELEGRAPH DEPARTMENT.

#### PRINTED MATTER, AND NEWSPAPER RATES.

Senator FINDLEY asked the Vice-President of the Executive Council, *upon notice*—

1. Has the attention of the Honorable the Postmaster-General been drawn to the fact that printed matter—not being a newspaper—is now being distributed through the Post-office at the rates charged for the transmission of newspapers?

2. Has the attention of the Honorable the Postmaster-General been drawn to the fact that of the printed matter referred to no less than 300,000 copies addressed to individual residents of the State have been distributed through the medium of the Post-office at a rate which does not exceed one penny for 72 copies; and what action (if any) does the Government propose taking in connexion with the matter?

Senator MCGREGOR.—The answers to the honorable senator's questions are as follows:—

1. The attention of the Postmaster-General has not previously been drawn to this matter. Printed matter cannot be distributed by post at the newspaper rate of postage, unless it has been registered as a newspaper by the Deputy Postmaster-General of a State, in accordance with the provisions of section 29 of the Post and Telegraph Act; and, before such registration is effected, the Deputy Postmaster-General is required to satisfy himself that the publication comes within the definition of a newspaper as laid down in section 28 of the Act, as interpreted by the Crown Law Officers.

2. The Postmaster-General is aware that a number of ephemeral publications have from time to time been registered as newspapers, and have thereby become entitled to transmission through the Post-office at the rate prescribed by the first schedule to the Post and Telegraph Rates Act, namely, one penny per twenty ounces on the aggregate weight posted. When a Bill is introduced to amend the Post and Telegraph Act this matter will be dealt with.

### JUDGMENTS OF HIGH COURT.

Senator DRAKE asked the Vice-President of the Executive Council, *upon notice*—

Has the Government any objection to supply members of Parliament with copies of the judgments in *Pedder v. D'Emden* and *The Sydney Municipal Council v. The Commonwealth*?

Senator MCGREGOR.—The answer to the honorable senator's question is as follows:—

Revised copies of the reports of these cases have not been received in the Attorney-General's office, but the Attorney-General is communicating with the publishers of the Commonwealth Law reports to see if he can obtain copies for the use of honorable members of both Houses.

### FEDERAL CAPITAL: LYNDHURST SITE.

Senator STANFORTH SMITH (Western Australia).—With regard to your ruling, sir, that I cannot move a motion without notice by leave of the Senate—

The PRESIDENT.—I may say that on consideration I shall not object to the honorable senator moving the motion by leave. Is it the wish of the Senate that Senator Smith have leave to move the motion? There being no dissentient voice, leave is given under standing order 109.

Motion (by Senator STANFORTH SMITH) proposed—

That there be laid upon the table of the Senate the report by Sir John Forrest on Lyndhurst as a Federal Capital site.

Senator PEARCE (Western Australia).—I desire to ask one or two questions on the motion.

Senator HIGGS.—The honorable senator does not wish to ask who Sir John Forrest is?

Senator PEARCE.—No, I am aware of the identity of that right honorable gentleman. I desire to know whether what is asked for is the report compiled by the late Minister for Home Affairs, or a report compiled by Sir John Forrest after he had given up that office?

Senator STANFORTH SMITH.—It is the completion of a report which Sir John Forrest started when he was Minister of Home Affairs.

Senator PEARCE.—If it is merely a report by Sir John Forrest, as a private member of the House of Representatives, I think we ought to reject the motion, otherwise I fail to see why the Senate should not ask for a report from myself in favour of Bombala. I should be very happy to compile one which might have some weight.

with honorable senators in inducing them to select Bombala as the site of the Federal Capital. What is now proposed appears to be a very peculiar way of bringing pressure to bear on honorable members to induce them to select a particular site, because the obvious intention is to influence honorable senators in their determination. I hope we shall be told whether the report asked for was compiled by Sir John Forrest after he resigned office as Minister of Home Affairs.

Senator MILLEN (New South Wales).—I should like to ask the Vice-President of the Executive Council also, whether the report now called for is the one which he was asked to produce last week, and which he declined to produce on the ground that it was merely a document prepared by a private gentleman who happens to be a member of the House of Representatives. The Vice-President of the Executive Council, at the time, gave very good reasons why the report to which he referred should not be laid upon the table, and they were substantially those which have been stated by Senator Pearce. If this is the same document, I should be glad to know it before I am called upon to vote on this motion.

Senator MCGREGOR (South Australia—Vice-President of the Executive Council).—I may state that I previously refused to lay this paper upon the table of the Senate, because, as Senator Pearce has suggested, if I did so, it would be my duty, on request, to lay upon the table any paper prepared by any honorable senator. If an unofficial document of this character is to be laid upon the table, some honorable senator should make a motion to that effect.

Senator HIGGS.—It must be something like the celebrated "Memorandum of Defence."

Senator MCGREGOR.—If the Senate concurs in such a motion, I shall be justified in laying the paper upon the table. If the motion moved by Senator Smith is carried, I shall endeavour to procure a copy of the paper called for, and to lay it upon the table to-morrow.

Senator Sir JOSIAH SYMON (South Australia).—I do not know whether I am in the same position as Senator Millen, but I desire more light on this subject. What is this paper? A printed document has been furnished, I suppose, to other honorable senators as well as to myself, which purports to be a report by the late Minister of Home Affairs, Sir John Forrest, on the subject of the Capital site, and dealing at

some length with a site called Dalgety. I understand that what is now asked for is a report which was compiled since the disappearance of the late Government by Sir John Forrest.

Senator HENDERSON.—It is a recantation of previous opinions.

Senator Sir JOSIAH SYMON.—We cannot say that, but I believe that it is a report written by Sir John Forrest since he left office.

Senator STANFORTH SMITH.—It is the completion of a report which the right honorable gentleman commenced when in office.

Senator Sir JOSIAH SYMON.—Such a report could not come before us with the authority of a report by a Minister of the Crown. Still we might have it for what it is worth, and I can see no objection to its being laid upon the table if honorable senators desire to see it. I am one of those who wish to obtain all the information which can be got in connexion with the proposed sites for the Federal Capital. I have not been able to visit them myself, and I have, therefore, to depend very largely on the opinions of others. If from any source we can get further evidence to guide us in the selection of a site we should do no harm in obtaining it.

Senator PEARCE.—Would the honorable and learned senator extend the same privilege to us all?

Senator Sir JOSIAH SYMON.—If my honorable friend, Senator Pearce, should prepare a report on the subject, for which task he is eminently capable, I should be delighted to have an opportunity of perusing it, and I should still be further delighted if it were printed under the authority of a resolution of the Senate. The report now asked for may be an unofficial document, emanating from an honorable member in another place, but no harm could result from having it placed upon the table if it contains information which will be of assistance to us. I am disposed to allow it to be supplied.

Senator WALKER (New South Wales).—I hope the motion will be carried. If the late Ministry had remained in office for another week the report now asked for would have been presented to the Senate as a report by a Minister of the Crown, and would have been laid upon the table. The right honorable gentleman who has compiled it is a professional man, having a knowledge of surveying, and we should be

pleased to have the benefit of his knowledge on the subject.

Senator CLEMONS (Tasmania).—Senator Pearce has scarcely put the position fairly in asking us to regard the report called for as being entirely an unofficial document. The fact is that the preparation of the document was begun by Sir John Forrest when he was Minister of Home Affairs, and it, therefore, carries with it something more than an unofficial stamp. As it probably throws some light on the merits of various suggested sites, I do not see why it should not be laid upon the table. I cannot understand the conflicting attitude of Senators Pearce and Millen.

Senator MILLEN.—The honorable and learned senator is not called on to do so.

Senator CLEMONS.—I am trying to do so, but I find it extremely difficult. I am aware that Senator Pearce favours the selection of Bombala, as I do, but I hope he is not afraid to have placed upon the table a report on any other site. Senator Millen is in favour of the selection of Lyndhurst, but I cannot understand why he should object to the production of a report by Sir John Forrest on that site. I think it is desirable that we should have the report, and I shall support the motion.

Senator O'KEEFE (Tasmania). — A great deal that I intended to say on the motion has already been said by other honorable senators. I shall not oppose the motion for one reason already given, that had Sir John Forrest remained in office a few days longer, the report now asked for would have been an official document. Another reason is that this document may throw a little more light on the subject, because we are aware that Sir John Forrest is a surveyor by profession, and is in a position to give evidence of value in helping us to arrive at a proper conclusion. I make the statement straight out that I am in favour of Bombala, no matter what is contained in Sir John Forrest's document. I have already read the substance of the document in the press, and I saw nothing in it to induce me to change my opinion. There may be something in the document which will cause honorable senators who are now in favour of Lyndhurst to look with more favorable eyes on Bombala. No harm can be done by agreeing to the motion. This cannot be considered as a precedent, because no other paper of the kind can be laid upon the table without a motion first being moved.

Senator STANIFORTH SMITH (Western Australia).—I am sure that it must be the wish of honorable senators that all the information which can possibly be obtained on the suggested sites for the Federal Capital should be before us, when we are asked to come to a momentous decision on so important a matter. The report for which I am asking is really the balance of a general report, prepared by Sir John Forrest, and started when he was Minister of Home Affairs. The right honorable gentleman determined to report on three sites, the Monaro site, Tumut, and Lyndhurst. After he had reported on two of the sites, the tenure of office of the Ministry of which he was a member came to an end. Sir John Forrest subsequently visited Lyndhurst, and made the report which I seek to have placed upon the table.

Senator DAWSON.—What sites had the right honorable gentleman reported on?

Senator STANIFORTH SMITH.—Tumut and Dalgety.

Senator DAWSON.—The right honorable gentleman was not qualified to report on the Tumut sites, because he did not see them.

Senator STANIFORTH SMITH.—In my opinion, the report by Sir John Forrest, as Minister of Home Affairs, will be of very little use to us, unless we have the document for which I am asking, as it is but the completion of that report; and we require it for purposes of comparison. We have a report on Bombala, and the merits of that site are compared on a specific basis with important features connected with Tumut. Without a report on the advantages or disadvantages of Lyndhurst, for purposes of comparison, the portion of the report which we already have will be of little value.

Senator PLAYFORD.—Sir John Forrest favours Dalgety, not Bombala.

Senator STANIFORTH SMITH.—That does not affect the question. We want all the information we can get with regard to the various sites proposed. The matter is urgent, because the third order of the day on the notice-paper for to-day is the second reading of the Seat of Government Bill, and we ought to have the information for which I ask in our possession before we are called upon to discuss that Bill. As I have said, the document I ask for is really but the completion of the report commenced by Sir John Forrest when Minister of Home Affairs.



Senator MULCAHY.—Has it been published, or is it now in the hands of the Ministry?

Senator STANFORTH SMITH.—I believe it is in the hands of the Ministry, but it has not been laid upon the table, and it has not been printed. I desire that it should be before us that we may know what it contains before we discuss the merits of the various sites proposed. I hope that honorable senators will support the motion.

The PRESIDENT.—Before putting the motion, I ask the permission of the Senate to alter its wording, because I understand that the Vice-President of the Executive Council is not in possession of the report itself, but only of a copy of it.

Senator MCGREGOR.—That is so.

The PRESIDENT.—It would, therefore, be better to put the motion in this form—

That there be laid upon the table of the Senate a copy of a report by Sir John Forrest on Lyndhurst as a Federal Capital site.

Question amended accordingly, and resolved in the affirmative.

#### PAPERS.

Senator MCGREGOR laid upon the table the following papers:—

Transfers approved by the Governor-General, Appropriation Act 1903-4, dated 19th May, 1904.

Report by Inspector-General Owen on proposed Federal Capital Sites in the Southern Monaro and Tumut districts.

#### FRAUDULENT TRADE MARKS BILL.

Senator MCGREGOR (South Australia—Vice-President of the Executive Council).—I move—

That leave be given to introduce a Bill for an Act relating to Fraudulent Trade Marks.

I do not propose to debate this matter until a more fitting opportunity arises on the second reading of the Bill.

Senator Sir JOSIAH SYMON (South Australia).—I wish to ask the Vice-President of the Executive Council, if, without entering into any details, he can intimate whether the Bill he proposes to introduce is substantially the same as the Merchandise Marks Bill, introduced by the late Government. My reason for asking is that I carefully compared the Bill introduced by the late Government with the English law on the subject, and found that it was substantially a reproduction of the English law. I do not wish to have to

go through the same process in connexion with this Bill if it is substantially the same. If the honorable senator could give the information I ask for, it would be of great convenience.

Senator MCGREGOR.—Several alterations have been made. The Bill is similar in purpose to the Merchandise Marks Bill, introduced by the late Government, but it is considerably shortened and simplified.

Question resolved in the affirmative.

Bill presented, and read a first time.

#### SEAT OF GOVERNMENT BILL.

##### SECOND READING.

Senator MCGREGOR (South Australia—Vice-President of the Executive Council).—I move—

That the Bill be now read a second time.

In introducing this Bill, I am only carrying out a work that was commenced by the previous Government. This Bill differs in but a very small degree from that which was previously before Parliament. I shall point out the differences as I go along. Every honorable senator will recognise that there is nothing of a party character in the measure. I believe that every honorable senator has his own opinion with respect to the most suitable site for the Seat of Government for the Commonwealth, and will be prepared to express his opinion in support of the site he favours, as compared with any other. Like the former Ministry, the members of the present Government are divided in opinion as to the locality which should be chosen for the seat of Government. Some think that one place, and some that another, is the most suitable for the purpose. There should, therefore, be no opposition to a measure of this kind because the Government introduce it. I should like to give some reasons why we should, as soon as possible, fix on a site for the Federal Capital. The first reason is, that it is plainly indicated in the Constitution that as soon as possible the Government of the Commonwealth should be carried on within territory, and at a Capital entirely controlled by, and belonging to, the Commonwealth. That is indicated by the Constitution, and it is our duty, I think, as soon as we possibly can, to carry out the intention of the framers of that Constitution. There are other reasons of a different character. While Melbourne, in the minds of some people, would be a very pleasant

place in which to carry on the Government, there are others who may think that Sydney would be a pleasant place. I am sure that Senator Symon, according to his opinions, expressed in the Convention, would rather have Mount Gambier selected. We all differ in that respect.

Senator Sir JOSIAH SYMON.—Mount Gambier, of course, is ideally the best place!

Senator MCGREGOR.—Naturally, I entirely agree with the honorable and learned senator in that opinion; but the Constitution does not permit us to select either of those places. There is also this to be said. According to our experience up to the present time, the Commonwealth is paying quite enough in respect to the cost of government in Melbourne to justify us in selecting a place of our own. In Melbourne we have to obtain—sometimes after a considerable amount of difficulty—offices to carry on the administrative work of the Government. First of all, we have a difficulty in getting such offices. When we do get them, we find that in many instances they are not at all suitable for the purposes for which they are rented. We also have to pay such a very high rental that it would be far better for us to be somewhere in the bush where land values would be lower, and where we could get much better accommodation for a smaller amount of money.

Senator DAWSON.—Any one who wishes to come to see me has to stand out on the staircase.

Senator MCGREGOR.—I often knock corners off myself in going about the present Commonwealth offices.

Senator Lt.-Col. NEILD.—Can the honorable senator state what is, roughly speaking, about the amount which the Government pay in rent for the buildings occupied in Melbourne?

Senator MCGREGOR.—At present, in rent for offices that are necessary, we pay an amount of over £3,000 per annum. But, supposing that it were ultimately decided to remain in a place like Melbourne, and we were permanently to occupy a building like this, do honorable senators think it would be fair to expect the State Government to allow us to do so without paying rent? I am sure that no one would expect any such thing. This building, up to the present time, has cost over £800,000, and before it could be finished it would cost nearly £1,250,000. We should be expected to pay the interest on that

amount. That will give honorable senators an idea of what it would cost the Commonwealth Government to remain in Melbourne. If we went to Sydney, I dare say it would not cost a penny less. On the other hand, suppose we were not to continue in occupation of this building, but, nevertheless, decide to remain in Melbourne, or go to Sydney. What should we have to do? We should have to resume, or acquire, or have granted to us some place on which to build an edifice such as we have here. We might not go to the same expense as has been incurred on this building. But what would it cost to buy either in Melbourne or Sydney suitable land on which to build? It would cost at least £500,000. When we had acquired the site, we should be expected to put up buildings somewhat in harmony with the surroundings, and those buildings would not cost less than £500,000. So that honorable senators can form an idea of the expenditure that would be incurred in remaining in Melbourne. But there is another consideration. If we were to go to a territory selected in the State of New South Wales, as provided by the Constitution, and were to put up buildings there, even if they cost us £1,000,000, the value added to the territory would belong entirely to the Commonwealth. But if we spent money in Melbourne or Sydney, the Commonwealth would receive very little in the way of return. It would go mostly into the pockets of private land-owners or speculators. We have no desire to do anything that would injure these gentlemen, but we have also no desire to do anything to put money into their pockets at the cost of the people of Australia. That is one of the most substantial reasons why, as soon as possible, we should shift to a Capital of our own. Some people imagine—and expression has been given to the idea in the press, and from many a platform in Victoria and New South Wales—that we are going to spend the money of the people of Australia lavishly in some bush capital, amongst kangaroos and emus. How absurd such an idea is! Yet some people spend hours in endeavouring to demonstrate that it is true.

Senator Lt.-Col. NEILD.—Kyabramites.

Senator MCGREGOR.—Well, such people are hardly accountable for their actions or opinions. I think I have indicated what it means to remain settled either in Melbourne or Sydney or in any State capital; and I shall show later on that such

course had never, or seldom, been followed by any of the federations or confederations that have been formed. If we do go to one of these outlandish places where there are no roads, railways, bridges, or anything of that description, and the territory becomes the absolute property of the Commonwealth, every pound we spend in the erection of Commonwealth buildings, such as Parliament Houses, offices for carrying on the administrative work, roads, streets, bridges, water conservation, or railways, will be adding value to property that belongs to the people of Australia. That is a position which we should look at seriously; and it furnishes a very good reason why, as soon as we possibly can, we should shift to this bush capital that we have heard spoken of so often in derision. Before asking honorable senators to consider or to vote on the clauses of the Bill, or to make amendments in it, I think it would be desirable as far as lies in my power to give the Senate, as shortly as I can, an account of the experience of other countries. I intend to deal entirely with English-speaking peoples. If we turn to Canada, what position do we find there? We find that before 1840 Canada was divided into two Provinces—Upper and Lower Canada. The people came to the conclusion that if they formed a kind of union or alliance—or whatever it might be called—it would be well for them to have a common Seat of Government. They left the Governor to decide where it should be. He selected a place called Kingstown; and I think that that would be a very good name for the Federal Capital. Dickens' opinion, when he visited that place, was that Kingstown was a place, one-half of which was burnt down, and the other half not yet built up. But he had no idea how that place would turn out in days to come. Instead of its being a dilapidated town now, we find that it has a very important commercial position. Then the people of Canada decided to make Montreal the Seat of Government. But, for one reason or another, the people of Montreal thought that things were not going as they ought to go, and the mob behaved in such a manner as to set fire to the Parliament House. This conduct disgusted the representatives of the people, who then thought that the best thing they could do was to adopt a suggestion very similar to that put forward here by my honorable and learned friend Senator Dobson. That

*Senator McGregor.*

was that they should have a migratory Seat of Government; and as there were only two Provinces, Upper and Lower Canada, they made up their minds that they would hold the Seat of Government alternately in Quebec and Toronto. They carried on this system for a little while, but it was very unsatisfactory—just as any proposition such as Senator Dobson has indicated would be unsatisfactory in Australia—and, not being equal to the settlement of the question themselves, they asked Her late Majesty Queen Victoria to settle it for them. In 1857 she decided that the capital of the Dominion should be on the banks of the Ottawa, and Ottawa was mentioned as the name to be affixed to the locality where Her Majesty—no doubt, with the advice of those in authority—selected the site. In the first instance, the Canadians rejected the proposed site, but next year they accepted it; and from the time of the acceptance of Ottawa as the Seat of Government of Canada I do not think that any regret has been expressed up to the present. I want to point out the differences in the situation between Canada and Australia. I think that the Seat of Government in Canada was selected in 1857. The Federation of Canada did not take place until 1867. So that really the Canadians had a Seat of Government provided for them before Quebec, Ontario, Nova Scotia, and New Brunswick—which were the original States of the Canadian Union—became federated. In 1870, 1871, and 1873 respectively, Manitoba, British Columbia, and Prince Edward Island came into the Federation. A magnificent place was made of Ottawa—a place for which almost every Canadian who has ever visited it, or has any knowledge of it, has a great feeling of patriotic pride. The Canadians regard their capital city as one of the most glorious places in the world; and from every description of it which I have seen or heard, I think they are justly entitled to entertain those feelings. It took them a very long time before they established a city of any importance in that part of the world. But in 1891 the population of Ottawa amounted to over 44,000 souls. Those figures show how it grew, and there is every possibility that the Federal territory which will be granted to or acquired by the Commonwealth Government, will show the same, or even greater, results in the way of progress. Adjoining Canada is another Federation—the United States of America. Most honor-

able senators know, from the history of that country, that when the United States seceded from British rule, they had a kind of Federation, and were looking for a Seat of Government. But it was many years before they came to a decision in that regard. Their experience was exactly of the same character as that of Canada. First the Seat of Government of the Federation was located in Philadelphia. They had some trouble with the soldiers there, and they removed to Princetown, in New Jersey. That locality did not satisfy them, and from time to time—from motives exhibiting selfishness, and the same parochial feelings that we sometimes see exhibited in Australia—the claims of New York, Philadelphia, and Baltimore were advocated. I dare say that a score of other places whose names to-day can scarcely be found on the map, were also advocated. But something occurred in the United States that assisted them in determining on a site for their Federal Capital—something that I do not think will ever occur in Australia. That was in connexion with the assumption of States debts by the Federal Government. The representatives of two parties, Jefferson and Hamilton—one representing the North, and the other the South—were both in favour of the assumption of the States debts. They determined that they would do all they possibly could to bring about that end. They thought that the easiest way to do it was by granting to Virginia and Maryland the honour of having the Seat of Government in their territory. The whole thing, according to the accounts I have read, was settled at a banquet over champagne and sherry. I do not think that we have had to do anything of that kind yet.

Senator WALKER.—There is a "good time coming," perhaps.

Senator MCGREGOR.—I hope there is a "good time coming." I want to point out the situation that existed in the United States, and the difference between that situation and the one existing in the States which form the Australian Federation. Here we have every one of our States feeling that it will lose something; and if they are not afraid of losing something themselves, they are afraid that another State will gain an advantage over them. But in the United States, New York offered the Government of the Federation the use of its Parliamentary buildings and offices; Philadelphia did the same; and Baltimore

actually offered to raise the money to build new offices for the Federation. I do not hear of any State Government in Australia rushing to do anything of that description. When, through this agreement between Jefferson and Hamilton, it was ultimately decided that the seat of government should be ceded to Virginia and Maryland, what did the States do? If they were granted the Seat of Government, Virginia was prepared to pay \$120,000 towards the cost of resuming land, and the erection of public buildings, on condition that Maryland should provide two-fifths of the amount, namely, \$72,000. Afterwards the Government of Maryland lent the Federal Government a sum of \$100,000; and I do not know whether it has ever been repaid. Here are the States of America rushing to assist the Federation to accomplish the object of good government, but we cannot get any offers of that description from the States of Australia up to the present time. Victoria is the only State that has really made a sacrifice, because she has given us the free use of her Houses of Parliament, and her Government House. The American Constitution provided that the Congress was to fix the Seat of Government, and that it was to be in a territory not exceeding ten miles square, that is 100 square miles. The Federation has regretted that stipulation ever since, and has had to make many attempts to enlarge the area. It was from the American experience, I believe, that the members of our Convention took the idea of having an area of 100 square miles, but, instead of saying that the area was not to exceed 100 square miles, they wisely said that it was not to be less than 100 square miles, thereby giving the people of the Commonwealth, through their representatives in Parliament, an opportunity of selecting an area in accordance with the circumstances of the situation. Every one must recognise that in one locality it might be quite sufficient to have an area of 1,000 square miles, but that in another locality it would be much better to have an area of 5,000 square miles, and we must look at the question from that point of view. I wish to show the opportunities and advantages which the States of Virginia and Maryland gave to the Government of the Federation. They threw open for selection a piece of country extending from the eastern branch of the Potomac to Williamsport at the mouth of another tributary. The President of the Republic was deputed to

select a site, and he had a range from the eastern branch of the Potomac to Williamsport, a distance of over 80 miles in which to make his selection. That is one reason why it would be wise to give whomsoever is to make the definite selection of a site for the Commonwealth, as wide a range as possible, always subject to the assent of this Parliament. The territory in which Washington is situated was described by those who were opposed to any proceeding of the kind, as nothing but a "howling, malarial wilderness," just as we in Australia have been told that the localities we have been considering are in the desert or the wilderness, and all that sort of thing. My desire is to warn honorable senators against those persons both inside and outside Parliament who talk about hot winds, dust-storms, and cyclones in one position, and blizzards and frosty biting winds in another. When the site was selected in America the land-owners in the area gave to the Government all the land which was necessary for the purposes of public avenues, streets, and public reserves. Are we likely to get anybody in the Commonwealth to do this thing? I hope so, though I hardly expect it. In America, the rest of the land required was purchased from the owners, and it was purchased in a manner that was very advantageous at that time, although it may not have turned out so since. The Government took so many blocks, and they only reserved so many blocks. From the sale of the blocks that they took, the Government got sufficient money to pay for the purchase. The original owners, by securing the unearned increment in what they still held, made very large profits, but still the Government got what they really required for absolutely nothing. I am afraid that we are scarcely in a position to make a similar bargain in any portion of New South Wales. But I do not think that we desire to do so. I hope that the people of Australia, through their representatives, will provide that all the unearned increment in whatever territory may be selected, shall belong to the Commonwealth. I might state that, up to a very recent date, the total sum spent on the buildings in Ottawa was about 8,000,000 dollars, or £1,600,000; and the total sum spent at about that time in Washington was about 41,000,000 dollars, or £8,200,000. Originally, both Ottawa and Washington were started in a very humble way, and I think that the progress which they have made

*Senator McGregor.*

has justified the action of their founders. We hear some persons saying that Australia is in an entirely different position from either Canada or America. They remind us of the area and the population of America as well as Canada, and they ask why should a population of less than 4,000,000 persons aspire to have a Federal Capital. In 1867, when the people of the North American Colonies decided to federate, they had a city which was suitable for the purposes of a Federal Capital—their population numbered only a little over 3,686,000 persons, while the people of the United States, when they went in for a Federal union and a Federal Capital, numbered only 3,639,000 persons. When, in 1901, a Constitution was drafted for Australia, which provided for a Federal Capital, its population numbered about 3,773,000; so that we were in exactly the same, if not a better position, than was either Canada or America at this time. We ought to take a lesson from the example of those countries, and I hope that we shall make the same progress as they have since they went in for a Federal Government. The Constitution Bill which was drafted in Sydney in 1891 provided that the Seat of Government should be determined by the Parliament; that, until it was so determined, the Government should be carried on in some place within the Commonwealth, selected by the Governors of the States; and that, in the event of their not agreeing, it should be selected by the Governor-General. The original draft of the Constitution Bill of 1897 provided, in clause 124, that the Federal Capital should be selected by the Parliament of the Commonwealth, and should be in a territory belonging to the Commonwealth, and that, until that decision was made, the course prescribed in the Draft Constitution of 1891 should be followed. New South Wales, or some of her representatives, thought that the interests of that State had not been sufficiently well considered. In the Convention an attempt was made to provide in the Constitution that Sydney should be the Seat of Government; but the proposal commanded only five supporters. Mr., now Sir, Alexander Peacock then moved that the Seat of Government should be in Melbourne, merely with the intention of showing that the representatives of Victoria were just as unselfish as the representatives of New South Wales, and his proposal commanded only three supporters. In the Draft Constitutions of 1891 and 1897 it was left entirely to the

Parliament to say whether the Seat of Government should be in New South Wales or anywhere else. New South Wales did not accept the Constitution Bill of 1898, and, therefore, something had to be done. At the Premiers' Conference in Melbourne a new method was adopted, and so section 125 of the Constitution provides that the Parliament of the Commonwealth shall select the Federal territory in New South Wales, and that it shall not be less than 100 square miles in area, and distant not less than 100 miles from Sydney. It was provided, in order to satisfy some of the other States, that the Seat of Government was not to be within 100 miles of Sydney, and, in order to satisfy Victoria, that the Parliament was to sit in Melbourne until it selected a site.

Senator WALKER.—Until they met at the Seat of Government.

Senator MCGREGOR.—It was provided that until such time as the Parliament of the Commonwealth had selected a Seat of Government, and every preparation had been made, the Government should be carried on, and the Parliament should sit in Melbourne.

Senator WALKER.—Until they met at the Seat of Government.

Senator MCGREGOR.—Yes; but it cannot meet there until a site is selected. I am sure that honorable senators will recognise by this time that as soon as ever the Seat of Government is selected, and the necessary accommodation is provided, they will be in as great a hurry to go from here as the Israelites were to go from Egypt.

Senator WALKER.—Does the Minister think that the Victorians will?

Senator MCGREGOR.—Yes, the Victorians will be glad to go, because they will get away from the controlling influence of local opinion and parochial sentiment. They will get among the kangaroos and emus, and will have freer minds and more patriotic sentiments.

Senator Sir JOSIAH SYMON.—In what journal is that parochialism and local opinion represented?

Senator MCGREGOR.—In every journal I have read except the labour journals, which are impartial. Some difficulty may arise in connexion with the acquisition of the territory in which the Seat of Government is to be fixed. It will be remembered that section 125 of the Constitution not only provides for the selection of a site for the Seat of Government of the Commonwealth, but also provides for the territory in which

that Seat of Government is to be located. And a difficulty has arisen in the minds of some persons with respect to the area which should be included in that territory. I have heard some persons say that the Government of New South Wales, unlike the Governments of Virginia and Baltimore, who rushed to the assistance of the Federal Government, not only with territory, but also with money, will not grant more than 100 square miles to the Commonwealth. The section also provides that the Federal territory is to be granted or acquired by the Commonwealth, and is to be vested in and belong to the Commonwealth, and that any Crown lands contained in that Federal territory are to be granted to the Commonwealth by the State without any payment therefor. I wish to say something else in connexion with that. When we come to deal with the question of area, we should consider what are the powers conferred on the Parliament of the Commonwealth by the Constitution. It is said that, because "not less than 100 square miles" is the term used in the Constitution, that only means 101, 102, or 103 square miles; that, in fact, a very little additional area may be considered as fulfilling all the requirements of the Constitution; but that, if we desired to secure an area of 200 or 2,000 square miles, that would be a breach of the conditions laid down in the Constitution under which we federated, and which the people adopted. Those who hold such opinions should look at another portion of the section, which says—

—shall be not less than 100 miles distant from Sydney.

If the section meant that the area to be acquired should be, say, 101, or 110 square miles, and that that would fill the conditions of the Constitution, the same thing should apply in connexion with the distance from Sydney; but no one has ever attempted to put that forward as an argument. If we can go 300 miles from Sydney to select a site for the Capital, we have just as much right to acquire 3,000 square miles as 300 or 100 square miles.

Senator WALKER.—Many persons in New South Wales, particularly residents of Bathurst and places near Sydney, maintain that the Commonwealth Parliament will not be justified in going more than a trifle over 100 miles from Sydney to select the site for the Capital.

Senator MCGREGOR.—That is what I am trying to deal with.

Senator WALKER.—They are consistent.

Senator MCGREGOR.—I am trying to show that they are inconsistent. This is the position: The New South Wales people or the Parliament of New South Wales, refuses to consent to the acquisition by the Commonwealth of an area that is, to a material extent, over 100 square miles.

Senator STYLES.—The Premier of New South Wales, Sir John See, has objected.

Senator MCGREGOR. — The State Premier has objected. I desire to call the attention of honorable senators to the powers vested in the Commonwealth Parliament by the Constitution. They have only to turn to sub-section xxxi of section 51, and they will there find that the Commonwealth Parliament has power to pass legislation for the acquisition of property from any State or person for any purpose.

Senator MILLEN.—Why does not the honorable senator finish the section?

Senator MCGREGOR. — There is no necessity to finish it. It says that the property must be acquired "on just terms."

Senator MILLEN. — The limitation to which I refer is that we can take only property which is necessary for the purposes of the Commonwealth. The honorable senator must show that the acquisition of a large area, such as he suggests, is necessary.

Senator MCGREGOR.—I hope I shall be able to show that it is necessary for the purposes of the Commonwealth.

Senator DAWSON.—The section does not say that.

Senator MCGREGOR.—It only says—

For any purpose in respect of which the Parliament has power to make laws.

I wish to show that the Parliament has power to make laws in respect of any territory. If honorable senators will turn to section 52 of the Constitution they will find that the Commonwealth Parliament has power to make laws for the peace, order, and good government of the Commonwealth with respect to all places acquired for public purposes, and if they turn to section 111 they will find that the Commonwealth Parliament can take any country under its control that may be ceded to the Commonwealth by a State. When these sections are taken in connexion with section 125 it will be seen that the Commonwealth Parliament has power, when the time arrives, to say, "This is the territory we want, and under our Property Acquisition Act we have power to take it."

Senator Sir JOSIAH SYMON.—Could we take the whole of New South Wales?

Senator MILLEN.—We could take the whole State on the honorable senator's argument.

Senator Sir JOSIAH SYMON.—With the exception of the country within the 100 miles radius from Sydney.

Senator MCGREGOR.—We could leave the people of New South Wales that territory, but it would not be necessary to do what the honorable senators suggest. I point out that we are required to acquire territory on "just terms," and it would not be just to New South Wales to take away from that State any extent of territory which would be detrimental to its interests. But if it could be shown that we could take 5,000 square miles, not only without injuring New South Wales, but that by doing so we should be conferring an advantage on that State and the Commonwealth at the same time, the condition with respect to "just terms" would be fulfilled. If that could not be shown, the terms on which it was proposed to acquire that area would not be just. There are circumstances in which we could take 5,000 square miles without injury to New South Wales. The point I wish to make is that it does not matter what the people of New South Wales think. They may, if they choose, cup up "rusty"; but the Commonwealth Parliament has power to do what its members think proper in order to carry out the provisions of the Constitution. I hope that no friction will ever arise. I hope that when the Commonwealth Parliament has decided where the Seat of Government is to be we shall enter into peaceful negotiations with the authorities in New South Wales, and that we shall find that they will be just as willing to carry out the provisions of the Constitution as are the authorities in any other State of the Commonwealth. I am convinced that they will. At present there may be a little friction, but that is only because there is jealousy and rivalry between one proposed locality and another.

Senator DAWSON.—No; between certain politicians.

Senator MCGREGOR. — Certain politicians represent certain districts, and consequently they are scarcely competent judges in the matter.

Senator STYLES. — They misrepresent them.

Senator MCGREGOR.—I shall not be so hard as to say that, but every one will acknowledge that the representatives of other

States in the Federal Parliament will be unbiased in the matter, and will be prepared to do what is best in the interests of Australia, without being actuated by petty considerations as to how what they propose will affect their constituents.

Senator MILLEN.—The honorable senator thinks that those who will do the talking will be better judges than those who have to surrender the territory.

Senator MCGREGOR.—Does not the honorable senator see that when we enter into negotiations with New South Wales in order to carry out the intention of the Constitution, everything will be put before the authorities of that State? I point out also to the honorable senator that, should difficulty arise with respect to the area that the Commonwealth should acquire from New South Wales we have a High Court for the purpose of interpreting the Constitution, and I think the people of New South Wales will be perfectly satisfied to submit such a question to that Court.

Senator DAWSON.—Senator Millen has not read section 111.

Senator MILLEN.—I have, and I am trying to see what earthly connexion it has with this matter.

Senator MCGREGOR.—We are on a different point now. Under section 125 there may be some room for doubt as to its interpretation with respect to the Government of New South Wales ceding to the Commonwealth all the land in the Federal territory that is Crown land. If the Crown lands to be ceded were of a worthless character, and unoccupied, no difficulty might be raised in New South Wales to the granting of them to the Commonwealth. But if those lands were leased and returning a considerable rent to the Government of New South Wales, or if the Government were deriving a considerable amount in taxation through their occupation, there might be some objection in the minds of the people of that State to granting them to the Commonwealth.

Senator DAWSON.—Section 125 says "granted to or acquired by."

Senator MCGREGOR.—That is a different thing. The section says also that all Crown lands within the territory shall be granted. But "acquired" in that section means acquired from an individual or the State of New South Wales. I now refer to other Crown lands; and if there is a difference of opinion with respect to what are "just terms" in the proposed acquisition of Crown lands

that may be occupied, and returning revenue to the State by way of rent or taxation, is there not the High Court to go to for the settlement of a question of that description also?

Senator MILLEN.—According to the argument which the honorable senator addressed to the Senate just now, the High Court could only say whether the Commonwealth had a right to take territory of whatever area the Parliament pleased, without paying for anything.

Senator MCGREGOR.—The High Court could say that if it pleased, but it could also decide what was a correct interpretation of the expression "just terms" in subsection xxxi. of section 51.

Senator MILLEN.—The Constitution specially gives the Commonwealth the Crown lands within the area.

Senator MCGREGOR.—I hope we shall get them for nothing. Why should we not get them for nothing from New South Wales under the terms of the Constitution?

Senator MILLEN.—Then there will be no need to ask the High Court to determine their value?

Senator MCGREGOR.—But the people of New South Wales or the Parliament of that State may object to it, and I am pointing out that there need be no difficulty in settling the question through the medium of the tribunal which the Constitution has established above even the Commonwealth Parliament. With respect to the area to be acquired, though I may differ from other honorable senators, and from other members of the present Ministry, I have always expressed the opinion that we should have a sufficient area, so as not to allow the unearned increment which will follow the building and improvement of the Federal Capital to extend beyond the bounds of the Federal territory. In this respect, I point out that 100 square miles is nothing. If we take Melbourne, for instance, what will Senator Styles tell us is the boundary of the influence of the improvement of this city? It extends beyond Mordialloc, sixteen or seventeen miles from here. It extends beyond Williamstown, and beyond Braybrook.

Senator STYLES.—There is an area of 132 square miles within what is called the "metropolitan area."

Senator MCGREGOR.—The metropolitan area is only that over which the corporation has power, but if we include the suburbs of Melbourne, we shall find that



the area covered is over 450 square miles. That means an area with a radius of fifteen miles, and we have not then included all the country influenced by the improvement of the city of Melbourne.

Senator Lt.-Col. GOULD.—How long will it be before we shall have a population of 500,000 people settled in the Federal Capital?

Senator MCGREGOR.—It does not matter how long. We are providing not for to-day or to-morrow, for next year, or for the next twenty years. When we are selecting the site for the Federal Capital, and the territory in which it is to stand, we should not make the mistake that was made in the United States where the area secured was only ten miles square or 100 square miles.

Senator Lt.-Col. GOULD.—Thirty square miles of which was afterwards re-ceded.

Senator MCGREGOR.—And the Federal authorities have been sorry ever since that they did not secure 3,000 instead of 100 square miles. We hope that in the near future the Capital of the Commonwealth will be a city of importance. It will greatly depend on the locality in which it is to be situated, how soon that time may arrive. If the Capital is established in one place it may never be important. It may be as Kingstown was in Canada, for when that city was burnt down it was abandoned. It may be as Princetown or Germantown was in the United States of America, never occupied for any length of time. Germantown was approved in one session and rejected in the next, and it was rejected for very good reasons. Here we should have a territory in which the Federal city will have some chance to improve, and I am trying to show that it must comprise an area of much more than 100 square miles. If we go east, west, south, and north, for fifteen miles to reach the boundaries of the growth of greater Melbourne we have an area of over 450 square miles, and I ask honorable senators what the area will be in 100 years?

Senator FRASER.—It is too large now.

Senator MCGREGOR.—I am talking of things as they are. The honorable senator would, no doubt, desire that all the improvement should take place on his station that it might increase the value of his property. I am reminded by the honorable senator of the old lady who said of Glasgow that it would be a fine place "if it were out in the country." We are talking of things as they are. We have cities like Melbourne, Sydney, London, Manchester,

Glasgow, and Liverpool. The conditions of life have brought them into existence, and will maintain them in existence. I shall tell honorable senators the reason why. Improvements in machinery and methods of cultivation, and production, have made it possible for one man to produce as much now as ten produced 100 years ago. The alteration of conditions has also given an opportunity to a man in the country to wear ten shirts for one he could wear 100 or 200 years ago.

Senator Sir WILLIAM ZEAL.—He could not wear them all at once.

Senator MCGREGOR.—That is so, but men do not need to go naked so often as many had to do in the honorable senator's youthful days. I have no doubt that Senator Zeal, when he was young, saw hundreds of persons who had to go barefooted in the cold weather, and hundreds of others who, when their shirt was at the wash, had to go to bed. The improvements in the methods of production have affected all those conditions.

Senator WALKER.—Thanks to individualism.

Senator MCGREGOR.—I hope that continued improvement will alter conditions to a much greater extent in the near future. The result is that fewer people are required to live on the land, and a greater number in the manufacturing centres. That is an economic truth which no one will deny. I am not in favour of centralization any more than is Senator Fraser, but I am pointing out that with respect to the cities I have mentioned 100 square miles is not one-tenth of the area which is required for them. So far as my private opinion is concerned, it would be much better if the Commonwealth Parliament elected to acquire a territory of 5,000 square miles.

Senator MILLEN.—Would not 20,000 square miles be better?

Senator MCGREGOR.—I wish to be fair to New South Wales, and I shall show that I am fair. If honorable senators will take the 36th parallel of latitude from the sea to its junction with the River Murray, and take the Victorian border east from there, they will see that a territory is included which has not been developed to any material extent by New South Wales. The Government of that State is getting very little revenue from that territory, and is never likely to do much with it. But let that territory be ceded to the Commonwealth, and give the Commonwealth Parliament an opportunity of establishing a

Federal Capital there, and the development of that Capital will in the near future be equal to that of Melbourne or Sydney. If, on the contrary, the Federal Capital is located at Lyndhurst, or Bathurst, in some little valley where there is no room for expansion, in a country which is not worth living in, and where there are only crows to keep one company, we shall be endangering the prospects of its growth, and doing an injury and an injustice to the Commonwealth. I have endeavoured to explain the experiences of other countries. I have given a history of the means devised for securing this Federal Capital for New South Wales, and have shown how they have been developed by the different Conventions which have been held for the establishment of the Commonwealth. As I have no desire to occupy the time of the Senate at too great a length, I think it is my duty now to deal with the Bill itself. If honorable senators will take the trouble to look at the measure, they will find that it is only a short Bill of four clauses. Clause 2 provides that the site shall be selected somewhere twenty-five miles from "blank."

Senator FINDLEY.—Where is "blank?"

Senator MCGREGOR.—As far as the honorable senator is concerned, "blank" will be Heaven. I am not going to argue where "blank" will be in this measure. I know where I should like it to be, and probably other honorable senators are in the same position. We have had reports on the various sites, and honorable senators have had opportunities of visiting them. I think that our minds ought to be made up by this time. Clause 3 provides for the area of the Federal territory. There has been a slight departure from the propositions put forward by the late Government in this instance. Under this Bill the area of the territory is to be "not less than the area contained by a square whose side is thirty miles in length."

Senator STANFORTH SMITH.—That precludes Twofold Bay from being selected.

Senator MCGREGOR.—I should like honorable senators to include Twofold Bay. I am not going to oppose them if they desire to provide that the area shall be 5,000 square miles. Such an area would certainly include Twofold Bay. It will be seen from the construction of the clause that it is not absolutely necessary that the area should be a square. It must be an area equal to a space whose side is thirty

miles in length; so that the territory may be of irregular shape.

Senator MILLEN.—It is a clumsy way of stating it. Why does not the Bill state the number of square miles, and leave out the words "contained by a square"?

Senator MCGREGOR.—I do not think there is any difference between saying "not less than 900 square miles" and what the Bill states. Can the honorable senator make a square whose sides are thirty miles in length, any less or more than 900 square miles?

Senator MILLEN.—Why does not the Bill simply say "900 square miles"?

Senator MCGREGOR.—It is merely a different way of stating it.

Senator FRASER.—Only one is much simpler to the multitude than the other.

Senator PLAYFORD.—One is a great deal easier to understand than the other.

Senator MCGREGOR.—I do not suppose that the Government will resign if the clause is altered to "not less than a thousand square miles." The fourth clause provides for the granting and acquisition of the territory. I think that all these clauses are absolutely necessary in a Bill of this description. I have every confidence in putting the Bill before honorable senators. I believe they will give it fair play; and when it is passed by the Senate—as I am almost certain it will pass—and goes down to another place, I think that the discussion that will take place here and the influence of the vote that is given by the Senate will so affect the opinion of honorable members in another place that the probability is that within a very short time we shall have fixed the Seat of Government of the Commonwealth of Australia. When that is done I hope that we shall have done something that we shall never have any reason to regret, but that, on the contrary, in hundreds of years to come, the people of this country, instead of finding fault with what the Commonwealth Parliament did in 1904, will remember them with respect and with reverence.

Senator GUTHRIE (South Australia).—I beg to second the motion.

Senator Sir JOSIAH SYMON (South Australia).—The Minister began by assuring the Senate that—as we had previously understood—the subject matter of this Bill is not really in its essence, whatever it may be in some of its details, a party question. But I think we must all have been struck with amazement that the Minister should

have managed to infuse so much vehemence into a speech dealing with a non-party Bill, in proposing its second reading. It seems to be not so much what is in the Bill, as a sort of unexpressed and reserved land nationalization, which is not in it, that has animated and stimulated my honorable friend's eloquence. I think, too, if he will bear with me for one moment, that it was undesirable that he should have uttered the jibe that fell from him because of a perfectly courteous interjection from Senator Fraser. My honorable friend made a mistake in asserting, even controversially, that nothing would satisfy that honorable senator except to have the Capital site on one of his own stations.

Senator MCGREGOR.—Senator Fraser knows that that was only fun.

Senator Sir JOSIAH SYMON.—That is not exactly the way to carry a non-party Bill of this description through this Senate.

Senator FRASER.—I expected something a little better from the Vice-President of the Executive Council.

Senator Sir JOSIAH SYMON.—These questions of land nationalization, of non-alienation, like murder, will out, even in a speech dealing with a non-party measure. This Bill, in essence and principle, is one to which the Senate may unanimously give its assent. We have done that before. We shall do it again. It is a Bill, the object of which deeply concerns New South Wales. But it also deeply concerns the entire Commonwealth. It concerns New South Wales because it is in fulfilment of a pledge given by the Constitution, on the faith of which New South Wales came into this Union; and I think we must all feel that New South Wales is entitled to have that pledge redeemed, and the question definitely settled at the earliest possible moment, in order that, at any rate, that source of friction or discontent may be removed. In the next place, it deeply concerns the people of the Commonwealth, because it is desirable in the interests of the Commonwealth that this little question—because, after all, it is a small question—should be settled and got rid of.

Senator MCGREGOR.—It is very important, though.

Senator Sir JOSIAH SYMON.—My honorable friend is quite right. I do not dissent from the eloquent expressions he made use of in his speech. It is an impor-

tant question in one sense. But it is a small question in another. It is determined by the Constitution that the Seat of Government of this Commonwealth shall be in New South Wales. There is no getting away from that.

Senator STYLES.—How does the honorable and learned senator arrive at the conclusion that New South Wales came into the Federation in consequence of section 125?

Senator Sir JOSIAH SYMON.—I will tell my honorable friend in one instant, but I should like to finish what I have to say in reference to the exceedingly appropriate interjection of the Minister—namely, that the question is important. I said that it was in essence a small question; he said it was important. I say that it is both. It is important from one aspect and small from another. It is small in this respect, that it merely involves the choice of a locality, which must be within a particular State. We are altogether free from the difficulty and the trouble which was encountered both in the United States and Canada, in consequence of the absence of such a provision as the Convention inserted in our Constitution, with the aid of a Conference of Premiers, and with the consent of the people of Australia, eliminating the struggle on the part of one State as against another to have the Federal Capital within its limits. As long as the Constitution remains as it is, the Federal Territory can only be within the State of New South Wales. Therefore, the small point of the problem is all that remains, namely, what part of New South Wales is practically the most convenient, is best in the interests of the people of the Commonwealth, and from the point of view of the administration of the affairs of the Commonwealth for the site to be in. Conditions of health, conditions of convenience of access—all these things are elements; but are only elements which have to be considered. The introduction of the other matters to which passing allusion was made, are entirely, it seems to me, with all respect, beside the question. Let us determine the site. It is right that we should. It is in fulfilment of good faith that we should. Let us determine it now. We may do what we like when we come to provide the money for the purpose of building. We may postpone it, or cut down the Estimates. We may, if we chose, say that Parliament shall assemble in a bark hut.

Senator DAWSON.—It is not likely.

Senator WALKER.—Or “Under the spreading chestnut tree.”

Senator Sir JOSIAH SYMON.—Not under the auspices of the present Government. I am putting it as to what may be done under the auspices of any Government with less extravagant opinions, and which might cut down the expenditure in such a way as would lay us open to commendation for our economy. But these are all details, and, therefore, in aid of what has already been put to the Senate, I urge that it is beside the question to say that we should postpone this matter until another day. The people of Australia do not want us to postpone it, because we are not proposing now to incur one ha'porth of expenditure.

Senator DAWSON.—Our choosing of the site will release some districts which are now tied up.

Senator MCGREGOR.—It will confer a benefit in that way.

Senator Sir JOSIAH SYMON.—That is so. We have heard something about the open door. In this case there happen to be nine doors open. Originally there were a great many more. As my honorable friend points out, in dealing with this matter we are releasing the people in the sites which are not chosen from uncertainty, and allowing them to go about their daily business, without being harassed by the prospect of the untold wealth which is to be spread amongst them in consequence of the establishment of the Federal Capital. My honorable friend, Senator Styles—and I refer to this because I respect any interjection that comes from him—has asked me how I know that New South Wales was affected in coming into the Federation by this question. At the first referendum the minimum of votes was not obtained in New South Wales, and consequently the Commonwealth Bill was rejected. Union was impossible without New South Wales. Every one recognised that. Then came the Conference of Premiers. One of the elements which was of essential influence in bringing New South Wales to support the union, was the provision that the Federal Capital should be in her territory.

Senator STYLES.—A bribe.

Senator Sir JOSIAH SYMON.—Of course the honorable senator can call any bargain a bribe. I do not grudge him the use of a phrase which may be offensive to New South Wales if he chooses to put it in that way. We may call it a bribe, or part of a bargain. At all events, it was one element in the bargain. If it be a bribe, it must

also be remembered that one of the conditions conceded to Victoria was that the Seat of Government should be in Victoria until the Capital was finally selected.

Senator STYLES.—No.

Senator Sir JOSIAH SYMON.—That was a little bribe.

Senator STYLES.—Victoria approved of the first Commonwealth Bill in which no such provision was inserted.

Senator Sir JOSIAH SYMON.—New South Wales got what my friend would call a handsome bribe, but Victoria was content with a little peddling bribe.

Senator STYLES.—Victoria acquiesced in Federation without anything of the kind, in consenting to the first Bill which did not contain any such provision, if the honorable and learned senator recollects.

Senator Sir JOSIAH SYMON.—I know all about that. The provision was put in to meet the wishes of New South Wales, and to achieve the Union by making it fairly certain that she would have the Capital within her territory. Whether we call it a bribe or a bargain, or a condition, or anything else we please, it was upon the face of that provision that New South Wales came in. Victoria was placated by the joy of our being temporarily here, and she was also satisfied to remove the selfishness of Sydney by giving New South Wales the Capital permanently. Having got New South Wales into the Federation in this way, are we going to turn round and repudiate the bargain? That is a novel principle in political bargains. But I do not believe that my honorable friend would put himself in that position. I do not believe that Victoria wishes to do so.

Senator FRASER.—Is the repudiation of political bargains a novelty? It is becoming rather common now-a-days.

Senator Sir JOSIAH SYMON.—That is a large question. It may be "in the air." But whatever may be said as to expenditure, and as to the time for constructing buildings, and that sort of thing—

Senator STYLES.—That is the point.

Senator Sir JOSIAH SYMON.—This is not the time to deal with it. Let us redeem our pledge.

Senator STYLES.—A noble sentiment!

Senator Sir JOSIAH SYMON.—It is a sentiment of simple, plain honesty; and when my honorable friend comes to consider the position, I am sure he will acquiesce in the appeal made from the Ministerial side of the Chamber, that this Bill

should be passed, so far as its second reading is concerned, without any delay or hesitation. The prototype of this Bill when introduced in the last Parliament was a little different, and was the subject of three amendments. These amendments, or, at least, two of them, were not persisted in. One amendment, moved by Senator Higgs against any alienation of the lands within the territory, was ruled out of order; but, speaking from memory, I think an intimation was given that if it had not been ruled out of order, it would have been withdrawn. Then Senator McGregor moved an amendment, which would have had the effect of extending the territory from the 35th parallel of south latitude to the River Murray, extending eastwards, and Senator Dobson also submitted an amendment, providing, I suppose in the interests of Tasmanian shipping, that the territory should include Twofold Bay.

Senator MILLEN.—There was another amendment by Senator Dobson that the Bill should be read that day six months.

Senator Sir JOSIAH SYMON.—I am dealing with the amendments made in Committee with regard to the structure of the measure.

Senator DAWSON.—Does the honorable and learned senator mind saying on what particular date Senator Dobson moved that amendment?

Senator Sir JOSIAH SYMON. — As Senator Dobson is not present, I shall leave it to the Minister for Defence to distinguish between dates. On that occasion, I pointed out that as it seemed to me, a Bill framed as that was—and as the present Bill is—was scarcely one in which to give effect to the constitutional position. Senator Drake, who was then leading for the Government, differed from me on that point, but I think that there was a little misunderstanding between us. I did not venture to suggest that a Bill was not a proper way in which to give effect to the will of Parliament, but that it was not a proper way in which to give expression to a mere wish on the part of Parliament. I contended that the better way would have been to pass resolutions conveying the desire of Parliament for a particular locality or particular area, which should then be made the subject of what has been described as peaceful negotiations with the New South Wales Government.

Senator DAWSON.—The honorable and learned member believes in red-tape and circumlocution.

Senator Sir JOSIAH SYMON.—I do not; but I believe in respecting the rights and legal position of a State. I am strongly of the opinion, which I then expressed, and which I do not intend to elaborate now, that honorable senators are under a misapprehension when they think that we can positively, preemptorily, and finally enact that we may select a particular territory in New South Wales, and that the New South Wales Government shall hand over that territory to the Commonwealth.

Senator DAWSON.—That is not alleged.

Senator Sir JOSIAH SYMON.—I may not have expressed myself as clearly as I should on the occasion to which I refer, or, possibly, Senator Drake thought my remarks more controversial than they were; but the honorable senator indicated what is really my view, and the view on which I shall support the second reading of the Bill, namely, that the measure, in effect, merely expresses the wish of the Commonwealth Parliament. My view is that the territory, as distinguished from the Seat of Government, which has to be placed within the territory, is the subject of cession on the part of the New South Wales Government, and not the subject of acquisition by any enactment that the Federal Government can pass.

Senator DAWSON.—The Commonwealth can acquire the land.

Senator Sir JOSIAH SYMON.—I do not think that the Commonwealth can acquire the land.

Senator FRASER.—Is the Commonwealth going to traffic in land?

Senator Sir JOSIAH SYMON.—The object of that part of the Constitution is the same as the corresponding part of the United States Constitution. There is to be a territory ceded by a particular State—in America it was by State or States, while here it is by one State—and when that territory has been defined and ceded—that is, when the control of New South Wales over it has been given up—the land, so far as it is Crown land granted to us without price, or private land, for which we can pay at any time, is ours to do what we like with under the Constitution. Then is the time for us to determine the absolute site of the Seat of Government, the territory being Commonwealth property. If honorable senators will look at the section of the Constitution referred to, they will have no difficulty in seeing that that was clearly

the intention. What has to be determined by this Parliament is the Seat of Government; but that is something distinct from the territory to be ceded and acquired, as is shown by the next two lines—

and shall be within territory which shall have been granted to or acquired by the Commonwealth.

Senator PLAYFORD.—“Acquired” means acquired from private individuals.

Senator Sir JOSIAH SYMON.—That is so. The section to which I am referring is section 125.

Senator MCGREGOR.—Section 111 deals with territory ceded or acquired.

Senator Sir JOSIAH SYMON.—That is because the land cannot be vested in the Commonwealth unless it is granted or acquired by the ordinary processes by which land is conveyed from one man to another, or from one State to another.

Senator DAWSON.—Does the section not go on to say “or belonging to”?

Senator Sir JOSIAH SYMON.—The words referred to are used in consequence of the granting or acquisition, and the section does not say “or belonging to,” but—

which shall have been granted to or acquired by the Commonwealth, and shall be vested in and belong to the Commonwealth.

That is merely emphasizing the fact that once the land is granted—either Crown land ceded, or private land acquired—then it shall be vested in, and belong to the Commonwealth for ever.

Senator MCGREGOR.—Territory can be acquired if it belongs to a State; we can acquire land for any purpose.

Senator Sir JOSIAH SYMON.—The Vice-President of the Executive Council has not quite grasped my point. In my opinion, it is an absurd proposition that New South Wales shall be called upon to hand over to us any territory we like, which shall then become ours and be controlled by us. The language of the Constitution in this particular may not be as accurate as it should have been, but, when we contrast it with the language of the United States, Constitution, we see at once that the two provisions were intended to be on the same footing. The intention is not that the Commonwealth Parliament shall ride roughshod over New South Wales, and confiscate the property of that State.

Senator DAWSON.—Read section 111.

Senator Sir JOSIAH SYMON.—I know section 111 perfectly, but at present I am dealing with section 125, which has nothing to do with the former section. Section 125

was inserted for the express purpose of dealing with the Federal Capital.

Senator MCGREGOR.—Why are not the same terms used?

Senator Sir JOSIAH SYMON.—The Minister knows that when there is a provision in a Bill or Constitution dealing specifically with one subject, that provision cannot be overruled or whittled away by some general provision applicable to some other subjects.

Senator DAWSON.—This is not a general provision.

Senator Sir JOSIAH SYMON.—My friends must not think that I am asking anybody not to agree to the passing of a Bill expressing the wish of Parliament. I think the desire ought to be expressed in other language, but, while I do not differ with the Bill on that account, I want to express my view plainly. My friends from New South Wales, and those honorable senators who think differently, will then plainly understand the attitude I take from the constitutional point of view. We ought not to approach this subject with the idea that we are legislating adversely to New South Wales, or to the New South Wales Government or Parliament. I think it inadvisable, on constitutional grounds, and certainly inadvisable on the grounds of expediency, to attempt to dictate to the New South Wales Parliament, and declare willy-nilly—if I may use a common expression—what territory we are determined to take for Commonwealth purposes.

Senator FRASER.—Especially when we have no right to do so.

Senator Sir JOSIAH SYMON.—It has also to be remembered that the land involved is not a piece here and there, but that “territory” is the expression used. That is to say, we are to carve out, or New South Wales is to cede to us, a portion of territory, the soil of which, and not merely the governmental jurisdiction of which, is to become the property of the Commonwealth.

Senator DAWSON.—Do not forget that, according to section 111 there must always be the consent of New South Wales.

Senator Sir JOSIAH SYMON.—The Minister seems to forget the language of his own Bill. In clause 2 we read—“shall be within twenty-five miles of” so-and-so. Suppose we choose under the Bill to select the area which contains the richest mines in New South Wales, do honorable senators think for a moment that New South Wales would be obliged to hand over such territory?

Senator DAWSON.—Those would not be Crown lands.

Senator MILLEN.—Yes, they would.

Senator Sir JOSIAH SYMON.—They would be Crown lands, subject to mineral leases. Is it part of the policy of the Government, for instance, to confiscate the Broken Hill mines? It is said that the Federal territory has to be nationalized—that there has to be no alienation. Suppose we desired to aid our revenue, and included the Great Cobar Mine within the territory, do honorable senators not think that New South Wales would have something to say? I cannot believe it possible that any man can have such an insane idea as that the Commonwealth would do such a thing in defiance of New South Wales and her interests.

Senator PEARCE.—The Minister for Defence has pointed out that the land must be taken with the consent of New South Wales.

Senator Sir JOSIAH SYMON.—The Bill does not say that.

Senator DAWSON.—Instead of trying to score a point, will the honorable and learned member kindly read section III?

Senator Sir JOSIAH SYMON.—I am endeavouring in the most friendly way to assist the Government, but the Minister might as well ask me to read the Bankruptcy Act as to read section III at this point. Later, however, I shall read section III with the utmost care.

Senator DAWSON.—When the honorable and learned senator is on another point, I suppose?

Senator Sir JOSIAH SYMON.—Yes, when I am on another point. It will be seen that I do not read clause 2 according to its language, because, if I did, I should say that the Commonwealth Parliament was going a long way to precipitate a difficulty with New South Wales. The clause says—

It is hereby determined that the Seat of Government of the Commonwealth shall be within twenty-five miles of —

Suppose we were to fill in the blank with "Broken Hill," would not the New South Wales people have something to say? If the land is taken with consent, then it must be the subject of negotiation with New South Wales.

Senator MCGREGOR.—Every law we pass is subject to the Constitution.

Senator Sir JOSIAH SYMON.—All we are doing is expressing a desire, or choice, which we hope will be communicated to the

Government of New South Wales, and we further hope that that Government will fall in with it, as I am sure they will, unless there is some overwhelming reason to the contrary. It must not be supposed that because we use the word "shall," New South Wales has finally and irrevocably to submit. That is the view I take in regard to the Bill generally. It is not competent for us, even as to the territory itself, to say that it shall be—that is, that it shall irrevocably, without the consent of New South Wales—be in a particular place. The Vice-President of the Executive Council, in an interesting portion of his speech, referred to the story of the adjustment of the Capital sites question in Canada and the United States. In some respects his narrative was historically accurate, but in one important respect it was not. Canada was not at all in the position of Australia; the Canadian people were not spared the difficulty of settling in what part of the Canadian provinces the Capital should be placed. There was a struggle for the Capital between the different provinces, and it was in consequence of that—and not the much lesser difficulty with which we have to deal, of merely expressing our wish—that the question had to be referred to Queen Victoria, who finally chose Ottawa. But when the Vice-President of the Executive Council came to deal with the United States, I think he had been misled, particularly in regard to the area. He alluded to the mode in which Washington was chosen, and to the arrangement made between Jefferson and Hamilton, which led to the settlement. That was not a very admirable or very praiseworthy episode in the history of either of these two men. It forms one of the few blemishes on, not the eminent, but the super-eminent, reputation of Alexander Hamilton. There was a contest between north and south as to whether the Capital should be in one or the other, and there was a difficult financial question which—amongst other financial questions, left to Hamilton, with a genius never equalled, to solve for the United States—in the throes of discussion. Hamilton gave away the claims of the north, in order to secure the support, or neutrality, of Jefferson, in regard to the Capital site. He agreed that if Jefferson supported, or did not oppose his financial proposals, he would withdraw the competition of the north.

Senator MCGREGOR.—It must have been a kind of coalition.

Senator Sir JOSIAH SYMON.—Something like the coalition that was proposed with the Labour Party a week or two ago. The Vice-President of the Executive Council, in dealing with this matter, was mistaken in one thing. Under the Constitution of the United States, the area was limited to not more than 100 square miles, and instead of the United States finding that insufficient, and struggling against the restriction, the Government, as late as 1846, restored to Virginia a portion of that State which had been included in the original area. And the Federal area in the United States now is not 100 square miles, but only seventy square miles.

Senator WALKER.—Sixty-nine and a quarter square miles.

Senator Sir JOSIAH SYMON.—My honorable friend is nothing if not accurate in figures. I am obliged to him for the correction. The whole argument that my honorable friend has addressed to the Senate for the enlargement of the area, founded on the experience of America, utterly crumbles and falls to the ground, because it has been found, and is now found, adequate for a capital, which contains 240,000 people, and meets all the necessities of the Government, not of a population of 4,000,000 such as we have in Australia, but of a population of nearly 80,000,000; in a country which, by reason of its resources, wealth, and enterprise, stands in the front rank of all nations. My honorable friend told us that the people of that country were dissatisfied with the area of the Federal territory. But I have shown that the dissatisfaction was in their having too big an area, and that it was reduced. I should like to see the evidence of any dissatisfaction with the more limited area of sixty-nine and a quarter square miles.

Senator MCGREGOR.—The honorable and learned senator is regarding the matter from a different point of view altogether.

Senator Sir JOSIAH SYMON.—I know that my honorable friend has in the back ground, for next session, that reserve policy of non-alienation of Crown lands. In the Bill we are not asked to deal with that question, but with the area.

An area not less than the area contained by a square whose side is thirty miles in length. The term "square" is utterly misleading. It ought to be described as an area of 900 square miles, so that we may know where we are. I do not like that way of drawing a Bill. Until my honorable friend made

his explanation, I thought that it meant a square, or a rectangle, with each side thirty miles in length. If it is to be simply an area of 900 square miles, it may wander like that celebrated gerrymandering scheme of American notoriety from the north of New South Wales to the south, or from the Pacific Ocean on the east to the borders of South Australia.

Senator MCGREGOR.—That is only done to suit physical features.

Senator Sir JOSIAH SYMON. There is nothing definite in that. But, passing from that point, why is it to be 900 square miles; why is there to be this increase of area? If it is to be 900 square miles, why not make it 3,000 square miles? As my honorable friend said, the Ministry have no policy about it. They will agree to 5,000 square miles if any one will move an amendment to that effect. If it is merely the expression of a pious wish on the part of this Parliament to have 900 square miles, and that is to be the subject of peaceful negotiation with New South Wales, well and good. But if by this Bill we are to indicate that the territory to be granted or acquired by the Commonwealth shall contain an area of not less than 900 square miles, we might just as well provide that it shall contain the whole of New South Wales outside the 100-mile limit.

Senator DAWSON.—Why? Give some reasonable ground for making a statement of that kind.

Senator Sir JOSIAH SYMON. — The reason I give is contained in the question—Where is the limit to be drawn?

Senator DAWSON.—Has not the honorable and learned senator already pointed out the limit?

Senator Sir JOSIAH SYMON.—My view is that the limit is 100 square miles, or thereabouts, or so much more as New South Wales will consent to give. Under the language of section 125 we can take as much as we like, but that is not its spirit or intention. If we are going to take 900 square miles, there is no reason given why it should be limited to that area.

Senator DAWSON.—Why did not the Constitution say 100 square miles?

Senator Sir JOSIAH SYMON.—The Constitution is as plain as possible.

Senator MCGREGOR.—No, it is not.

Senator Sir JOSIAH SYMON.—It was not meant by the Constitution to permit the Commonwealth to have an area in which



to provide for experiments in land nationalization, or to create a new State.

Senator DAWSON.—There is nothing in this Bill to say so.

Senator MILLEN.—What does the Minister want it for?

Senator MULCAHY.—He implied it distinctly in his speech.

Senator Sir JOSIAH SYMON.—The object of the provision in the Constitution, as I think every one will agree, was to provide for a Capital site, and not to provide for experiments in land nationalization. Another reason which my honorable friend gave was that it was to prevent the overflowing of the unearned increment beyond the boundaries of the Federal territory. If that is to be the reason, where is that to end? If it is thought that 900 square miles will suffice, some of us may think that it will take 10,000 square miles to keep all the benefit of the Federal Capital from reaching beyond its boundaries, and the position would be that we should be practically taking from New South Wales her territory and setting up a new State of our own. Honorable senators will recollect another part of the history of the United States to which my honorable friend did not refer. The principle of Federation is that the Federal entity should not have any territorial power except that which is absolutely necessary for the particular purposes of its own Government. The whole essence of federalism is against territorial jurisdiction. The exceptions are ingrafted on that principle for the purposes of necessity. That is, if you have a fortification, if you have various other things which are provided for in the Constitution, then, of course, they come under Federal jurisdiction. But federalism, in its essence, is utterly opposed to territorial jurisdiction. For instance, in America, the territory of Columbia has no representation in Congress. It is not a State, it has no municipal government. Its affairs are administered by two or three commissioners appointed. I think, by the President, with the consent of the Senate. That is probably how the affairs of our territory will be governed. Do honorable senators suppose that we could have a senator or a member in the House of Representatives to represent the Federal territory? We could not; nobody would consent to it.

Senator PLAYFORD.—The residents will have no votes, poor beggars!

Senator Sir JOSIAH SYMON.—No; and that reminds me that the residents in the Federal territory of Columbia and in

the city of Washington, although they are citizens of the United States, are not citizens with any representation in Congress, and are not citizens of any State.

Senator DAWSON.—That is not according to our Constitution, as the honorable and learned senator will see if he reads section 122.

Senator PEARCE.—In Washington, have they not a municipal form of government?

Senator Sir JOSIAH SYMON.—They have two or three Commissioners, but they have no municipal government, in the ordinary sense of the term.

Senator PEARCE.—The honorable and learned senator will admit that we are not bound to follow them.

Senator Sir JOSIAH SYMON.—Under the provisions of the Constitution the Federal Parliament may give the residents of the Federal territory municipal powers, or appoint Commissioners, or do anything else. And when the population gets large enough to make up the quota which is necessary in respect of other constituencies, it may even give them representation in the House of Representatives, under the Constitution. But do honorable senators think that, for many a day to come, the Parliament would give these persons six members, or even one member in the Senate? When will it be that these people will have a member in the House of Representatives? Senator McGregor pictured London and Manchester as having a big area. He pictured greater Melbourne with an area of 450 square miles. Senator Styles interjected that the metropolitan area was 132 square miles. When shall we have that area in the Federal Capital? Never within the lives of this generation, and many generations yet to come. The object in withdrawing the Federal Capital from great cities like Melbourne and Sydney, and chiefly, I suppose, from Adelaide, is not to prevent the possibility of a great mercantile centre being established. The object is that we may sit in dignified solitude and isolation, away from those malign journalistic influences which my honorable friend incidentally alluded to, and which are to him the embodiment of all parochialism and narrow local influence. But we are not going to establish a great commercial capital, as everybody knows. Therefore all these illustrations drawn from London Manchester, Melbourne, and Sydney are beside the question; they do not really affect the question one whit.

Senator DAWSON.—The honorable and learned senator has not a good opinion of the River Murray.

Senator Sir JOSIAH SYMON.—I have an excellent opinion of that river. I should like very much to see the Federal territory abutting on a river just as the Federal territory in the United States abuts on the Potomac. But, on the other hand, I have no sympathy with those who desire to include Twofold Bay or any port. I doubt if New South Wales would consent to a valuable port being given away to the Commonwealth.

Senator MCGREGOR.—It is of no value to New South Wales.

Senator Sir JOSIAH SYMON.—I am not saying that it is, but there are prejudices which are wrapped round these things, and as it is not going to be a commercial Capital, but a legislative and administrative Capital, we do not want anything of the kind.

Senator STEWART.—We shall have a navy.

Senator CLEMONS.—Why deny us water access?

Senator Sir JOSIAH SYMON.—I would do almost anything for Tasmania, and I do not know that I should violently oppose Twofold Bay being included in this wonderful streak of Federal territory of 900 square miles, if it is to be that area, if the Government of New South Wales will consent. All I say is that I have no sympathy with that desire. At the same time I should like very much to see the Federal territory planted by a river-side. If that could be done on the Murray, the great river of Australia, or if not on the Murray, on some other useful and permanent stream, that condition would be satisfied. However that may be, I feel that I ought to oppose, and I hope the Senate will not consent to, the provision for thirty miles square in the imperative form of expression to be found in clause 3. Probably anything I say will have no influence with the people or Parliament of New South Wales, but I sincerely hope that in the interests of the Commonwealth, whatever may be said of their own interests, they will not agree with the proposal contained in this Bill. I hope we shall keep as near as we possibly can to the area of 100 square miles mentioned in the Constitution. I sympathise with my honorable friends opposite in their desire to try an experiment in the direction of the non-alienation of land, but I think an area of 100 square miles would be sufficient

within which to try such an experiment, at present. If the reason which moves honorable senators in proposing an increase of the area is only that the field of that experiment may be widened, or the other reason suggested, that possibly the wave of unearned increment, which will have its origin in the Federal Capital, may flow beyond the area of 100 square miles, and extend over an area of 900 square miles, or even beyond that, I may say that I do not think that those are questions which ought to be imported into this Bill, or to be dealt with or even debated on such a measure as this. The more we can restrict this measure to a mere expression of the view of the Commonwealth Parliament as to where the Federal Capital is to be situated the better. I do not say that we should limit the area proposed to be acquired under this Bill to 100 square miles, but it should approach as nearly as possible the limit prescribed in the Constitution.

Senator DAWSON.—Will the honorable and learned senator say how we are to get any unearned increment if, as he suggests, there will be no population in the new city?

Senator Sir JOSIAH SYMON.—I do not say that we shall get unearned increment; it is the Vice-President of the Executive Council who has said so. Every one must know quite well that for many a day the population of the Federal Capital will be chiefly confined to Commonwealth officials, and the members of the Parliament, when it happens to be sitting. These are the views I take with regard to the constitutional position. I desire as fervently as anybody to see the matter settled, for the reasons I have stated. There is a choice of places, and last year I voted for Bombala, because, so far as I could see, it was on the whole the spot which at that time seemed to me to fulfil most adequately the conditions which ought to influence us in our selection—the conditions of climate, convenience of access, and other points which have been so fully dealt with by the various Commissioners. I said at that time, however, that although I voted for Bombala on that occasion, if the question was not then finally dealt with I reserved to myself the liberty to change my mind when the matter came up on another occasion.

Senator MILLEN.—I hope the honorable and learned senator will exercise that liberty.

Senator Sir JOSIAH SYMON.—I propose to do so, but I hope that in doing so

I shall not disappoint my honorable friends. If I exercise that liberty by giving up my first choice, it will probably be because the report which we have had from the late Minister for Home Affairs, on the Dalgety site, has made so considerable an impression on my mind that I am not sure that if the matter were put to a vote to-day I should not be found voting, in the first instance, for that site. I do not now speak finally, because I desire to listen to what honorable senators have to say. Many of them have made an inspection of several of the sites, and they are more familiar with the practical aspect of the question than I am. I shall be largely guided by them, but my choice will, I think, be between the two sites, Dalgety and Bombala. I shall take great interest in all that may be said in comparing these two places; but I may say that I think there is no likelihood of my view being diverted in favour of places further to the north, such as Tumut and Lyndhurst, to which I am aware that some of my honorable friends from New South Wales attach more importance and which they think far more suitable than either Bombala or Dalgety. I thoroughly agree with what the Vice-President of the Executive Council has said as to his hope that by this Bill we shall settle the question, so far as the Commonwealth Parliament is concerned, during the present session. I hope that by passing this measure, in harmony with the desire of Parliament, we shall be able to remove all cause of bitterness and discontent, and such criticisms and cavillings as may arise from the selection of a locality as favouring Victoria against New South Wales. I hope we shall also remove difficulties which may arise from those notions, by whatever name they may be called—*notions of economy, or otherwise*—which have justified some persons in speaking against the selection of a Capital site at once, and have induced them to contend that it would be better to delay the matter for some time to come, when really delay is adding to the mischief to the Commonwealth, and affecting the character and reputation for good faith of this Parliament in postponing the doing of something which the sooner it is done the better, if it is to be done at all. 'Twere well done if done quickly.

Senator MILLEN (New South Wales).—I shall not occupy the time of the Senate at any great length, and I shall endeavour, in addressing myself to this subject, to speak with as much moderation as possible,

and as is compatible with a proper enunciation of the views of a representative of the State in which this matter naturally occupies a great deal of attention. I desire, first of all, to congratulate the Government upon the promptness with which they have taken in hand the settlement of a matter which has hitherto been the subject of some delay. I think the Government are entitled to credit in that regard.

Senator DOBSON.—They have nothing else to go on with.

Senator MILLEN.—Senator Dobson may place that interpretation on the action of the Government, but, without any reservation at all, I sincerely offer them my congratulations on the promptitude with which they have acted. The matter has been held over for something like three years now. During that time efforts, more or less serious, have been made, which have suggested to the people of New South Wales that the matter would be indefinitely postponed. There have been proposals for a six-months' adjournment, and proposals to put the settlement of the matter off for twenty years. The inaction of the late Government naturally induced in New South Wales the idea that there was no serious intention anywhere to complete that part of the Constitution, which provided for the selection and establishment of the Federal Capital. For these reasons the present Government in attempting to carry out this provision of the Constitution promptly are entitled to the congratulations, not only of the Senate, but of the whole of the people of Australia.

Senator DAWSON.—I hope this is not an anointing with oil, preparatory to the use of the razor.

Senator MILLEN.—No, it is not, for I have more congratulations to offer. I wish also to congratulate the Vice-President of the Executive Council on having so far abandoned his previous attitude on this question as to be silent with respect to the thousands of square miles which he thought ought to be secured, and upon being prepared now to agree to the acquisition of a very much more reasonable area.

Senator Lt.-Col. NEILD.—What is the difference between 900 square miles and 1,000 square miles?

Senator MILLEN.—I remind the honorable senator that the Vice-President of the Executive Council originally proposed that the Federal territory should contain an area of 20,000 square miles. He was speaking then from the Opposition corner. The

honorable senator then wanted a quarter of New South Wales, more or less. He did not want merely a Federal territory, such as that suggested in the Constitution, but a new State. He claimed everything south of the 35th parallel of latitude. Nothing less would satisfy the honorable senator when he sat on this side.

Senator PEARCE.—That was very complimentary to Senator MilLEN's State.

Senator MILLEN.—Yes; but we were entitled to regard it very much as we should regard the compliments of a man who put his hands into our pockets, and wanted to take something to which he had no right. When the honorable senator spoke from this side of the Chamber, he not only advocated a Federal territory of 20,000 square miles, but affirmed that nothing less than 2,000 or 3,000 square miles would suffice for the Federal Capital. In view of his very emphatic declarations to that effect, I am entitled now to congratulate the honorable senator upon the acceptance of more moderate views.

Senator PEARCE.—I think he must be astonished at his own moderation.

Senator MILLEN.—I can also congratulate the State of New South Wales on the sobering effects which the responsibilities of office appear to have exercised on the Vice-President of the Executive Council.

Senator MCGREGOR.—I do not want 20,000 square miles this time.

Senator MILLEN.—I have congratulated the honorable senator on the acceptance by him of more moderate views. I shall not associate his moderation with his altered position, but I shall merely draw attention to the fact that the proposal which he now submits to the Senate is very different from that which he submitted only a few months ago from the seat which he used to occupy in this Chamber. One matter with which the honorable senator dealt when he spoke last I shall deal with now, because he has been silent upon the point this afternoon. When he previously discussed a Bill, similar to that now before us, the honorable senator pointed out that although we were asked to select a site, there need not be any fear that anything would be done after the selection had been made. So far as I can remember, he said that there would be ten or fifteen years delay after the selection of the site before anything practical would be done in the way of establishing the Federal Capital.

Senator MCGREGOR.—I meant that a great deal of time would be occupied in surveying the land and clearing it, and erecting buildings—in a legitimate way. I did not mean that there should be any intentional delay.

Senator MILLEN.—I do not wish to be misunderstood. The honorable senator when he addressed the Senate previously upon the question, pointed out that those who wished for delay need not be afraid, because it would be ten or fifteen years after the selection of the site before anything could be done in a practical way in the erection of buildings into which the Federal Parliament could move. The honorable senator has said nothing upon that point to-day, but I desire to address myself to it. Touching the point raised by Senator Symon, in the sentence in which he said that we should place upon the statute-book an announcement of the redemption of our pledges, I should like to say that it can hardly be called a redemption of the constitutional pledge if we merely select the site and do nothing with it.

Senator MCGREGOR.—I never meant that; I meant that we should go on with the work.

Senator MILLEN.—Just so; but the honorable senator, speaking a few months ago, expressed the opinion that in the natural order of events it would take ten or fifteen years to establish the Federal Capital. I say that it ought not to take ten or fifteen years. If we are to establish a Federal Capital at all some practical step should be taken without any waste of time after the site is selected, and without undue extravagance.

Senator FINDLEY.—Half the time mentioned should be sufficient.

Senator MILLEN.—I do not propose to fix a limitation of time, but I take it that to delay fifteen years before any practical steps are taken would be merely to keep the letter of the promise, and not the essence of it.

Senator Sir JOSIAH SYMON.—What I meant by the reference to the limitation was that the matter was not dealt with in the Bill. I did not mean that the matter should be postponed.

Senator MILLEN.—I quite agree with that.

Senator Sir JOSIAH SYMON.—I did not mean to postpone it.

Senator MILLEN.—I am glad to hear the honorable and learned senator's explanation. It is idle to think that we shall be

carrying out the portion of the Federal Constitution dealing with the selection of the territory if we merely select the territory and then say that we do not propose to do anything more for years to come.

Senator Sir JOSIAH SYMON.—Hear, hear.

Senator MILLEN.—I should like to say to those who urge expense as the reason for delay, that no New South Wales representative advocates any lavish expenditure. I venture to say—of course, I have no right to speak for my colleagues, but I believe that they agree with me—that the general feeling in New South Wales is entirely favorable to reasonable economy. When it is urged on the ground of expense that the building of the Capital ought to be delayed, I reply that that is an argument which might have applied before the Constitution was adopted, but ought not to be heard of afterwards. If those who urge that argument believe in delay on the ground of expense, they ought to have gone round and asked the electors not to adopt the Constitution, because it would involve the imposition of this expenditure upon them.

Senator STYLES.—It was of insufficient importance as compared with the achievement of Federation.

Senator MILLEN.—Is it of sufficient importance to repudiate the bargain?

Senator STYLES.—There is no repudiation.

Senator MILLEN.—It would have been a reasonable argument to point out to the electors as a fault in the Bill, and as one reason why they should vote against it, that they should shrink from it because it would impose upon them these financial obligations. But it is no argument whatever, seeing that they accepted the Bill with the knowledge that that Bill would require an expenditure, which they, at that time, were prepared to meet. I want to deal now with the question of the enlarged area. The other matters to which the Bill refers can be more properly dealt with in Committee. But the question of the enlarged area is important. I do not suppose that New South Wales is going to be at all niggardly about a few acres, or for the matter of that about a few thousand acres. But without stating—as I have no authority to do—what area New South Wales is prepared to give, I think I am safe in saying that New South Wales will willingly give up any area which is requisite for Federal purposes.

Senator STEWART.—Who is to be the judge of the area required?

Senator MILLEN.—I am satisfied to take the Constitution. It mentions the purposes for which the territory is to be acquired. I say that if New South Wales is prepared to give up any area which is necessary for Federal purposes, and does give up that area, she gives up all that we have a right to ask her to give up. The question is whether 100 square miles is sufficient for Federal purposes.

Senator STEWART.—No.

Senator MILLEN.—For what purposes does the Federation require an enlarged area?

Senator PEARCE.—For water supply.

Senator MILLEN.—That is a tangible reason. I am perfectly certain that New South Wales will give land adequate for a catchment area.

Senator STANFORTH SMITH.—We also want to make sure that the suburbs of the Federal city are within the Federal area.

Senator MILLEN.—There are only two good reasons which I have heard urged in favour of an enlarged area. The other two reasons which have been urged are, first that the increment resulting from the establishment of the Federal Capital shall be reaped by the Federation, and secondly that an enlarged area will permit of an interesting experiment in land nationalization. First of all, as to the Federation acquiring the increment of value which may be created: I ask, is it a Federal purpose to acquire land in order to obtain the increment which may result from the creation of the Capital in New South Wales? I say, on the contrary, that when the Capital was given to New South Wales, a portion of the benefit from it was expected to be secured by New South Wales.

Senator STYLES.—Their railways would benefit from it.

Senator FINDLEY.—Would not New South Wales receive a benefit?

Senator MILLEN.—But what right have honorable senators to claim that benefit for the Federation?

Senator Sir JOSIAH SYMON.—Or to limit it?

Senator MILLEN.—Or to limit it? On the same principle the Federal Government might say—"We propose to establish a small-arms factory, which will have the effect of employing a number of men. We have, therefore, the right to resume all the territory around it, on the ground that, once

e factory is established and affords employment for labour, the surrounding land will go up in value."

Senator Sir JOSIAH SYMON.—The same thing might be said of a new post-office.

Senator MILLEN.—It might be said of any other public building that was erected in the Commonwealth, that, in order to secure the increment arising from the enhanced value, the Federation should take possession of the surrounding land. It was intended that New South Wales should secure some benefit from having the Federal capital within her territory. If we so enlarge the area as to secure the whole of that increment in value to the Federation, what benefit will New South Wales secure? As to the land nationalization idea, I ask fairly and squarely, what is the Federal purpose there? Is it set out in the thirty-nine articles of the Constitution? Is there any word in the Constitution that gives the Federation power to deal in land nationalization?

Senator PLAYFORD.—The Constitution gives us the power to acquire land.

Senator MILLEN.—Yes, for purposes set forth in the Constitution. If we have power to acquire land for purposes of land nationalization, the Federation can buy up every acre of land in every State in order to do the same thing. There must be a limit to it.

Senator Sir JOSIAH SYMON.—It is a purpose alien to the Constitution.

Senator MILLEN.—That happy phrase entirely expresses it—it is a purpose entirely alien to the Constitution. The Constitution gives the Commonwealth ample power to secure any property it requires, for public purposes. But it is no purpose of the Constitution in order to carry out land nationalization schemes to acquire the Federal territory.

Senator PLAYFORD.—It seems to me that the Commonwealth can deal with its own land as it likes.

Senator MILLEN.—I am dealing with the arguments used in favour of this larger area, one argument being that if we acquire a larger area we can carry out a scheme of land nationalization. I say that that is not a Federal purpose. Land nationalization is a matter of State policy. People who believe in land nationalization can endeavour to go in for it through the instrumentality of the States Governments. If they do, I only hope they will have a more hopeful field for the experiment

than has been afforded in New South Wales. We have had some generations of experiment there, and the result has been a ghastly failure. I am prepared to make a public recantation of my faith in this matter. A few years ago I entered the State Parliament, and lent some assistance in passing the Land Act of 1894 into law. It had for its cardinal purpose the substitution of leasehold for freehold.

Senator MCGREGOR.—And the Government there only leased land from which the settlers were either burnt out, starved out, or washed out.

Senator MILLEN.—The honorable senator would not use language of that sort if he had a little more knowledge of the subject. Any man who has any knowledge of land questions in New South Wales will agree with me that there has been no more pathetic failure than is written in the history of the Homestead Selection and Settlement Lease policy of that State. In confirmation of that statement let me briefly trace the history of that land policy. Many men in New South Wales, like myself, originally believed in the leasing system. Shortly after this system was adopted, when the Farmers' and Settlers' Association met, a proposal was made to enable them to convert their holdings into conditional purchases.

The PRESIDENT.—Does the honorable senator think that those remarks are relevant to the subject matter of this Bill?

Senator MILLEN.—I do, Mr. President, or I should not have made them. I am showing the failure of land nationalization schemes in New South Wales.

The PRESIDENT.—Is there anything in this Bill having relation to that subject?

Senator MILLEN.—Arguments have been used as to why the Commonwealth ought to have this larger area, and I am giving reasons why it should not. A few years ago, as I have said, the Farmers and Settlers' Association scouted the idea of converting these leaseholds into freeholds. A year or two afterwards, when the matter came on for discussion again, the division of opinion upon the subject was practically equal. But more recently on two distinct occasions they have affirmed the principle of converting these leasehold areas into freeholds. These areas are held in blocks of from 200 to 300 acres up to 1,200 acres.

Senator MCGREGOR.—Will the farmers grow more wheat if they are converted?

Senator MILLEN.—No; but there is less humbug in having Government inspectors coming on to the settlements and seeing what the growers are doing and what they are growing. We have never in New South Wales had a fair appraisalment of land values. In some cases the Government were getting more than they ought to get, and in other cases they were getting too little.

Senator STYLES.—There must be very incompetent men on that side then.

Senator MILLEN.—They are not less competent than are the officials on the Victorian side of the river. I am acquainted with the conditions on both sides. I have now dealt with the two principal arguments in favour of the larger area. I do not want to be drawn into a general argument upon the policy of land nationalization, but I say—and here is my objection to this enlarged area—that it is no part of the conditions of the Federal Union to go in for land nationalization schemes, and that we have no right to ask New South Wales to surrender more territory than is necessary for the purposes set out in the Constitution itself. If New South Wales desires that its Crown lands shall be dealt with under a land nationalization scheme it can deal with them in that manner. It owes no obligations to the Federation in that respect. When the Federal Government goes to the Government of New South Wales for the acquisition of territory in that State, I feel perfectly satisfied that in regard to any request for an area sufficient for all legitimate Federal supplies—such as a water supply, or for any of the proper accessories of a Capital site—New South Wales will meet the Federation in a generous mood. But she must not be blamed if she puts her foot down, and says, "We are not prepared to give you a large area of land that is not required for the purposes of establishing a Federal home, or for legitimate Federal purposes but for other reasons—for some social experiments with which you have nothing to do. At any rate, if you want to have something to do with them, you are not going to do it at our expense." For these reasons I shall certainly, when we get into Committee—probably without much hope of success—move for the limitation of the area.

Senator PEARCE.—Hear, hear.

Senator MILLEN.—The honorable member seems pleased at my recognition of the facts. I recognise that in matters of this kind people who want to get something

are not likely to be shifted by any arguments which I am likely to address to them. I recognise their attachment to the land nationalization ideal. But I think they have altogether mistaken the arena in which that experiment ought to be carried out. That is one amendment which I shall seek to have made in the Bill. The other is on a smaller point, and simply relates to putting in better language the provision in regard to the area which it is proposed to acquire.

Senator PEARCE (Western Australia).—I, like the New South Wales senators, think that the time is quite ripe for the settlement of this Federal Capital question, and I am glad that the Government have seen fit to bring it forward as one of the first measures for this Senate to deal with. I also join with Senator Millen in saying that it will not be sufficient to merely select the site, and then allow the matter to remain in abeyance. If we are to have a settlement of the question, it must be a genuine settlement; the selection of the site should be followed by a real commencement with the buildings and necessary offices for the Parliament and the Public Departments. I vote for the Bill on the distinct understanding that the measure is not merely "bluff," but is to be followed by action in the direction I have indicated; and I believe that is the position of other honorable senators. I am pleased to see that the somewhat strenuous opposition which at one time was offered to this project, especially in Victoria, has almost died out, and that now Victoria and Victorians, and the press of Victoria particularly, are coming to recognise that this is a contract which, in all honour, should be respected and carried out. The Bill before us is on the same lines as that previously introduced, and in its provisions has regard to the opinions expressed in the House last session. The proposed area has been enlarged; and I am somewhat surprised at the arguments of Senators Symon and Millen against this proposal. Those senators say that, because the Constitution provides that the area shall not be less than 100 square miles, we must take that as an indication of the maximum area. I wonder if those honorable senators will extend the same line of reasoning to the provision which prevents the Federal Capital being fixed within a certain distance of Sydney. Because the Constitution says that the Federal Capital shall not be within 10 miles of Sydney, are we to contend that

the site shall not be more than 100 miles away? Are we to say that the ring drawn round Sydney by the framers of the Constitution must touch some part of the Capital site?

Senator MILLEN.—The honorable senator must admit that my definition is fair—an area sufficient for Federal purposes.

Senator PEARCE.—But the honorable senator seemed to indicate that, in his opinion, the minimum area mentioned in the Constitution should be taken as the maximum. At any rate, Senator Symon took that view.

Senator FRASER.—That would be handicapping the Federal Capital enormously.

Senator PEARCE.—Of course it would ; and we have only to look at the proposition to see how ridiculous it is. If it is ridiculous to say that, because of the language of the Constitution, the Federal Capital must not be more than 100 miles from Sydney, then it is equally ridiculous to apply the same reasoning to the Federal area, because both sections are exactly the same in language, namely, "shall not be less than." The framers of the Constitution laid down the minimum in both cases, and left it to his Parliament to say what the maximum should be. It is left to us to say whether the area shall be 200 square miles or 900 square miles ; but Senator Symon asked us what would be the position, supposing 900 square miles were asked for, and New South Wales refused to give such an area. It is the province of this Parliament to determine what shall be the area of the territory, and that is what we are now doing for the purpose of keeping the bargain which the people of Australia entered into with New South Wales. If New South Wales, in a spirit of obstinacy, says—"Notwithstanding that you were clearly given powers by the Constitution, and that you are exercising those powers according to your judgment, we, in our judgment, think you are doing wrong, and will place every obstacle in the way of carrying out the contract"—if New South Wales took up such a foolish position, that State must expect the logical result, namely, that the Commonwealth would reply, "Very well, if you will not allow us to carry out the contract, we shall take other means ; if you carry your obstinacy so far as to refuse to come to an agreement, except on your own terms, we shall appeal to the people of Australia to give us power to approach some other State of the Commonwealth." I

point out to New South Wales representatives, and to the New South Wales Parliament, that we have always had that reserve power in the event of obstinacy being carried to such an extent.

Senator MILLEN.—Is an appeal for fair treatment to be called obstinacy?

Senator PEARCE.—I claim that the conditions as to the Federal Capital are placed by the Constitution in our hands. If when we draw up those conditions, the State Parliament continually refuses to acquiesce, unless the settlement be on its own terms—

Senator DOBSON.—Except it be on constitutional terms.

Senator PEARCE.—If a State refuses to come to a settlement except on its own terms, we have the manifest alternative, which I suggest we should take, of altering the Constitution so that an arrangement may be come to with some other State.

Senator DOBSON.—The honorable senator hardly states that point fairly.

Senator Lt.-Col. NEILD.—No doubt any part of the Constitution may be altered, but such a proceeding would be unfair.

Senator PEARCE.—Such a proceeding would not be fair unless a State carried its objection to the point I have indicated. If obstinacy is carried to such an extent, and an alteration of the Constitution be made, the blame will not lie with the Federal Parliament, but with the Parliament who placed obstacles in the way. Senator Mil-len contends that we are entitled to take as much territory as is requisite for the proper carrying on of the functions of the Federal Parliament.

Senator DE LARGIE.—A few acres might suffice for that.

Senator PEARCE.—No doubt a few acres might suffice. For instance, it might be very difficult to prove that a water supply is necessary for carrying on the functions of the Federal Government, and a five-acre block on the banks of the Snowy river, with a few feet of the river, might be all that was requisite. If the New South Wales Parliament are to be permitted to say that we shall have only as much territory as is requisite to carry on the parliamentary functions of the Federal Government—

Senator Lt.-Col. GOULD.—It must be 100 square miles.

Senator MILLEN.—Surely my language was plain ; I said 100 square miles or any



additional area necessary for the purposes of the Federal Government.

Senator PEARCE.—But if it is admitted that an adequate water supply is necessary to the carrying out of the provisions of the Constitution, we might have to ask for more than 900 square miles; at any rate, we should probably have to ask for more than 100 square miles. According to Senator Milten, the Parliament of New South Wales could very well argue that a water supply is not necessary to the functions of the Government.

Senator MILLEN.—I admit all that the honorable senator may say against New South Wales and the New South Wales Parliament; but does he think that any Parliament would say a water supply is not necessary for a city?

Senator PEARCE.—Judging by the arguments used in regard to limiting the area, I give the New South Wales State Parliament a good deal of credit for what it might do. It seems to me that it would be in the best interests of New South Wales if the Commonwealth were allowed to take as large an area as possible. If we obtain one of the areas suggested, that very fact will increase the value of land for hundreds of miles around, and will provide settlers with a local market, which they do not at present possess. Surely New South Wales representatives should take such facts into consideration. The more successful the Federal Capital may be from a commercial stand-point, and the greater population there may be settled there, the greater will be the advantage to New South Wales outside the Federal area. In a Federal Capital I suppose a population of 2,000 people is all that would be necessary for carrying on the functions of the Government; but if we can obtain an area sufficient to guarantee that there will be a commercial, as well as a political city, we may reasonably anticipate a population of perhaps 50,000, which would manifestly be of great advantage to farmers, gardeners, timber getters, coal-miners, and producers for hundreds of miles around. In that way New South Wales would reap a substantial advantage from the establishment of the Capital. Senator Milten, in attempting to combat the arguments in favour of land nationalization, made rather an unfair comparison. In order to prove that it would not be of advantage to the Commonwealth to have a system of land nationalization in the Federal territory he instanced the experience of New South Wales, as alleged

in respect to the leasing of agricultural land.

Senator MILLEN.—But the larger area desired in the Federal territory is not for city purposes.

Senator PEARCE.—I am now dealing with the Federal city, and pointing out that the leasing system will be proposed not merely for the agricultural land, but also for the town land.

Senator MILLEN.—I agree with the honorable senator as to the town land.

Senator PEARCE.—Senator Milten compared the system as applied to land in the Federal territory, with the system which he said existed in New South Wales.

Senator MILLEN.—I was dealing only with lands in the larger area necessarily outside the city.

Senator PEARCE.—I may tell the honorable senator that in Kalgoorlie, which is now worthy of the term of a city, great blocks of buildings are erected on building leases, the present occupiers or builders having no freehold.

Senator MILLEN.—There is the same in Sydney.

Senator PEARCE.—And yet it is found that in Kalgoorlie the leasehold system does not prevent people putting up palatial buildings.

Senator MULCAHY.—Are those State or private leases?

Senator PEARCE.—Private leases. Unfortunately the State parted with the freehold many years ago.

Senator STANFORTH SMITH.—The municipality of Kalgoorlie have land which is let on building leases.

Senator PEARCE.—I know, personally several of the Kalgoorlie ground landlords who have lived for years in luxury and affluence in Perth.

Senator Lt.-Col. GOULD.—On ground rents?

Senator PEARCE.—Yes, on ground rents, derived from land which was obtained from the State, in the first instance, for mere song. Senator Smith can give me more information than I can as to the Kalgoorlie municipality, which derives a very substantial rental from lands let out on building leases to various tradespeople, who have erected very good buildings. The leasehold system is in operation in every one of our great cities, where, in very few cases will it be found that the actual shopkeepers are the owners of the land. The owners, many of them, living in England or elsewhere on the rents. The difference

hat the owners, instead of being the Government or the people, are private individuals.

Senator FRASER.—The shopkeepers want all their capital for their business, and very often have not sufficient.

Senator PEARCE.—The want of capital is an additional reason for having a leasehold system, under which all the capital may be devoted to the business, and need not, half of it, be devoted to buying out private landlords at fancy prices.

Senator FRASER.—There are the two forms of investment.

Senator PEARCE.—And we propose to cut off one, so that there may be more capital to invest in the other. In regard to the Bill itself, I have some slight criticism to offer. Clause 2, it seems to me, places senators in a difficult position, providing as it does—

It is hereby determined that the Seat of Government of the Commonwealth shall be within twenty-five miles of \_\_\_\_\_ in the State of New South Wales.

Senator Symon said that, according to the later reports, there is a distinct bias in favour of Dalgety. If we vote in this particular for Bombala we shall be in this position—that while we might have a majority here who are in favour of Dalgety, as being the best of the Monaro sites—Bombala is the term which is generally used to cover all the Monaro sites—if we vote for Bombala because of Dalgety being more than twenty-five miles distant, we shall leave out Dalgety. I think that, instead of putting in the word “Bombala,” it would be better to put in the words “Southern Monaro.” I throw out this suggestion for the consideration of those who favour a Bombala site, and, if necessary, I shall move an amendment to strike out the 25 miles and to fill the blank with the words “Southern Monaro,” leaving the Parliament quite free to choose the best site in the Southern Monaro district. With regard to Senator Symon's objection to the shape of the area to be taken, I consider that the Government have adopted the best system, because, as Senator McGregor interjected, there might be natural configurations which would necessitate our taking an irregularly-shaped block. I should prefer, if it could be done—and I believe it is practicable—that we should take a ring of country round the harbor of Twofold Bay, and a strip, say, half-a-mile broad for a railway from Twofold Bay up to Bombala, where the Federal Capital would be established.

Senator STANFORTH SMITH.—It would be in the shape of a dumb-bell.

Senator PEARCE.—Yes; and it would be a very good figure of speech, too, because the Capital would be the nucleus of our military arm, and the other end of the dumb-bell would represent our naval arm. Seeing that the Parliament, which is to control the defence of Australia, will be assembled, perhaps, at Bombala, and that the naval force will be stationed in Sydney Harbor, or, perhaps, scattered among the ports of the Commonwealth, and the Naval Department will necessarily be housed near the head-quarters of the Fleet, I think that there is a distinct advantage in having the port of Eden included in the Federal territory; but to take a square block, would necessitate our going somewhere near the area of 50,000 acres, which was at one time suggested by Senator McGregor. I suggest that it is advisable to pass the clause in this form, as it would allow us to take a port, the necessary land for a railway line, and a site in the interior for the Capital. With regard to the amount of compensation, I think that the Government have been very lenient to the land-owners. They might very well have gone back, and fixed the value at that which obtained at the establishment of the Commonwealth.

Senator MILLEN.—Does the honorable senator allow nothing for the increase which has been going on in certain districts ever since that time?

Senator PEARCE.—I think that the increase has resulted from agitations of Federal Capital leagues, and not from the growth of population.

Senator MILLEN.—In one district it is due to a distinct agricultural development.

Senator PEARCE.—If the honorable senator is referring to Tumut, he will find that the developmental value there is due to the fact that New South Wales has built a railway to that town.

Senator MILLEN.—I am not speaking of that place, but of a district in which dairying has become established.

Senator PEARCE.—With regard to the various sites, I can only say that, on a previous occasion, I voted for Bombala, and, like Senator Symon, I feel inclined to transfer my allegiance to Dalgety. But if we are to understand that no port is to be given, I must say that, after the visit to Tumut, I see very little to choose from between Dalgety and Tumut. Certainly the Tumut land is richer, and I believe would support a larger population, but one of the

great advantages in taking a site in the Monaro district, is the proximity to a port, and, therefore, the advantage from the defence point of view.

Senator Lt.-Col. NEILD (New South Wales).—I desire to pay a sincere compliment to the Minister for introducing this measure at an early date, as it indicates a desire on the part of the Government to fulfil a constitutional obligation; but I am not altogether at one with the honorable gentleman with reference to one or two features of the Bill. I have some personal interest in this matter, inasmuch as, perhaps, I was more responsible than any other person for the fact of the Constitution providing that the Capital should be somewhere in the State from which I come. I was the member of the Legislative Assembly of New South Wales who carried through all its crucial stages in that House the measure popularly known as the 80,000 vote Act that caused the rejection of Federation on the first referendum. That was followed by the Premiers' Conference in which the provision for placing the Capital somewhere in New South Wales was agreed upon.

Senator PEARCE.—The honorable senator is responsible for the provision that the Capital shall be in New South Wales.

Senator Lt.-Col. NEILD.—I did not say that. I accept the responsibility for the passage of the Bill which brought about the failure of the first referendum vote. But I did not agree with the bargain which was subsequently made, because, as regards the limit, I subsequently moved in the Legislative Assembly an amendment to provide for a maximum of 200 miles as an addition to the minimum of 100 miles. I maintain that the people of New South Wales never for one moment supposed that the provision in the Constitution limiting the choice to an area more than 100 miles from Sydney was to be strained to its greatest possible limit, and the site of the Capital was to be on the very borders of the State. I understand that there are practically only two sites in the running at the present time, namely, Lyndhurst and Dalgety.

Senator WALKER.—How about Tumut?

Senator Lt.-Col. NEILD.—There are supporters of Tumut as there are of Bombala; but I am not attempting to say who is in favour of one or other of the sites. I am speaking of the consensus of opinion in this Parliament, and taking the opinion by and large, as the mariners say,

of the members of the two Chambers, I have come to the conclusion that there are now only two sites in the running, namely, Lyndhurst, on account of its present and increasing centrality; and Dalgety, on account of its water supply being superior to that possessed by any other site or by any capital in Australia. I remember how I was reviled by a section of the Sydney press six or seven years ago for stating in my place in the Legislative Assembly that it would be five years before a Federal Capital was established. I said that it would take at least two years to select a site, and at least three years to erect the buildings.

Senator MILLEN.—The honorable senator was 50 per cent. out in his first tip, because three years have passed, and it has not come off yet.

Senator Lt.-Col. NEILD.—Yes; it shows that I made a very liberal estimate. By the enthusiasts in our part of the Commonwealth, and by a section of the daily press. I was fairly reviled for making a statement which was considered utterly unworthy of the true Federal spirit that ought to actuate all Australians. A period of over three years has passed, and still the site has not been selected. We hear something this afternoon about the possibility that, if we do select the site now, we may have to wait fifteen years for the buildings. I feel sure that any one in this Parliament who entertains such an extreme view must be in a most minute minority. When I compare clause 3 of this Bill with section 125 of the Constitution Act, I find that an enormous departure has been taken. The Constitution, in section 125, says that—

Such territory shall contain an area of not less than 100 square miles.

but this Bill, in clause 3, says—

The territory . . . shall contain an area not less than the area contained by a square whose side is thirty miles in length.

I fail to see why there should be such an enormous departure from the intention of the Constitution when no valid reason has been given.

Senator DAWSON.—That is only a declaration of opinion. What it means is that the area shall not be less than thirty miles square.

Senator Lt.-Col. NEILD.—The only difference is that one is a declaration for not less than a certain area, and the other is a declaration for not less than nine times that area. They are both declarations, but the

Minister for Defence will see that, if we pass the Bill in the form in which it is submitted, it will be just as competent to extend the 900 square miles to nine times that area, because, in both cases, exactly the same phrase—"not less than"—is used.

Senator DAWSON.—It is only to be done by consent.

Senator Lt.-Col. NEILD.—If, at the end of three years we deliberately take nine times the area prescribed in the Constitution, we might find before the end of another three years that we want 8,000 square miles. There would be very little of New South Wales left.

Senator STYLES.—The area would be stated in the Bill.

Senator Lt.-Col. NEILD.—There is no limitation in the Bill, any more than in the Constitution. The area as stated in the Bill would be not less than 900 square miles. If the Government in introducing the Bill had actually fixed a limit with respect to area there would be something to fight for, but I fail to see how we can possibly be asked to support a piece of legislation which is just as indefinite in the form of this Bill as in the Constitution.

Senator MILLEN.—This is only running the minimum up.

Senator Lt.-Col. NEILD.—That is all.

Senator DAWSON.—Is not that a matter for communication between the two contracting parties?

Senator WALKER.—Why not say, "not more than" a certain area?

Senator DAWSON.—The Bill can be altered in Committee. We are now considering the second reading.

Senator Lt.-Col. NEILD.—I have already indicated my feeling of dissatisfaction with the provision in the Constitution which limits the selection of the site of the Federal Capital to some place not less than 100 miles from Sydney. I have regretted that when the distance from Sydney of 100 miles was fixed as a minimum there was no maximum fixed, and for the same reasons I should like to see a maximum as well as a minimum area fixed by this Bill. At present no maximum is fixed, and the area is to be 900 square miles, and as much more as perhaps some Ministry less reasonable than the present might wish to grab. It is impossible to suppose that the present Ministry have any desire to filibuster the territory of New South Wales in any unreasonable manner. But it is just possible that, owing to the casualties of political existence before this matter is

settled, some other persons may be entrusted with the government of the Commonwealth.

Senator DAWSON.—There are no casualties on our side. All the dead and wounded are on the other side.

Senator Lt.-Col. NEILD.—If my honorable friends have achieved the elixir of political and human life, they are more singularly fortunate than any similar number of gentlemen with whom I have had the pleasure of coming in contact. I point out that there are casualties in the lives of Ministries, as well as of individuals, and if we pass this measure in its present form, and proceed to enter into those charming negotiations to which the Minister for Defence has referred, we may find that before those intricate, troublesome, and onerous negotiations are completed, in the course of long years, some Ministry less reasonably disposed may have come into power, and, acting on the authority of this Bill, they may claim a great deal more than the 900 square miles stated here, not as the maximum area to be acquired, but merely as the minimum area, which may be exceeded to any extent that the necessities of the Ministry of the day may seem to require. For these reasons I shall, in Committee, support any action which may be taken that will have a tendency to limit, in some more reasonable form, the area which it will be open to the authorities of the Commonwealth to acquire. Senator Pearce has been good enough to tell us of all the calamities which may fall upon the people of New South Wales if they are not disposed to give any area, from 900 square miles and upwards, that may be demanded under this Bill. The honorable senator promised us an alteration of the Constitution. I do not know where Bombala "would be then, poor thing," as the nursery rhyme has it. We might then, perhaps, find that instead of being somewhere in New South Wales, the Federal Capital might be located in the interesting locality known as Coolgardie. That once pleasant sea-port, Albany, might be fixed upon, and in fact all sorts of things might happen if the honorable senator's threat were carried into effect. I do not think, however, that the people of Australia will be called upon to alter the Constitution in any such direction. I think there will be sufficient good sense displayed between the Federal Parliament, the State Parliament of New South Wales, and the people of that State, to enable them to arrive at a

reasonable and just determination, particularly when difficulties which cannot otherwise be adjusted, can, no doubt, on appeal, be presented to the High Court, and the High Court can determine what is necessary under the Constitution for the purposes of the Commonwealth. It cannot possibly be that it is the duty of the Commonwealth to seek huge areas for, say, agricultural or pastoral experiment. If it is not competent for the Commonwealth to take large areas for carrying out a project, say, for growing cabbages for all Australia, it cannot, to my mind, be any more a duty of the Commonwealth, imposed by the Constitution, to seek large areas even for so admirable an experiment as that of land nationalization. When the last speaker was concluding his remarks, something was said about leaseholds in the vicinity of Sydney, and Senator Millen has made reference to the unfortunate, and as he phrased it, "the pathetic failure," of leaseholds for agricultural and pastoral purposes in New South Wales. I can also refer, not perhaps, to the failure, but at least to the extraordinary disability imposed upon large areas surrounding the city of Sydney, in consequence of the 99 years' lease system existing there.

Senator FINDLEY.—Quite the reverse is the case in connexion with the New Zealand leaseholds.

Senator MILLEN.—Let me say that the New Zealand system has not been sufficiently long in force to give the tenants experience of reappraisalment, which comes on shortly.

Senator FINDLEY.—It has been so long in force that if there had been failures they would have been published before now.

Senator Lt.-Col. NEILD.—I was speaking with reference to leaseholds in the State of New South Wales, and I can refer just to one matter to show the difference between freehold and leasehold. In respect of the power to borrow money there is a disability placed upon leasehold property that no process of legislation can get rid of.

Senator FINDLEY.—The owner of a freehold very often finds it difficult to get rid of the usurer, when he has to borrow money.

Senator Lt.-Col. NEILD.—I am aware that these interruptions are made in a kindly spirit and in perfect good humour; but they are still somewhat disturbing to one who is seeking to submit certain propositions. My proposition is that we may have a large area for our Federal territory—it

could not be said that it was required for the Capital, because no city that ever existed, or ever will exist, in Australia, a country with a limited rainfall, could require 900 square miles for its accommodation. We shall never have one that will require ninety square miles to accommodate it. A limitation of human occupation has been fixed by the scanty rainfall which, so far as we can learn from science, has existed in Australia for all time, and is likely to continue to exist. On that account we are never likely in this part of the world to have a city requiring accommodation for such a huge population as has been suggested. But, apart from the site, what are we going to do with the rest of the Federal territory? It is proposed, with a view to obtaining the unearned increment, as it is called, that we shall run some system of leasehold. It may be called land nationalization or simply leasing, as it comes to very much the same thing with the State as landlord. If we have that system in force within the Federal area, how will land within that area compete with the freehold land of New South Wales existing immediately outside it? In our experience in New South Wales the man who can obtain freehold will prefer it to leasehold in ninety-nine cases out of 100.

Senator DAWSON.—That is because it gives him a better chance if he wants to mortgage it.

Senator Lt.-Col. NEILD.—Precisely; that is the point I made just now. It makes a difference of one, and frequently of two per cent. where a man requires to borrow money. I can refer honorable senators to the great areas in the vicinity of Sydney on the Holt-Sutherland estate, with charming water frontages, railway accommodation, and proximity to one of the greatest parks in Australia, and yet the land cannot be let at 7s. 6d. an acre per annum, or thereabouts. There is very little settlement upon it, with the exception of a few people who are keeping poultry farms, whilst freehold land in the immediate vicinity fetches a good price. I point out that, if we are to acquire a great area as Federal territory, we shall, in human probability, be merely burdening the Commonwealth with an area of land which will be more of a nursery for noxious weed and a haunt for noxious birds and beasts than anything else.

Senator DAWSON.—Not if we select Tumut.

Senator Lt.-Col. NEILD.—Some years ago a law was passed in New South Wales dividing all the pastoral holdings into, presumably, equal parts. The pastoralists continued to hold one-half of their holdings, whilst the other half reverted to the State, and was let on short leases. What was the result? Nearly the whole of those portions of the holdings which reverted to the State, and were subsequently dealt with as leaseholds, became but nurseries for noxious weeds and the haunts of noxious animals. Senator Millen, who has, perhaps, a larger knowledge of the western country of New South Wales than any other man I ever met, will bear me out when I say that those resumed areas, as they were called, in scores and hundreds of cases became a perfect curse to the occupants of the adjacent holdings.

Senator DAWSON.—That was because of the absence of water.

Senator MCGREGOR.—The whole trouble there was due to dummyming.

Senator Lt.-Col. NEILD.—No. I am speaking of the western area of New South Wales, and the dummyming took place in what is known as the central area.

Senator MILLEN.—The resumed areas were not dummied or selected, but abandoned, and there are 8,000,000 acres of them there to-day.

Senator DAWSON.—They were only abandoned because they had no water frontages.

Senator MILLEN.—Similar country held under other conditions continues to be occupied.

Senator BEST.—We have had exactly the same experience in the mallee in Victoria.

Senator DAWSON.—Because no water can be got there.

Senator Lt.-Col. NEILD.—There is no doubt that it must be the same wherever we go. These difficulties are not peculiar to New South Wales. In every place where human occupation goes on, and is largely limited or controlled by questions of finance, it is clear that where men cannot borrow money on an unsatisfactory freehold title, they cannot borrow on an unsatisfactory leasehold title, and there is this further difference, that whilst a freehold title may have some flaw in it, which renders it unsatisfactory, the mere fact that it is leasehold makes the title unsatisfactory in the other case. It makes it unsatisfactory, because, however willing people may be to lend money on properties of the kind, trustees cannot do it. Until very recently trustees in England could not lend

money on colonial securities. Exactly in the same way trustees cannot lend money on mortgage of leasehold properties. That limits the amounts available for investment on such properties, and hampers the unfortunate occupant who desires to improve his holding. It is all very well to say that people should not borrow. The world could not go on without borrowing. Australia could not have been developed without borrowing. We should not be sitting in this building without borrowing. We should not have a mile of railway to travel on without borrowing. If the world's operations were limited to a cash basis it would be reduced to such a state that the crash of another planet falling on it would be a small disaster in comparison. My honorable friend, Senator Millen, gave utterance to a sentiment which I should have used had I spoken first—and which I now cordially indorse—that so far as New South Wales is concerned, I believe that every representative of that State, no matter in which House he may sit, will willingly subscribe to the proposition that a suitable area for the needs of the Federal City should be granted. There would be the utmost willingness to provide all the additional land which was requisite to secure the purity of the water supply of the Federal City. Personally, I should be willing to vote for any area that it could be shown was at all necessary to secure an abundant supply of water and the control of the watershed.

Senator DAWSON.—That is, by gravitation.

Senator Lt.-Col. NEILD.—I should undoubtedly prefer gravitation to pumping. In that way it seems to me that if we are going to discuss what particular sites we may favour, there can be no question that Dalgety takes first place for water supply amongst possible sites. The drawback is that there is no line of railway to Dalgety, and many miles of additional railway are requisite to make a through connexion either with Melbourne or Sydney. While I desire to see the fulfilment of this obligation of the Constitution, I certainly wish to see the Federal Capital established in a position that will give through traffic between the great cities of Australia. I do not want to see the Federal Capital established at the end of a railway siding, or a siding 100 miles long. There ought to be through communication between the great cities. Wh

I say the great cities, I do not mean Melbourne and Sydney only. I mean all the great cities, because while Melbourne and Sydney are most immediately connected, there are also Brisbane and Adelaide, and by-and-by there will be Perth linked together. If we could build a bridge across to Tasmania, that also would be a most desirable thing; but I only know of one man who could do it, or would be willing to do it, if we provided him with the money, and his name is the Honorable E. W. O'Sullivan. We cannot have that, but we can have the Capital on a railway line that will connect Brisbane and Sydney on the north, and Melbourne and Adelaide on the south. In my opinion that connexion should exist. The other site to which I have made reference is Lyndhurst. The water supply there is not so good as it is at Dalgety. It does not compare with that site in that respect. Still, I believe the water supply of Lyndhurst to be ample. From the information which I have from Government officers, I do not believe there can be any doubt with regard to the water supply there. I further point out the splendid centrality of Lyndhurst as being on the line directly north of Melbourne, where that line runs almost straight north, instead of winding away east, as it does to reach Sydney. With the future connexions to the South Australian railway system on the one side, lines actually in process of construction now so far as New South Wales is concerned, only one link is required to make an almost direct line to Brisbane. There can be no doubt about the centrality of Lyndhurst as compared with any one of the other sites that are at all in the running. Year by year that site must become more and more central; because, unquestionably the trend of population and the development of occupation is northwards.

Senator DAWSON.—To Queensland.

Senator Lt.-Col. NEILD.—To Queensland. The sea-board corner of New South Wales has been filling up to a remarkable extent, and, as Senator Dawson has correctly shown, the trend is right up the eastern coast. Already the population of the eastern coast entirely outnumbers the population of any other part of the Commonwealth on a similarly sized area. Of course I am not talking of any little sections. That development must continue. Why? For the simple reason that the eastern coast of Australia is, as yet, less

developed than the south coast. And, as we go northwards along the east coast, we get the finest rainfall in Australia. As I have said, rainfall is the true test of the limits of human occupation in any part of the world. It is the test, not only of human occupation, but of occupation by the brute creation, and, still further, by the plants and grasses which make possible the occupation to which I have made reference.

Senator STANFORTH SMITH.—Rainfall is not the test of occupation at the North and South Poles.

Senator Lt.-Col. NEILD. — Unfortunately, I have not been at either of those charming summer residences. I do not know what the rainfall is either at the North Pole or the South Pole. But we can look all over the known globe, and no one can pay the least attention to the rainfalls of the countries of the world without knowing that what I have said is a truism—that rainfall is the test of occupation. Recognising that fact, we have a right to expect a greater growth of population northwards than even westwards. I am not making any unpleasant remarks about any locality, because I know the great possibilities of the west. I am aware that there is an immense area awaiting development there. But, on the other hand, to the north we have a country that will carry a population immensely larger than it at present sustains. For these reasons I think we have a right to look rather to the north than to the south of New South Wales, or, at least, to some central position therein, for a suitable site for the Capital that this Chamber has evinced, I will not say an enthusiastic, but at least a kindly and laudable disposition to select a site and to see a Capital erected thereon, under the terms of the obligation contained in the Commonwealth Constitution.

Senator STANFORTH SMITH (Western Australia).—I am very glad to see that in the debate, so far as it has gone, every speaker has evinced an earnest desire that this question may be settled as soon as possible, and that the bond we entered into with New South Wales prior to Federation shall be carried out in spirit, as well as in letter. I feel sure that during this session that obligation will be honorably met, and I am not going to strike a discordant note in this debate. I am as anxious as any honorable senator that this matter should be settled, and I go further, and say that when we do decide upon a site we should, without

any reasonable delay, take steps to establish ourselves within the territory selected. The first steps taken with regard to the Capital site were so long ago as November, 1899, when Mr. Oliver was appointed by the New South Wales Government to inspect certain localities. Mr. Oliver is the President of the New South Wales Land Court, and, possessed of extensive knowledge of that State, was eminently qualified for the duties he had to perform. Subsequently a Royal Commission of four members from the different States, with Mr. Fitzpatrick as chairman, was appointed, and we were furnished with an exhaustive report, together with plans and other information. There has also been a personal inspection of the majority of the selected sites, by nearly every member of both Houses; and I sincerely hope that, with other information which we have, and information which we ought to have, we shall be enabled to come to a decision. Last session we narrowed the choice from twenty sites to two or three sites; and in this connexion I have a certain complaint to make against the Government. Towards the end of last session the Minister for Home Affairs asked for a sum of about £2,000, in order to obtain reports on the two or three sites which remained open to discussion, and a surveyor thoroughly conversant with the district was appointed to inspect Monaro, with a second surveyor, a resident of Tumut, to inspect and report on the latter area. The Chief Inspector of Public Works, Colonel Owen, was also asked to make an inspection, and he reported on all three sites, or, at any rate, on the Monaro and Tumut districts. Then Sir John Forrest, who was Minister for Home Affairs, made a report; and the complaint I have against the Government is that we did not obtain that report in its entirety without having almost to violate the Standing Orders, and besiege the Government for about three days. We now have the report of Sir John Forrest; but the reports of the two surveyors, Messrs. Chesterman and Scrivener, who were commissioned about six months ago, have not yet been laid on the table of the Senate. I do not know how much of the £2,000 was spent in obtaining these two reports from experts; but I do not see why there should have been any expenditure if honorable senators are to be placed in no better position than they were during last Parliament to come to a right decision. These

reports have not yet been seen by any member of the Senate, although they were laid on the table of the House of Representatives six days ago. I do not see why this should be so, considering that these reports were called for by the Minister of Home Affairs, and that the Senate was the first Chamber to consider the question of the Capital site. Seeing that this is an urgent matter, and that the Government ought to desire honorable senators to have the fullest information, why were the reports not printed and circulated? If we do not receive those reports the £2,000, or whatever was the cost, is money absolutely wasted; and the Government must admit that they have treated the Senate with scant courtesy, and have shown no anxious desire to supply the fullest information. I hope the omission will be rectified at the earliest opportunity, although I know that we must make allowances for the Government. In the first place, the Government are new to office, and have an enormous number of routine administrative matters to attend to; and further, they have had a particularly trying time. They have had the sword of Damocles hanging over their heads, and that in itself is enough to somewhat distract their attention. Indeed, for the last week or two I think the Government have been in rather a worse position than the Russians, seeing that there have been two parties trying to bottle up the Government. Under the circumstances, I think the Government may be excused; but it is most unfortunate that when we are asked to decide this most momentous matter—perhaps, one of the most monumental we shall have to decide—the two expert reports, which we particularly want, are not laid on the table, although the Government have had them in their possession for six days.

Senator DOBSON.—How can the honorable senator congratulate us on settling the matter promptly when we have not the necessary information?

Senator STANFORTH SMITH.—I am not congratulating Senator Dobson, because I have not heard him speak; but I congratulate other honorable senators on the desire they have evinced to have this matter settled at once.

Senator DOBSON.—Without the information which the honorable senator says is so important?

Senator STANFORTH SMITH.—The information is in the hands of the Government, and could be given to us



to-morrow. Last session I asked the Government for certain information to guide us to a decision. We then contemplated only two sites, and I asked the Government to get the surveyors to mark out in each district an area of 1,000 square miles in the position they thought most suitable for Federal territory, and then to obtain from the residents an idea of what would be the cost of nationalizing that land. That information could have easily been obtained, and it would have been a splendid guide to us in refuting the statements of those who say that an enormous expense must be undertaken in order to establish the Federal Capital. I know that, so far as regards Dalgety, and also, I believe, Batlow, a large area is Crown lands, and the cost of resumption would be very small. I also asked the Government whether, if we selected an area of, say, 1,000 square miles, we should have the right under our Constitution to take the whole of the Crown lands free. That is a legal question on which I ask the Government to obtain the opinion of the Attorney-General. I also asked that the surveyors, or the Chief Inspector of Public Works, should prepare an estimate of what they thought would be the minimum cost of the Federal Capital during the first ten years. Such information would not only have been useful to ourselves, but would have served to answer the absurd statements made by a lot of people that, if we establish the Federal Capital in New South Wales, we must spend millions and millions in the first few years. However, my suggestions were not acted upon, and we are in the position of not having the information which I desired. Senator Symon made a very telling point when he said that we have no right to select a site in New South Wales unless we first get the consent of the New South Wales Government.

Senator DOBSON.—Did the honorable and learned senator mean an area beyond 100 square miles, or any site?

Senator STANFORTH SMITH.—The honorable and learned senator meant that we had no right to select any site, and he gave some illustrations of his argument. He asked whether, if we took Broken Hill, it was likely—

Senator FRASER.—We could not take that area—that is the answer.

Senator STANFORTH SMITH.—He pointed out that, if we could take 1,000 square miles of Crown lands in any part of New South Wales, and we took Broken

Hill, which is within the area allowed to us, we should come to an impossible position, because New South Wales would not give up such territory. The honorable and learned member also instanced, in a similar way, the Great Cobar mine. But he quite overlooked the fact that the New South Wales Government commissioned Mr. Oliver to select certain sites for the Federal Government, and that he selected a great number. On Mr. Oliver's report, the New South Wales Government asked the then Prime Minister, Sir Edmund Barton, to select certain of the sites, and Sir Edmund Barton selected about twenty. Then the New South Wales Government reserved a large area on each of these sites, so that the Federal Government could decide on any one of them. Does not all Senator Symon's carefully built-up argument fall to the ground when we know that the Dalgety, Tumut, Lyndhurst, and other sites are already reserved by the New South Wales Government for the special use of the Commonwealth Government, if the latter choose to make a selection?

Senator BEST.—That does not necessarily bind the New South Wales Government.

Senator STANFORTH SMITH.—But is it not a recognition that if we want land within any of those areas it is there for us? Is it not perfectly evident that the New South Wales Government would raise no objection to our taking a reasonable area, seeing that they have already reserved the land? Then there is the question of whether we should have the right to take 900 square miles. If it is desired to have a large area in order to nationalize it, irrespective of the actual requirements of the Federal Capital, I am one of those who believe that we have no right to take that course. But I am strongly of opinion that we have a perfect right to take sufficient land, so that the city and suburbs shall be self-contained and under one jurisdiction so that the whole of the catchment area shall be in Federal territory, and our source of water supply shall not be polluted, so that we can create artificial lakes and form large parks. When we come to consider the question from that point of view I contend that an area of 900 square miles is not at all too much.

Senator FRASER.—It depends on the situation.

Senator STANFORTH SMITH.—Certainly it depends on the situation; but I am speaking in general terms. The Bill postulates an area of thirty miles square. The

means that if the Capital were placed in the very centre there would be New South Wales territory within fifteen miles. It is contemplated, if the site is at Dalgety, to have a lake three miles across. If the Capital is built even in the centre of the Federal territory—and it is not altogether probable that it will—we must have an area fifteen miles round in order to insure that for all time the suburbs shall be in Federal territory. What would be the effect if the city were in the Federal territory, and the suburbs in New South Wales? We should have divided jurisdiction. One authority would control the suburbs, and a totally distinct authority would control the city. If we wished to bring in a system of tramways or a water supply, we should have endless difficulty with two jurisdictions, which, possibly, though I hope not, might be in hostility to each other. We ought to provide for the extension of a city which is to last perhaps for thousands of years. It is impossible for us to say to what number the population of the Capital will grow, and if it is only equal to that of Washington, it will be 250,000. That is a place with no trade and commerce, whereas our Capital may be a place with trade. In some of these sites the land is auriferous, and suitable for growing fruit and wheat. With railway communication the areas may become very populous areas. We may have a town which in time may approach Chicago in point of importance. If the Government of New South Wales is reasonable, it will recognise that, in asking for an area of 900 square miles, we are not trying to found a State on the principle of land nationalization, although I hope that we shall do that with the area, but are seeking to insure that the city and suburbs shall be under one jurisdiction, and that we shall have plenty of room in which to lay out parks and reserves, and conserve water. Honorable senators, in discussing this question so far, have not made any comparison between the three sites, because they have had no further information, except Sir John Forrest's report, of which only a portion has been printed, than was available last session. By going to the Clerk of Records and to the Minister of Home Affairs to see the reports, although they are not printed, I have been able roughly to make a comparison between the three sites—Lyndhurst, Tumut or Batlow, and Monaro. It is admitted that Lyndhurst has a fine climate. Senator

Neild made a great point of its centrality. But I do not think that centrality is one of the most important aspects in considering the question of a site. If it is decided the Federal Capital shall be in the centre of all future population, then, perhaps, it will have to be built in the desert country. But if we take a site like Tumut or Dalgety, we are only within 250 miles from the geometric centre of population. Surely, if in a continent of 3,000,000 square miles, we put the site within 250 miles of the centre of population, we shall be going as near enough to accessibility from all parts as we should require. I think that the claim that we shall select Lyndhurst, because it happens to be nearer the centre of population, is an untenable one, or is a factor which should not weigh against the question of water supply, climate, and other considerations which are of such vital importance. Although the climate of Lyndhurst is good, it is subject to great extremes. The lowest rate of temperature there is 15.4 degrees, or 16 degrees below freezing point; it suggests to us a Polar expedition. It has a lower temperature than any site except Bathurst and Armidale. So that no reading at any of the two southern sites—Batlow and Tumut on the one hand, or the Monaro tableland on the other—is so low as that. At Lyndhurst the frosts are frequent and severe, and the soil is not so good as the soil at Bathurst and Orange. It is described in the report as being somewhat poor. The average wheat yield is 11 bushels at Lyndhurst, and 12 bushels at Dalgety.

Senator STYLES.—That would not affect the Federal Parliament.

Senator STANFORTH SMITH.—The fecundity of the soil for a Federal Capital area is a matter of small moment. We desire to have ground where parks can be laid out, and vegetables and fruits grown; but, so far as the foundations of the city are concerned, it is always acknowledged that the best site is that which is stony. The important factor in regard to Lyndhurst which was admitted by Senator Neild, is that the water supply is not good.

Senator Lt.-Col. GOULD.—Not equal to that of the Snowy, he said.

Senator STANFORTH SMITH.—The Royal Commission, after visiting Lyndhurst, said that the Coombing rivulet was practically dry—and that is relied on as the chief source of water supply—and put Lyndhurst fifth in the sites, so far as water supply is concerned. In no single factor—

and this can hardly be said of any other site—has Lyndhurst been put first by any Commission or inspector that has ever visited it. The cost of resumption at Lyndhurst is very heavy. The ground is mostly selected, and in order to reclaim our catchment area the Commission estimate that we should have to expend £160,160. Of all the sites it is the most expensive catchment area to reclaim. Sir John Forrest says—

Lyndhurst in no way compares with Dalgety as a suitable site. None of the creeks I saw were running when I visited Lyndhurst on 5th April.

Every source of water supply to Lyndhurst was dry on the 5th April, when Sir John Forrest was there, and that was practically the case when the Royal Commission made their visit.

Senator FRASER.—Not running; there is a very great difference between the two things.

Senator STANIFORTH SMITH.—Well, the creeks were not running. Mr. Pridham, who made a very exhaustive report of the water supply of Lyndhurst, stated that in order to supply water to 180,000 persons—and that of course is very much less than the population of Washington—the expense would be £2,728,000.

Senator FRASER.—Oh, that is nothing.

Senator STANIFORTH SMITH.—Of course it is nothing to a millionaire, but we have to carry on the government with due economy. That estimate, of course, includes a pumping scheme from the Lachlan river, because it is recognised that these four or five streams would not be a reliable source of water supply. We must remember that we have to obtain water by conservation, and not by perennial streams. If we have reservoirs of water in the summer time, it becomes stagnant, and is not so healthy as that in a running stream. Again, Lyndhurst will have no water frontage. That, I think, is an important fact with regard to a Capital site. When we come to another most important factor—the generation of electricity—we find that the water supply there is only sufficient, according to Mr. Pridham's report, to generate electricity to the extent of 300 horse-power. Electricity is a very important economic factor, and I think it is going to be more so in the future. When I was in Launceston quite recently I was very much surprised to find that electricity was generated and sold at ½d. per unit.

Senator PEARCE.—The cheapest supply in Australia.

Senator FINDLEY.—And that is due to Municipal Socialism.

Senator STANIFORTH SMITH.—Yes. There is an illustration which should guide us to have a large supply of running water near the Federal Capital, in order to generate electricity, not only for lighting the city, but for developing motive power and running railways or tramways. I am sure that Senator Styles, as an old railway engineer and contractor, will agree with me in that. Now let us take the site of Tumut. The Commission stated that they were only to inspect sites that had a sufficient elevation, and 1,500 feet was fixed as the limit. I was astonished to find that in the report about Tumut they mentioned that they inspected sites far below that elevation. Mr. Scrivener has naively said that this was according to subsequent instructions, but from whom those instructions were received we do not know. We have reports upon Tumut and contiguous places from Sir John Forrest, Colonel Owen, and Mr. Chesterman.

Senator WALKER.—And from the four Commissioners.

Senator STANIFORTH SMITH.—I shall speak of that later. From what I have stated in regard to water supply, the Lyndhurst site must be considered out of the running in that respect. We have then to consider the Tumut site, and the Bombala site, including the areas contiguous to those places. When we come to compare them we find a great similarity between those sites. They are situated only eighty or ninety miles apart, and are divided by a range of hills. They are both forty miles from the Victorian border. They are situated at about the same altitude, 2,500 feet, and both require thirty miles of railway to connect them with the railway system of New South Wales. The climate is very similar at both places, and both occupy commanding positions. These are the aspects of similarity between the two sites to which I think it is admitted we have narrowed the choice.

Senator MACFARLANE.—What two sites?

Senator STANIFORTH SMITH.—I am speaking of Batlow and Dalgety. I have taken these sites, because in the case of Dalgety I am in favour of the suggestion made by Senator Pearce, that a Monaro site should be included in the Bill, and Dalgety, from the information we have already received, is, in my opinion, the best site in that district. I take Batlow as

the other hand, because Tumut, being low down, is a hot, steamy place surrounded by hills, and is quite unsuitable for a Federal Capital.

Senator WALKER.—It has the finest climate in Australia.

Senator STANIFORTH SMITH.—Under the instructions first given that the site must have an elevation of 1,500 feet. Tumut, Goodara, and Lacmalac could not be included.

Senator WALKER.—We are not limited to that now.

Senator STANIFORTH SMITH.—No, but I think our common sense should limit us in that way.

Senator WALKER.—Does the honorable senator mean to say that it will require thirty miles of railway to connect Batlow with the present railway system?

Senator STANIFORTH SMITH.—Twenty-seven miles is the exact distance stated by Mr. Chesterman, and the distance between Cooma and Dalgety is thirty miles. I have now to mention the points of difference between these sites, and they arise with respect to the water supply, the water power for electricity, water frontage for recreation, and appearance, and the suitability of the sites for the erection of public buildings. It is in connexion with these matters that dissimilarity occurs between these two sites which are otherwise so similar. Mr. Scrivener reports that the water supply of Dalgety is the finest in Australia. This is due to the Snowy River, which Colonel Owen mentions in his report as one of the finest rivers in Australia, coming as it does from the perennial snows of Mount Kosciusko and its ranges. It is pure water, and it makes the site of Dalgety the best in the whole of Australia, so far as water supply is concerned. By a gravitation scheme, involving thirteen miles of piping, a supply of 8,000,000 gallons can be obtained, or sufficient to supply 100,000 people. This can be secured at small expense, and it could be extended if desired to supply a population of 500,000 or 1,000,000. There is a frontage to one of the finest rivers in Australia, and a 30 feet weir on the site would create a lake three miles in length and of considerable width. The principal portion of the city would be formed on the high ground of a kind of promontory.

Senator BEST.—To whose report is the honorable senator referring?

Senator STANIFORTH SMITH.—To the report of Mr. Scrivener, the surveyor.

The water power within thirty miles of the site is sufficient to generate electricity to the extent of 70,000 to 100,000 horse-power. That is to be compared with the 300 horse-power which could be secured at Lyndhurst, and with about an equal power which could be secured at the Batlow site. This would be sufficient, not only to light the city, and give all the motive power required for the city, but to run railways if necessary from Dalgety to Cooma, to the Victorian border, or to Twofold Bay. It must not be forgotten that this is the very cheapest motive power we could get. In his report, Mr. Scrivener says that everywhere in the district ornamental fruit trees grow well, with very little attention, and he regards the district as admirably adapted for dairying and fruit culture. The Batlow site is described by Mr. Chesterman, a gentleman who has lived in the district just as Mr. Scrivener has lived in the Dalgety district. He says that of all the sites around Tumut that at Batlow is the best with respect to climate, soil, and water supply, and it is situated above the elevation of 1,500 feet. At Tumut there is admittedly a splendid supply of water, though it is not quite equal to the supply afforded at Dalgety by the Snowy River. But when one leaves Tumut, and goes 20 miles up in the ranges to Batlow, the water supply is very different. It is very important to remember that, when speaking of the Batlow site, we cannot look for the water supply to be found at Tumut.

Senator DAWSON.—Who says that?

Senator STANIFORTH SMITH.—I say so, on the authority of Mr. Chesterman. He says that the total catchment area of Batlow is only 40 square miles. This is the catchment area which is expected to provide a water supply for a huge city. Mr. Chesterman admits that it would be sufficient for a population of only 72,000. He gives as the summer flow of the Buddong, Main Gilmore, and Little Gilmore rivers, 40 gallons, 20 gallons, and 15 gallons per second, respectively.

Senator DAWSON.—What about the Honeysuckle, which is the main stream of all?

Senator STANIFORTH SMITH.—It is not mentioned by Mr. Chesterman. He evidently considered it so far away that the cost of making use of it would be prohibitive.

Senator DAWSON.—A big mining field at Cherry Hills is kept going by gravitation from the Honeysuckle.

Senator STANFORTH SMITH.—It is not mentioned by Mr. Chesterman, who I am sure has given as favorable a report of the site as he could. I dare say that in winter these streams become swollen torrents, but they are nothing like the Snowy River, and are not snow fed. It is impossible to suppose that these little trickling rivulets could provide a water supply for a huge city. Colonel Owen, who went up to inspect the Tumut sites, says that none of them, which are above an elevation of 1,500 feet, can have anything like a water frontage. That is what we must reconcile ourselves to if we select such a site as Batlow. Now, as to water power. We are told that with 200 feet of head the volume of water of the streams to which I have referred would develop only 200-horse power, which is so infinitesimal as to be unworthy of consideration. If we take these three points of water supply, water frontage, and water power, there is no comparison between Batlow and Dalgety. This view is borne out by the surveyors, by Sir John Forrest, and Colonel Owen. The Batlow site is above the 1,500 feet elevation, and the surveyor says that Godara is a better site, but it is under the elevation of 1,500 feet.

Senator DAWSON.—Sir John Forrest never saw the Batlow site. I was in Tumut when he declined to go there.

Senator STANFORTH SMITH.—The comparisons made by the surveyors I have quoted show that in respect to the important factors to which I have referred there should be no doubt as to which of these sites we should select. I have pointed out that in many other respects there appears to be a remarkable similarity between the two sites. I should like to mention this statement with regard to the character of the site so far as its suitability for the erection of public buildings is concerned. With respect to Batlow, the surveyor says—

The great drawback to the site is the comparative steepness of some of the slopes, rendering the projection of a symmetrical design a matter of some difficulty, and construction costly.

400 acres, including, and extending easterly from the present village, would afford suitable ground for the business part of the city. About one and a half miles further north 600 acres of good building ground, somewhat irregularly shaped. The site must be classed as a ridgy one.

That means that we should have 400 acres on top of some rising ground, upon which

we could build a part of the Federal Capital, and a mile and a half away there are 600 acres upon which another portion of it might be built, whilst the suburbs would probably be found tumbling and sprawling between the two.

Senator PEARCE.—That might be found useful, as we are to have two parties in Federal politics in future.

Senator STANFORTH SMITH.—The members of each party might retire to their own hill, and there defy each other. The surveyor further reports—

It is difficult to see how any large sheet of water fairly convenient to the site could be created. Contour plans cover an area of seven and three-quarter miles (two and three-quarter miles square), and the surrounding country is not suited for city extension.

Referring again to Dalgety, I quote from the report of the Royal Commission, of which Mr. Fitzpatrick was chairman. That Commission was considered to be somewhat hostile to the claims of the Monaro district. Whether it was so or not, I am not in a position to say, but it can be no disadvantage to a particular site if in advocating it one can quote the opinions of those who have been considered hostile to it. Mr. Fitzpatrick's Commission reports:—

With regard to climate, in our opinion, it may be ranked as somewhat better than Bombala, but not equal to Armidale.

For water supply it is second only to Bombala.

As to cost of resumption, the site at Dalgety is least costly of all the sites reported upon, and the catchment area for primary source of supply is the least costly, with the exception of Tumut.

Speaking with regard to building material, the report says—

There is a cream-coloured sandstone about ten miles from the site, and a clayey sandstone twenty miles distant. The latter is described as cutting easily, but hardens on exposure. Granite abounds in the district in the form of outcropping boulders, but no quarry has been opened. There is also plenty of basalt and bluestone. The best quarry of the latter is at Hazeldene, about twenty miles from the site, where the stone is a very dark blue, more like trachyte, and is harder than the Melbourne bluestone. The largest outcrops of limestone are about six miles north of Cooma. The stone from this place produces a good lime, which is said to be stronger than that at Marulan. Abundance of clay suitable for brick-making is obtainable in various parts of the district, and excellent hand-made bricks have been produced. There is plenty of good sand and other material for making concrete.

With regard to fuel and timber suitable for firewood, there is a large supply within easy distance of the site. I am giving this information from the report of a Royal

Commission, which is supposed to be hostile to Dalgety—

The nearest coal-field from which supplies could be drawn is on the Southern line, about 170 miles from Cooma. The cost of coal delivered at Cooma from this source of supply would be about 20s. per ton; or from the western collieries about 25s.

To sum up the question with regard to Dalgety, it is, as I have pointed out, absolutely the cheapest site, and, I think I have shown, one of the best sites we could possibly get. Only thirty miles of railway are required on an even grade. I have travelled on the road from Cooma to Dalgety. It is a piece of level road. The other road, from Tumut to Batlow, is severe. One has to rise over 1,000 feet, and there is a great deal of cutting and filling, according to the reports given by the surveyor. So that railway connexion with Dalgety will be very cheap, comparatively speaking. In regard to resumption, I have shown from the reports that the Dalgety site is cheaper than any other site; and the water supply is more plentiful and cheaper than at any other site. It compares in these respects favorably with Batlow, which all those who have inspected the sites contiguous to Tumut have stated to be the best site above 1,500 feet. When we consider water supply, water frontage, and water power, which are of vital importance, we shall find that Dalgety is infinitely superior to the Batlow site, whilst with regard to the cost of building material, resuming land, and water supply, it is absolutely cheaper than any other site.

Senator DAWSON.—The Batlow land is all Crown land; it would be given free.

Senator STANFORTH SMITH.—I am quoting from the report of the surveyors.

Senator DAWSON.—From a man who is evidently biased.

Senator STANFORTH SMITH.—I have given the names of the surveyors. The reports are in the hands of the Government, and can be laid upon the table. I am sure that the Government is desirous that the fullest information shall be given to honorable senators, and it is only because their time has been taken up in other ways that they have omitted to furnish those reports to Parliament. I ask honorable senators to read the information to which I have alluded, and see if I have not given a fair comparison of the various sites. I believe that when honorable senators do that, they will say that the Dalgety site, or

some site on the Southern Monaro table land, is the best for the future Capital of the Australian Commonwealth.

Senator Lt.-Col. GOULD (New South Wales).—There seems to be a strong disinclination on the part of some honorable senators to speak at present. I had hoped to hear Senator Styles and Senator Dobson express their views before I spoke.

Senator PEARCE.—Will New South Wales allow Victoria to take the lead on a question like this?

Senator Lt.-Col. GOULD.—Sometimes it is as well to have an opportunity of replying to the statements which are made. I think that the question as to which is the most suitable site would more properly be considered when we are dealing with the Bill in Committee. The measure itself is cast upon simple lines. In the first place we are called on to declare that the site for the Capital shall be in a certain portion of New South Wales, the name of which is to be filled in later on; and secondly that there shall be a minimum area. As to where the site is to be, unfortunately the Government do not occupy any better position than their predecessors. There seems to be a difference of opinion in their own ranks, and they are endeavouring to throw on Parliament the responsibility and the onus of determining for their guidance where the Federal Capital should be located. They are making no attempt to guide Parliament. It is unfortunate that this position should be taken up, because there must be a majority of the Government in favour of one site or the other. It would be far better to let Parliament know exactly what attitude the Government themselves are going to take up.

Senator DAWSON.—We are going to put the Bill through. That is our attitude.

Senator Lt.-Col. GOULD.—With the blank as it stands?

Senator DAWSON.—We want to give honorable senators an opportunity.

Senator Lt.-Col. GOULD.—And not make a suggestion themselves?

Senator DAWSON.—I suggest Tumut.

Senator Lt.-Col. GOULD.—Does Senator McGregor intend to ask the Senate to fill up the blank by inserting the word "Tumut"?

Senator MCGREGOR.—No; I am in favour of Dalgety.

Senator Lt.-Col. GOULD.—And I presume that other members of the Government are in favour of other places. The Government are not prepared to lead Parliament in

one direction or the other. They will not say that any one site is superior to another. They say: "We are going to allow you to lead us and we will take anything you give." They do not care which we suggest. Honorable senators are perfectly well aware that a majority of the New South Wales representatives have indicated a preference for Lyndhurst, as against any other site which has been submitted. I am not at this moment going to discuss the relative merits of Lyndhurst, Dalgety, or Tumut.

Senator DAWSON.—This Bill is designed to settle the district in which the site shall be selected, in order to release the other districts.

Senator Lt.-Col. GOULD.—I shall not discuss the site now for two reasons. In the first place, it ought to be dealt with in Committee rather than in the Senate, and speeches that may be delivered here at this stage in favour of one site or another may have to be repeated next week. In the next place, a large amount of information has been obtained since the matter was debated last session. We have not got that information yet. While I give credit to the Government for their desire to have the question settled, we ought to be put in possession of the fullest possible information, so that the decision of the Senate may not be one which we shall see fit to go back upon. We have a report from Sir John Forrest dealing with the Tumut and Southern Monaro districts. It has been determined by the Senate that we shall have printed Sir John Forrest's report on the Lyndhurst site. The Government have in their possession the reports of Mr. Pridham, Mr. Scrivener, Mr. Chesterman, and Colonel Owen. Where are those reports?

Senator DAWSON.—Senator Smith has quoted Mr. Scrivener's report.

Senator Lt.-Col. GOULD.—Senator Smith has seen the documents, because he has been to the Government offices and inspected them. But they should be tabled. We should have the benefit of them before we are called on to deal with this measure in Committee. Senator McGregor, in moving the second reading of the Bill, said he had no doubt that whatever decision was arrived at by the Senate, would carry very great weight with honorable members in another place. So it ought. But if we have not got the information which honorable members in another place will have when they discuss the Bill, they will say—"These gentlemen were unaware of this fact and that fact, this report and that report, and

therefore their decision is not worthy of the weight and consideration that would have attached to it if they had been acquainted with the whole of the available information." Honorable senators know perfectly well that I do not desire to delay the selection of the site, but I hope that we shall be posted up with the fullest and latest information in order that we may arrive at an opinion based upon all the facts that are available.

Senator DAWSON.—Does the honorable and learned senator really want more information than we have now?

Senator Lt.-Col. GOULD.—I think that if it were worth the while of the Government to get further information, it is worth their while to give it to the Senate. I know that Senator Dawson has a strong leaning towards one particular site. He has an opportunity of seeing these new reports, as a Minister. That opportunity has been denied to honorable senators.

Senator DAWSON.—That is not quite correct.

Senator Lt.-Col. GOULD.—We have not had the same access to them as the honorable senator has had. Possibly the perusal of these reports might alter my opinion with regard to the vote I gave last session in regard to Lyndhurst. Nevertheless, I desire to have an opportunity of considering them, and of arriving at a conclusion as to whether I was correct in giving that vote.

Senator DAWSON.—These reports will cost more money than the Federal Capital itself.

Senator Lt.-Col. GOULD.—I cannot help that. This is a matter not for a few years, but for all time, and we should be very careful in regard to it. I also want to know how the blank is to be filled up. Do the Government propose to take an exhaustive ballot, so as to allow any honorable senator who thinks that one site should be put in to have an opportunity of inserting it? In the other House, in the first instance, there was an exhaustive ballot before one site was placed in the Bill. When the Bill came to us from another House, there was a place already named; but we are initiating the Bill now, and it is reasonable that we should, if possible, by means of an exhaustive ballot, arrive at what may be the decision of a majority of honorable senators. For the sake of argument, let us suppose that there are three sites in the running. No. 1 site is proposed in the Bill, but the advocates of Nos. 2 and 3 sites join together in order to reject No.

1. although No. 1 might, under ordinary circumstances, get a majority.

Senator MILLEN.—If we do not have an exhaustive ballot, it is possible that the blank may never be filled in.

Senator Lt.-Col. GOULD.—That is possible, because the advocates of the two sites may always vote against the third.

Senator DAWSON.—But there are nine sites.

Senator Lt.-Col. GOULD.—Then the advocates of eight sites may combine against the ninth. A good deal of stress has been laid on the necessity for a very large area. This matter was dealt with pretty exhaustively by the delegates who were sent by the States to consider the Constitution Bill in the first instance, and they arrived at the conclusion that an area of not less than 100 square miles would be ample for the requirements of the Commonwealth.

Senator DAWSON.—“Not less” than 100 square miles.

Senator Lt.-Col. GOULD.—Now we have this Bill, requiring not less than thirty miles square, or the very much greater area of 900 square miles, as against 100 square miles. We are now saying that we will not be satisfied, and will not leave the Government in a position to be satisfied, with a smaller area than that mentioned in the Bill. How much better it would be if the Government were able to go into these negotiations—for after all this Bill only enables them to negotiate—with a free hand to select an area of not less than 100 square miles. The Government would not be tied to the minimum, but if the circumstances were such as to justify them in doing so, they could go up to the 900 square miles. I do not think it is any part of the duty of the Government to establish any experimental State—to experiment with legislation on land nationalization, or any other such project. It has been pointed out by Senator Symon that that is no part of the duty of the Commonwealth Government. We are created under a Constitution which gives us certain specific powers and rights, and, strictly, we are not entitled to go beyond those powers and rights. It is true that the Federal territory will be under our guidance and any laws we see fit to make; but it was never contemplated that the Commonwealth would be put into a position to establish another State, in which we could carry on a different system of legislation in reference to any of the great topics or subjects that come up for discussion from time to time.

Senator DAWSON.—Does that argument not also apply to an area of 100 square miles?

Senator Lt.-Col. GOULD.—An area of 100 square miles would not enable us to enter into any large scheme of that character; but would give us an opportunity to establish a Federal city.

Senator MULCAHY.—And to try a scheme of land nationalization as well.

Senator Lt.-Col. GOULD.—If the Commonwealth liked to lease the city lands, that is entirely within its power, but we are not entitled to establish agricultural or pastoral industries under such a system as that of land nationalization.

Senator STYLES.—Does the Constitution forbid it?

Senator Lt.-Col. GOULD.—It is not what the Constitution forbids, but what the Constitution gives us the right to do that we have to consider at the present moment. All rights, except those given to us by the Constitution, remain with the States.

Senator STYLES.—The Constitution gives us the right to deal with Commonwealth land.

Senator Lt.-Col. GOULD.—Naturally; but the Constitution does not give the right to acquire enormous areas in order to try some “fad” or other.

Senator STYLES.—That depends on the majority in Parliament.

Senator Lt.-Col. GOULD.—When I use the word “fad” I do not wish to speak of any project with disrespect, but I merely adopt it as an easy expression.

Senator DAWSON.—We are entitled to ask for what lands we want.

Senator Lt.-Col. GOULD.—No doubt the Commonwealth can go to the State Government and say—“We want a large area, which we make a *sine qua non*, and we will not take less.”

Senator DAWSON.—That is not asked; it is a matter of agreement.

Senator Lt.-Col. GOULD.—The contention has been raised by members of the Government and others that if there is any unearned increment, in consequence of the establishment of the Capital, it should go into the pockets of the Commonwealth Government.

Senator DAWSON.—Undoubtedly.

Senator Lt.-Col. GOULD.—If that contention is to be carried to its logical conclusion the Federal area will have to be extended to an indefinite extent, in order to absorb that unearned increment.



Senator STANFORTH SMITH.—But only the unearned increment within the territory is referred to.

Senator Lt.-Col. GOULD.—But it will be necessary to enlarge the territory to such an extent that there will be no possibility of unearned increment being lost in connexion with it.

Senator MCGREGOR.—If that be so, we shall have to take in all New South Wales.

Senator Lt.-Col. GOULD.—If the unearned increment has to extend to the whole of New South Wales, I am afraid it will not be for many generations yet.

Senator MILLEN.—But New South Wales would be entitled to it.

Senator Lt.-Col. GOULD. — As the honorable senator interjects, would not New South Wales be entitled to the unearned increment? The Federal territory will be within the borders of New South Wales; and why? Not for the simple charm of taking land away from New South Wales. That State would very soon say, "You are placing us at a disadvantage so far as our territory is concerned in relation to the other States." If there is any benefit to be obtained from the unearned increment New South Wales is entitled to that benefit.

Senator DAWSON.—No.

Senator Lt.-Col. GOULD.—I mean the unearned increment beyond any reasonable area that may be taken for Commonwealth purposes.

Senator DAWSON.—That is outside the Commonwealth area?

Senator Lt.-Col. GOULD.—Outside the Commonwealth area, whatever it may be; and, therefore, the Commonwealth has no right to extend the area in order to prevent New South Wales obtaining the benefit.

Senator DAWSON.—The possibility of an unearned increment outside the Commonwealth area ought to be an inducement to New South Wales to give the land.

Senator Lt.-Col. GOULD.—But it is sought to remove that inducement by saying—"We will take care that there shall be no unearned increment." There is no doubt that any land required beyond 100 square miles, for water conservation, or anything of that kind, would be readily given by New South Wales.

Senator PEARCE.—For suburbs?

Senator Lt.-Col. GOULD.—Any reasonable area would be given by New South Wales; but why go to that State with a bludgeon, and say, "Unless you give a certain area far in excess of that provided for

in the Constitution, the Federal Capital shall not be within your border."

Senator DAWSON.—That is not the position.

Senator Lt.-Col. GOULD.—It is very like going with a bludgeon, when we admit that we have the power to treat, but not the power to take, and still insist on having an area thirty miles square. There ought to be the utmost freedom in all the negotiations, and ample opportunity afforded for coming to an amicable agreement without one side or the other attempting to impose what would be regarded as an unreasonable condition.

Senator STANFORTH SMITH.—Why does the New South Wales Government reserve the land?

Senator Lt.-Col. GOULD.—Because the New South Wales Government desire to give the Federal Government the fullest possible opportunity to select the most suitable site within the State.

Senator MILLEN.—The New South Wales Government have not reserved an unlimited area around each proposed site, but only the area mentioned in the Constitution.

Senator Lt.-Col. GOULD.—There is no doubt that we have the unquestionable right to deal with this as a matter of bargain and agreement. I do not know whether the Minister for Defence would go so far as to say that the Commonwealth Parliament has power to resume land in New South Wales, whether or not the New South Wales Government object. If a contention of that kind is made, I say at once that not one rood or acre can be taken without consent. It is perfectly true that there is power under the Constitution to acquire land from any State or person for public purposes, but that power applies only to land required for post-offices, Customs houses, defence purposes, and so forth, and does not apply to land for the purpose of establishing a Federal Capital. There is a distinct provision under the Constitution that there shall be no limitation or diminution in the limits of a State without the consent of that State—except on such terms and conditions as may be agreed on.

Senator DAWSON.—Section III minimizes that provision.

Senator Lt.-Col. GOULD.—The Minister for Defence has talked much about section III, but, for the life of me, I do not see exactly its applicability. That section provides that the Parliament of the State may surrender a part of the State to the Commonwealth.

Senator DAWSON.—Surely that is a bargain.

Senator Lt.-Col. GOULD.—But if the State Government says that they will not surrender the land?

Senator DAWSON.—Then there can be no bargain, that is all.

Senator Lt.-Col. GOULD.—There is no right to take land without the consent of the State, and that is where the difficulty lies. The New South Wales Government may say that they are prepared to give 100 square miles in a particular locality, and any such further area as may be necessary for water supply, but the Commonwealth cannot insist on taking land without consent.

Senator DAWSON.—What is to prevent the Commonwealth, if more than the 100 square miles of land is required, from purchasing Crown lands? There is nothing in the Constitution to say that the Commonwealth cannot purchase land.

Senator Lt.-Col. GOULD.—The Commonwealth may acquire land in that way; but still that land remains a portion of New South Wales, and not a portion of the Federal territory.

Senator DAWSON.—If we purchase the land, surely it becomes Federal territory.

Senator Lt.-Col. GOULD.—The land remains subject to the ordinary laws of the State. No doubt a man living on it would not be subject to taxation by the State, but still, ultimately, the fee would be in the Crown as represented by the State. The desire, apparently, is to get that land out of the hands of the State into the hands of the Commonwealth, so that the former could have no possible control over it.

Senator DAWSON.—Absolutely that is so.

Senator Lt.-Col. GOULD.—It might as well be said that we could purchase land in Victoria, and there establish a territory and govern it.

Senator DAWSON.—What is the difference between the New South Wales Government selling land to the Commonwealth, and selling it to any private individual?

Senator MILLEN.—None at all.

Senator DAWSON.—Then why all the objection?

Senator MILLEN.—The control of the land would still be vested in the State.

Senator DAWSON.—The land could not be under State law if it had been purchased by the Commonwealth.

Senator Lt.-Col. GOULD.—It would, to a very great extent, because it would not have been acquired by the Commonwealth

in the way the Constitution intends the Commonwealth shall have an opportunity of acquiring properties. It must be remembered that, when the Constitution was accepted, every condition laid down was taken in good faith by the people of each individual State, and we have no right to go beyond the Constitution, or attempt to do so, unless we have the concurrence of the States. I admit that if New South Wales consents to give twenty or fifty miles square, a bargain might be arranged, but before any attempt is made to obtain the larger area, there ought to be power to deal with that State in such a way that if it should prove a square of twenty-five miles is sufficient, the Commonwealth Government may be in a position to recommend that area to the whole of the Commonwealth.

Senator DAWSON.—Would the honorable and learned member mind looking at section 25, sub-section 1., of the Constitution?

Senator Lt.-Col. GOULD.—That section provides—

The Parliament shall, subject to this Constitution, have exclusive power to make laws. . . with respect to—

1. The Seat of Government of the Commonwealth, and all places acquired by the Commonwealth Government for public purposes.

Senator DAWSON.—The land may be acquired by bargain—by purchase or exchange.

Senator Lt.-Col. GOULD.—That section refers to post offices, Customs houses, land required for defence works, and so on. If the Commonwealth acquire land for the Seat of Government, there is power to make laws; but what I argue is that we cannot acquire lands in any way we see fit, and, taking it altogether away from the State, make it Commonwealth property.

Senator DAWSON.—The consent of the State is not in dispute.

Senator Lt.-Col. GOULD.—The Commonwealth can acquire land for specific purposes. If the Government of New South Wales say that the Commonwealth can take this area of thirty miles square, wherever it may be, then I admit that it will become Commonwealth property, and the land which has been alienated can be acquired by the Commonwealth and dealt with in whatever way it may seem fit, but it has to get the consent of New South Wales before it can touch one rood or acre of the land.

Senator Sir JOSIAH SYMON.—We must get the territory before we get the land.

Senator Lt.-Col. GOULD.—Yes; even with regard to an area of 100 square miles.

Senator DAWSON.—We are only asking for the consent of New South Wales, and our terms are set out in this Bill.

Senator Lt.-Col. GOULD.—Is this the way in which the Government propose to enter into a bargain? Are they to go to New South Wales and say that the Parliament of the Commonwealth has declared that—

The territory to be granted to or acquired by the Commonwealth, within which the Seat of Government shall be, shall contain an area not less than the area contained by a square whose side is 30 miles in length.

Senator MCGREGOR.—They have every right to do that.

Senator Lt.-Col. GOULD.—Is that bargaining?

Senator DAWSON.—Yes; these are our terms.

Senator Lt.-Col. GOULD.—The State of New South Wales desires the terms of the provision in the Constitution to be carried out honestly and straightforwardly.

Senator FINDLEY.—They want the Capital, and we want the land.

Senator Lt.-Col. GOULD.—I believe that if it should come to a question of necessity it would be willing to give more than the area which is mentioned in the Bill. I think that Senator Pearce indicated that if the State would not come to terms the Parliament would take steps to alter the Constitution, and get an opportunity of selecting the Capital site somewhere else. I hope that honorable senators will at any rate grant us an opportunity to make ourselves fully acquainted with the various reports which have recently come to hand, and consent to an amendment in the Bill reducing the area which they say they intend to take to the limit prescribed in the Constitution.

Senator DAWSON.—There is no limit prescribed in the Constitution; that is a mistake.

Senator DOBSON (Tasmania).—I do not rise with any great pleasure to speak on this very important question, because I shall have to advocate what in this Chamber is, I believe, a very unpopular side. I think I may say that outside this building the policy which I and some others advocate is thoroughly believed in. From inquiries I have been making for months, I might say for years, past in Victoria, Tasmania, New South Wales, and South Australia, I think that an overwhelming majority of the electors of the Commonwealth believe that the early selection of the site

and the early construction of a Capital will be a waste of money, and is absolutely uncalled for by the conditions under which we are living and trying to prosper.

Senator MILLEN.—What evidence is there to that effect?

Senator DOBSON.—I am quite aware that I am speaking on the unpopular side, but I ask honorable senators to bear with me for a little while, and to answer my statements at the proper time if they can. It is my duty to put my view forcibly and clearly before the Senate, and before I resume my seat I shall move an amendment which may, or may not, meet with acceptance. Let us ask ourselves for one moment why it is that we are called on to read this Bill a second time at this juncture. I was certainly a little amused at one or two senators from New South Wales in congratulating the Ministers on having dealt so promptly with this very important question. I desire to congratulate the Ministers on having obtained possession of the Treasury bench by fair and honest means. But I am not going to be insincere and to congratulate them on dealing so promptly with this question, when I know the reason is that they have no other business to go on with. They have not yet had time to lay upon the table those important reports, without which it is impossible for us to come to a proper conclusion.

Senator MILLEN.—It is not their fault that they did not reach the Treasury bench earlier.

Senator DOBSON.—I do not say that it is. But it is their fault, in trying to please my honorable friend, in pushing this Bill on with undue haste, and asking us to discuss it and come to a decision, when the reports that have been ordered and paid for have not been produced here, and no honorable senator has ever seen them, but my very industrious friend, Senator Smith. I cannot congratulate the Government on taking this course. On the other hand, I must find fault with them, and ask why it is that they have so far forgotten their duty to the electors? Why have they so far forgotten their policy of economy, and their desire not to waste time and to be extravagant, as to push on this matter with undue and indecent haste? Unfortunately, a state of things has arisen in regard to this question, which I fear it is of absolutely no use to argue against. It is absolutely an unwholesome state of affairs. It arises from the fact that our friends in

New South Wales, rightly or wrongly—I believe wrongly — have got it into their heads that we, or the Commonwealth, at some future date, may repudiate what they are pleased to term the bond mentioned in the Constitution. If that is the honest conviction of a large number of persons in that State, as I suppose it is, I have every sympathy with those honorable senators who are trying to allay the feeling. But I think that they ought rather to try to allay it by telling the people, as they honestly can do, that no member of either House of this Parliament desires to repudiate the bond in the Constitution. It is stated there so plainly that I cannot conceive of anybody getting the idea into his head that there can ever be, either now or in the future, an agitation to deprive the mother State of what are her constitutional rights.

Senator MILLEN.—The honorable and learned senator started one himself.

Senator DOBSON.—I have not started any such movement. I have repudiated it every time I have spoken. But because this grievance has been manufactured, because this supposed breaking of the bond has been created in the minds of timid or thoughtless men, is this Parliament to be dragged into passing this Bill? When the Vice-President of the Executive Council and the Prime Minister were explaining the policy of the Government they each practically stated that the only reason for pushing on with this measure is that it will allay this supposed feeling in the mother State. Is that the way in which we are to do our business, to become statesmen, and to work out the Federal Constitution? The only reason which the Prime Minister gave us was that he recognised the enormous influence which the Bill would have in allaying this feeling in New South Wales, and bringing that State and Victoria closer together in brotherly love. I believe he said that it would create a broader and more sympathetic national life. Is that not all balderdash? Are we here to perform the most important act that the Constitution has given us to do because some people in New South Wales, with a newspaper or two, believe that some people in Victoria, with a newspaper or two, are trying to keep the Seat of Government in Melbourne, and prevent a provision in the Constitution from being carried out? I repudiate any such feeling. If any one inside or outside the Senate, or any newspaper editors, hold that opinion, they are entitled to do so. But I do not believe that it has the

slightest foundation in fact. I decline to be drawn one inch along a path which I know to be wrong, because of any petty, miserable, stupid feeling which they say exists, but whose existence I deny. The Prime Minister has defended his policy, not only on that ground, but also on the ground that the passing of this Bill will allay the feeling among a great number of the people that to build the Capital now, or in the immediate future, would be a waste of money. And, knowing that he has that feeling to meet, how does he proceed? He gets over the argument by saying that, if we are common-sense people, who are willing to go ahead on economic lines, to cut our coat according to our cloth, there need be no extravagance in the construction of buildings on a colossal or magnificent design. He goes on to say that for twenty years the Parliament of this State was content to meet in the building in which we are assembled, in two rooms, which cost about £20,000. I do not know where he got his information, but if these two chambers were put up for that sum, it is news to me. His idea is that we should erect two chambers, which we can improve, and which will do us for twenty years. By that means, and that means only, he is trying to avoid the charge of extravagance and waste of money which he knows can be truthfully hurled against his Government. How does Senator McGregor intend to swallow the policy of the Prime Minister? How is he going to meet my honorable friends on my right as well as Senators Pearce and Smith, who declare that to select a site is not enough, that unless we go on with reasonable speed to build an expensive Capital, we shall still be breaking the bond and repudiating the constitutional rights of the mother State? A large majority of honorable senators are going. I presume—I am not—to follow the policy of the Prime Minister; but I ask Senator McGregor to take notice that the senators from New South Wales and some other States will all contend that that is not a proper policy to pursue; that if only that step is taken, we shall still be repudiating the bond. I do not believe that myself, but there are the two arguments, which I leave the Ministers at the table and my honorable friends from New South Wales to fight out in the best way they can.

Senator BEST.—They guarantee no limit to the expenditure.

Senator DOBSON.—I am obliged to the honorable and learned senator. The Vice-

President of the Executive Council has not gone into particulars. He has given us no practical information as to what the Government intend to do. I desire to ask the honorable senator whether he can give us any idea how soon the Government propose to commence the construction of the Federal Capital; what is the amount which they propose to expend per annum on its construction; and whether they propose to construct it from loan money, or out of revenue?

Senator MILLEN.—No information which the Vice-President of the Executive Council can give will satisfy the honorable and learned senator.

Senator DOBSON.—Senator Millen makes a very ungenerous interjection. I am referring to what are essential factors. I am asking what are proper questions, and I should be open to blame if I allowed this debate to close without doing so. I have laid the ground which entitles me to ask these questions which Senator Millen is so unjust as to interrupt, because they do not quite suit his book. It is of infinite importance that we should know how Ministers intend to proceed after they have, on arguments which are fallacious, induced the Senate to select a particular site. I ask the Vice-President of the Executive Council, or the Minister for Defence to tell honorable senators from what money the Government propose to construct the Capital, how much is to be spent per annum in its construction, and when they hope that the Federal Parliament will be able to meet there.

Senator DAWSON.—I can tell the honorable and learned senator now. We are going to make money out of the Capital, not to spend money upon it.

Senator DOBSON.—I have heard that kind of argument before. I undertake to say that if the proposal were to construct a railway to the moon, Ministers, whoever they might be, could find good reasons why the work should be undertaken if it were a part of their policy. Members of the present Government, concluding that it is a popular thing to proceed with this measure at once, are, no doubt, prepared to use every possible argument to justify their action.

Senator MILLEN.—The honorable and learned senator has said that it is popular outside to advocate delay in this matter.

Senator DOBSON.—I think we should act in the matter on economical, prudent, and safe lines, and the way in which this

Federal Capital question has been dealt with from its inception, has not redounded to the credit of those who have brought it forward as statesmen, or as cautious practical men of business. I make the statement, without fear of contradiction, that we have never once debated the question in the Senate without being at a disadvantage for want of information. We have never debated the question without having to complain of a lack of sufficient data and expert knowledge to enable us to come to a reasonable decision. The debate which has taken place on this Bill bears out what I say. Honorable members are rushing the matter through with undue haste, and though there are reports on the subject in the building, they are not in print, and are not before us. I venture, respectfully, to contradict Senator Pearce, and to tell him that the question is not yet ripe for decision. I do not feel called on to go into the question, as I think it is more a matter for experts.

Senator O'KEEFE.—Can we get better expert information than we have?

Senator DOBSON.—I was in favour of a Southern Monaro site, but if it is to be a question between Dalgety and Bombala. I am not competent to settle it. I recollect that when I visited Dalgety, I thought the scenery was magnificent, and I preferred it to the scenery of the Bombala site. The Snowy River runs right through the township, and to have that river running through the Federal Capital would be a very great advantage indeed. I was exceedingly pleased also with the Bombala site, with the rivers there, and the undulating, well-grassed country. With respect to all these matters, I think I shall have done my duty if I indicate by my voice the locality in which I think the Federal Capital site should be situated, and it should be left for surveyors, engineers, and other experts to decide as between Dalgety and Bombala, the precise site for the Capital. I am, therefore, in favour of the suggestion made by Senator Pearce that it would be better to include in the Bill a reference to Southern Monaro, which would include both Bombala and Dalgety, as they are practically in the same locality. That the question is not now ripe for settlement is shown by the arguments we have heard from Senators Symon, Pearce, and other honorable senators. We are faced with a great difficulty with respect to the land. The Constitution says that the area must be not less than 100 square miles, and Ministers are asking that we should

take 900 square miles. So far as I know anything about the construction of a deed, an Act of Parliament or a Constitution, I do not believe that the High Court would ever give us such an area, unless with the full consent of New South Wales. I cannot conceive that when a minimum is placed in the Constitution, the High Court would agree that we could multiply the minimum area by nine. The moment that Ministers made up their minds that we should acquire 900 square miles, it was their duty to have negotiated with the New South Wales Government before bringing in a Bill of this character. They should have communicated with the authorities in the mother State, and should have said, "We desire not only to acquire the site for Federal purposes, for which the area mentioned in the Constitution would be quite sufficient, but we wish also to try a little experiment in land nationalization. We desire to go a little beyond the spirit and meaning of the Constitution, and we, therefore, ask you to authorize us to come before the Federal Parliament with a Bill which will cover those purposes." In my opinion, they were bound to have done that before they introduced this measure. We should not be asked to stultify ourselves by passing a Bill for the acquisition of a large slice of the territory of New South Wales, when our own common sense tells us, and honorable senators from New South Wales tell us, that that can only be done with the consent of the people of New South Wales. I believe that the people and Government of New South Wales will readily make arrangements to meet us in this matter. I believe they are prepared to negotiate with us for the acquisition of a very much larger area of land than is provided for in the Constitution, if we can justify the demand by pointing out that it would be not only for the benefit of the Commonwealth, but for the benefit of New South Wales. But all that must be done by negotiation, and I respectfully contend that in this matter negotiation should precede legislation. I say that the question is not yet ripe for settlement, and we ought not, and dare not, as statesmen pass this Bill, in the form in which it is put before us. I am satisfied that the Southern Monaro district is a suitable district in which to locate the Federal Capital. Elevation, climate, water supply, and rainfall are suitable, but I have always been in a very great quandary with respect to the necessary railways which must

be constructed. The harbor works and railways which would be required, were the Federal Capital established at Bombala, would tend to make that the most expensive site suggested. I grant that were those railways and harbor works constructed, they would not only benefit the Federal Capital, but the Commonwealth and the State of New South Wales, as they would be the means of building up a commercial city, and would give another port to New South Wales and the Commonwealth. In that view it is perhaps not correct to say that Bombala would ultimately be the most costly site.

Senator DAWSON.—Is it not necessary that we should select a site before we enter upon negotiations?

Senator DOBSON.—In my opinion it is not. If the Vice-President of the Executive Council were a business man dealing with his own property, I am satisfied that he would not without full investigation select a site for a city by Act of Parliament. I suppose that such a selection will be irrevocable. I do not know whether Senator Symon has ever dealt with that point. If we pass a Bill in which we specify a particular site, is the selection we make irrevocable?

Senator Sir JOSIAH SYMON.—No; we could repeal the Act just as we could any other that we passed. That is what we should have to do if New South Wales objected; we should have to back down.

Senator DOBSON.—After passing the Act we might have to repeal it. This is another phase of the subject, and I say that as business men, if we owned these territories, we would not select a site for a big city at Bombala without knowing how the necessary railways were to be constructed. Is the Federal Parliament to build every railway necessary—to the port, to the Victorian border, and to connect the Capital with the New South Wales system? The Victorian Government may not agree to construct a railway to the border from Bairnsdale, and the New South Wales Government might not agree to build a railway from Cooma to Bombala. Are not these questions, involving the expenditure of millions of money, of enormous importance? They are questions which we would certainly consider if the territory belonged to us. As trustees for the public, it is our duty to consider them with some business acumen. Are we to erect this

Capital in the bush without knowing how we are to get access to it? We can secure access to it by building railways, but does it follow that the Federal Parliament will ever build those railways? The Victorian State authorities might not agree to build a railway from Bairnsdale to the border, and might tell us to do as we liked. Suppose the New South Wales Government told the Federal authorities that they would not construct a line from Cooma to the Federal Capital at Bombala without a guarantee of 4 per cent. for seven years, which is the term after which, I understand, a railway is supposed to begin to pay. Senator Styles will be able to say whether it is not an axiom that a railway cannot be expected to pay for seven years after it is constructed. Suppose the New South Wales authorities should be pleased to say—"You have chosen a site in a district which we do not approve, and against the advice of a majority of honorable senators representing New South Wales. Now, get along in the best way you can. We shall be prepared to build a railway from Cooma to the Federal Capital only on receiving a guarantee of 4 per cent. for seven years." I have been accustomed to look on matters from the family solicitor's point of view, and I do not think I can do any harm in looking at this great question from the point of view of a humble family solicitor. I say that we shall do wrong if we select a site when we do not know absolutely all the difficulties with which we shall be confronted in converting it into a magnificent city in the centuries to come. I come now to the question of what we are going to gain as a Parliament from the proposed Federal Capital. I have not heard the Vice-President of the Executive Council on this question. We know that Sir Edmund Barton, when Prime Minister, always said that if we wanted to develop national ideas, and to get rid of local, provincial, and narrow ideas, we must have some bit of land which we can call Federal territory. This mere fact of squatting down with the kangaroos in the Bombala grasses was, according to the right honorable gentleman, to give us national ideas. All I have to say is that, to my mind, that is sheer nonsense. All honorable members of the present Government may not have expressed the same view; they no doubt think that they will quieten New South Wales by selecting a site, and that we shall thus broaden our views, and become more national. I ask honorable members to examine the statement. We have heard that

*Senator Dobson.*

this was the course adopted in Canada and in the United States of America, and it is claimed that, when the Federal authorities secured a national territory, it had the effect of developing national ideas. I absolutely deny that. To my mind it is sheer, absolute nonsense. We may have narrow and provincial ideas expressed in Melbourne and Sydney, if we have the wrong men, and we may have national, Imperial ideas expressed at Bombala or on Mount Kosciusko, if we have the right men. I do not mean to say that there is parochialism in the big cities of Australia, and I do not desire to get away from Melbourne or Sydney. I do not want to get away from the newspapers. I should like, wherever I am, to have them delivered at my door at six in the morning, and to have as many of them as possible. I do not know that anything is to be gained by burying ourselves in an inaccessible place. What is to be done the moment the Capital is built? There will be the Parliament House and the Federal offices. Are all the Government officials going to live there? If they do, they will vacate their houses in Melbourne or Sydney, and those places will lose the benefit of the expenditure of their salaries. I should like to know whether Ministers are going to live at Bombala, if that place is selected? I will undertake to say that for years to come Ministers will not be found there. They will be there as little as they can be. We shall find them galloping all over the country. Their permanent homes will not be in the Capital for which they are clamouring. We shall simply have a repetition of what took place here during the first three years of the existence of the Commonwealth, when secretaries and under-secretaries, clerks, military officers, and officials of all sorts were scampering up and down the Commonwealth, and sending in heavy bills for their expenses. These are important matters, because if the expenditure is increased in these directions the burden upon the States will be the heavier. I beg to state that we have already got beyond the £300,000, mentioned in the Adelaide estimate. Notwithstanding the professed desires of the Labour Party to cut down expenditure, we have exceeded that estimate, although we have not yet appointed our High Commissioner nor our Inter-State Commission—which we never wanted, and, I hope, shall never have—and have not got the Capital.

Senator PEARCE.—The latest figures do not show that we have exceeded the £300,000 estimate.

Senator DOBSON.—I am not speaking about what the "other" expenditure is, although a great deal of that expenditure is largely the result of Federal legislation.

Senator PEARCE.—The Federal expenditure does not exceed £300,000.

Senator DOBSON.—I shall be very happy if the honorable senator can show me from the Estimates, that I am wrong.

Senator KEATING.—The honorable and learned senator is including the sugar bonuses and other expenditure of that kind.

Senator DOBSON.—No; I am not. I am simply referring to the expenditure which we are piling up, and new offices which are being created, for which we shall have to pay. Each of the newly-appointed High Court Judges has an associate, and they are rushing about all over the country. I think a little expenditure might be saved in that direction. I know perfectly well that the Adelaide estimate will be exceeded, as matters stand. If this Federal Capital is constructed in the near future, as my honorable friends from New South Wales desire, it will be greatly exceeded. We shall, in that way, have broken faith with the people, or, at any rate, shall not have kept our promise to them in not keeping the Federal expenditure at a reasonable amount.

Senator DAWSON.—Does the honorable and learned senator know that since this Government came into office they have saved many large items of expenditure that had been sanctioned by Parliament on the Estimates of the late Government?

Senator DOBSON.—I am not at all surprised to hear my honorable friend say that.

Senator CLEMONS.—Is not the honorable and learned senator shocked?

Senator DOBSON.—I am not shocked at all. I have done the same thing myself. I have saved sums of money that were voted at the instance of a previous Government. When a member of Parliament becomes a Minister, he becomes anxious to save money, and is much more careful than he was as a private member. He knows that the whip is being held over him. My honorable friends are only doing what other Ministries have done. I caution those honorable senators who are not yet Ministers not to vote away money which they might very fairly save. I want to point out that some honorable senators are under a delusion—

and I submit this with all respect—with regard to this leasing system. They suppose that by leasing land for ten, fifteen, or twenty years, as the case may be, they are going to obtain a considerable amount of money, which will quite pay the interest on the sum which we shall spend in constructing the Capital, making our artificial lakes, providing our water supply, our drainage system, our streets, and so on. I do not believe anything of the sort. I am quite willing to admit that the rents will bring in a fair sum, and that that sum will increase. But the initial outlay of establishing the Capital will be so enormous that the rent which the Government receive will not in any degree pay the interest. We have had instances given by honorable senators on both sides of the chamber, as to the ghastly failure of the leasing system in New South Wales. It has been a perfect and absolute failure. Senator Pearce says that it has been a considerable success in Kalgoorlie. But that was not a scheme of land nationalization. It was simply a scheme by which private owners who got hold of land in the early days retained it after Kalgoorlie became the centre of one of the most wonderful gold-fields on the face of the earth. They then let it out on lease in building sites.

Senator PEARCE.—The municipality also did the same.

Senator DOBSON.—Yes; I can quite understand that that has been a success. But we cannot, if we construct a city which we do not want, and have not got the population to fill, or the resources to support, have a white elephant of that sort which will compare with a successful gold-field. I shall be very glad indeed if any honorable senator can give me an illustration which will show that this scheme of letting building sites on lease has succeeded in any large city. People are accustomed to have the fee-simple of land of that kind, and we cannot expect important banks to be built, large hotels to be constructed, and buildings and lodging-houses to be put up on leased land, which is liable to be re-assessed every ten years or so. Is there any case of a large city of this sort where blocks have been readily seized upon for building purposes, though no freehold has been obtainable? We cannot possibly expect men to put up palatial hotels and great shops if we tell them that every ten or fifteen years the rent will be liable to be raised, according to the unearned increment. I only hope that, for



our own sakes, the supporters of this system are correct in their views. I think, however, that they are partly wrong. I do not believe that business people in Melbourne or Sydney will be anxious to obtain a site, the rent for which will be liable to be raised after they have put up expensive buildings. They will never know what their obligations are.

Senator FRASER.—We shall have national public-houses there, with free drinks!

Senator DOBSON.—We are only speculating in this matter. I do not think any one can tell us what will happen till the lots are advertised, and the conditions of lease are made known. Then, and then only, will we see whether the business people of this Commonwealth will show any eagerness to compete for these lots without obtaining the fee-simple.

Senator FRASER.—Look at the bidding in Sydney the other day. There were no bids at all.

Senator DOBSON.—Of course, it all depends on the conditions. If these rents are to be appraised every twenty years, it will be another matter. But if we do as Senator Best tells me has been done in Victoria—have an appraisal every ten years—that will frighten men who would otherwise be inclined to go in for buildings in the Federal Capital.

Senator DAWSON.—What they do in Victoria is no guide to what should be done in Australia. They do funny things here.

Senator DOBSON.—Another argument why we should not rush with undue haste into this matter is that only recently we have had a new site recommended to us. Almost every one of us went to Bombala through Dalgety. We all saw Dalgety, but it was never considered to be in the running, and was never spoken of until the other day. Sir John Forrest, who was then a Minister of the Crown, went there and inspected it. He obtained evidence, and furnished a report since he ceased to be a Minister. It was only in consequence of his report that Dalgety came to the front. I am not sure that it has not turned out to be the best site of the lot. So that if we had settled this matter when we were urged to do so last year, we should undoubtedly have left out the very site which is now, I believe, going to be one of the most popular of all the proposed sites. Does not this entitle me to say that the question is not ripe for settlement? Does it not justify me in saying that this artificial, unreal feeling which the

New South Wales representatives believe to have arisen is no reason why we should depart from the course which businesslike and sensible men ought to take? It seems to me to be the best evidence we can have of how this question has been rushed. Ministers have been goaded and spurred into doing something by the representatives of New South Wales, although they knew that the question was not ripe for settlement. It has been said that a reason why we should choose the site is that the people of New South Wales are keeping land tied up. Did any one ever hear a more futile reason than that? There are three sites which may be chosen, and we have requested the Government of New South Wales not to sell any land in any of them, because we may choose one; but cannot they let the land for ten years or so? Cannot they turn it to account under grazing licences? Are they such fools that they must keep this land absolutely free from occupation? Cannot they make use of it in any way? Certainly they can.

Senator MILLEN.—If the honorable and learned senator knew anything whatever about the subject, he would be aware that he is talking absolute "Tommy nonsense."

Senator DOBSON.—I am inclined to think that the nonsense is on the side of the New South Wales representatives. I fancy that if I owned New South Wales, and was told that some few years hence an area would be wanted for a Federal Capital, but no one knew the exact day, I should make it my business to let the land on lease for five, seven, or ten years.

Senator MILLEN.—On land leased for five years for pastoral purposes, what improvements would be made? Is no such thing as a water supply wanted for stock?

Senator DOBSON.—I am aware that where these sites have been inspected, and certainly at Bombala, there is plenty of water afforded by the Snowy and other rivers.

Senator MILLEN.—Does the honorable and learned senator suppose that that supply would water all the area of the supposed grazing leases?

Senator DOBSON.—I should fancy it would water seven-tenths of that area.

Senator MILLEN.—Then the honorable member knows very little about pastoral matters.

Senator DOBSON.—Senator Millen is trying to invent excuses for pushing this matter on, but I have not heard from him

a single argument which could be addressed to common-sense business men. The State of New South Wales has been living at the rate of about £2,000,000 a year from the sale of Crown lands, and I think that now she must have pretty well sold every acre worth anything in those localities. This is one of the arguments which has been rammed down our throats so often that it has stuck in the case of some who are fools enough to believe it. But I am not one of those fools. In order to test the feeling of the Senate, I move—

That all the words after "be" be left out, with a view to insert, in lieu thereof, the words "laid aside for the present in order to save the taxpayer from a large, and, at present, unnecessary outlay, and to enable senators to consider the additional reports recently obtained by the Government, and to enable Ministers to arrange with the Government of New South Wales for the surrender by that State to the Commonwealth, of the land which Parliament may desire to acquire in the locality which may be selected as a site for a Capital, and to arrange with the States interested, the terms and conditions upon which the railways necessary to give access to the Capital, and to the port (if any) of the proposed site should be constructed and opened for traffic."

The PRESIDENT.—I am doubtful whether that amendment is in order.

Senator DOBSON.—We have had this question before the Senate previously, and I think I have before submitted an amendment of this kind.

The PRESIDENT.—The honorable member is quite in order in moving that the Bill be laid aside, but it is another matter whether he is in order in submitting a series of propositions.

Senator DOBSON.—I think I ought to be allowed to state, on the face of the amendment, my reasons for submitting it.

The PRESIDENT.—Our standing orders, relating to second readings, are as follows:—

185. On the Order of the Day being read for the Second Reading of a Bill, the Question shall be proposed "That this Bill be now read a second time."

186. Amendments may be moved to such Question by leaving out "now" and adding "this day six months," which, if carried, shall finally dispose of the Bill; or the Previous Question may be moved.

187. No other amendment may be moved to such Question except in the form of a resolution strictly relevant to the Bill.

Senator DOBSON.—I submit that my amendment is strictly relevant to the Bill, which, I ask, shall be laid aside until we obtain information which honorable senators know we ought to possess. I should like to say a word or two before you decide on

the point of order, and to point out that every idea in the amendment was gathered during the course of the debate.

The PRESIDENT.—In all the Parliaments that I know of, the practice, under similar standing orders, has been to move either that a Bill be laid aside, or that it be read a second time that day six months. But Senator Dobson wants to submit a series of propositions, which he asks the Senate to affirm, but which, although they may have something to do with the matter before us, I cannot say are all strictly relevant to the Bill. The honorable and learned senator proposes—

That the Bill be laid aside for the present, in order to save the taxpayer from a large, and, at present, unnecessary outlay—

That is a debatable proposition which really is not strictly relevant to the Bill. There is nothing in the Bill about expenditure—

and to enable senators to consider the additional reports recently obtained by the Government, and to enable Ministers to arrange with the Government of New South Wales for the surrender by that State, to the Commonwealth, of land which Parliament may desire to acquire in the locality which may be selected as a site for a Capital; and to arrange with the States interested, the terms and conditions upon which the railways necessary to give access to the Capital, and to the port (if any) of the proposed site, shall be constructed and opened for traffic.

I think I am bound to rule that the proposal is not in order as an amendment on the motion for the second reading of the Bill.

Senator DOBSON.—I suggest that I be permitted to withdraw that portion of the amendment which speaks of unnecessary outlay. I contend that all the other parts are very relevant to the Bill, as simply repeating what has been said all through the debate.

The PRESIDENT.—The honorable and learned senator will be quite in order in moving that the Bill be laid aside for the present. The propositions to which he asks the Senate to agree are really his reasons for asking that the Bill be laid aside.

Senator DOBSON.—They are the reasons that were given by honorable senators during the debate.

Senator BEST.—Are those reasons relevant?

The PRESIDENT.—I do not think they are strictly relevant to the Bill. However, I shall hear Senator Dobson on the point of order.

Senator Sir JOSIAH SYMON.—May I say a word? The same rule as is implied in

our Standing Orders governs the proceeding in the House of Commons. At page 447 of *May* we read:—

The principle of relevancy in an amendment (on a motion for second reading) governs every such proposed resolution, which must, therefore, "strictly relate to the Bill which the House, by its order, has resolved upon considering," and must not include in its scope other Bills then standing for consideration by the House. Nor may such an amendment deal with the provisions of the Bill upon which it is moved, nor anticipate amendments thereto which may be moved in Committee.

The principle laid down is this—

It is also competent to a member who desires to place on record any special reasons for not agreeing to the second reading of a Bill, to move, as an amendment to the question, a resolution declaratory of some principle adverse to, or differing from, the principles, policy, or provisions of the Bill; or expressing opinions as to any circumstances connected with its introduction or prosecution; or otherwise opposed to its progress; or seeking further information in relation to the Bill by Committees, commissioners, the production of papers or other evidence, or, in the Lords, the opinions of the Judges.

Senator DAWSON.—They can only apply when our Standing Orders are silent.

Senator Sir JOSIAH SYMON.—Will the Minister listen to what he has overlooked? The term "relevancy" simply means in this case that the opinions which Senator Dobson expresses must be relevant to the subject-matter of the Bill. I do not say that all, but most, of the amendment is relevant.

Senator BEST.—All except that part relating to taxation.

Senator Sir JOSIAH SYMON.—I am not sure that that is not relevant.

Senator DAWSON.—Who is the judge of relevancy?

Senator Sir JOSIAH SYMON.—The Senate. The amendment is a little long, but it all bears on the question whether the Bill ought to be read a second time.

Senator MILLEN.—Is the direction to Ministers relevant?

Senator Sir JOSIAH SYMON.—I do not say that everything in the amendment is relevant. Senator Dobson gives reasons why the Bill should not be read a second time, and certainly that part relating to senators and Ministers requiring information is relevant.

Senator DAWSON.—The principle which Senator Symon has referred to does not apply, unless our Standing Orders are silent.

Senator Sir JOSIAH SYMON.—Our Standing Orders in this connexion are the same as those of the House of Commons, and the

meaning is that an amendment must not travel outside the scope of the Bill.

Senator BEST.—The whole question is as to whether this amendment is, or is not, strictly relevant to the subject-matter of the Bill; and, if the terms of the amendment are carefully considered, I think the answer must be in the affirmative. Senator Dobson says that the Bill ought to be laid aside for the present—

in order to save the taxpayers a large, and, at present, unnecessary outlay.

I do not say anything about that first paragraph, but the amendment goes on—

and to enable senators to obtain additional reports recently obtained by the Government.

The PRESIDENT.—I think that is quite in order.

Senator BEST.—The amendment proceeds—

and to enable Ministers to arrange with the Government of New South Wales for the surrender by that State to the Commonwealth of the land which Parliament may desire to acquire.

Senator MCGREGOR.—That is nonsense!

Senator BEST.—The very object of the Bill is the acquisition of land, and it is conceded that the Government of New South Wales must consent to the grant of the land. The amendment expresses the opinion that the Bill is premature unless negotiations have taken place, and some arrangement made with the Government of New South Wales; and, consequently Senator Dobson says that, before the Senate is called on to consider the Bill, it is essential that we should, at least, know the mind of the Government of that State, in order to guide us to a decision. It is admitted that, constitutionally, we cannot compulsorily take territory without consulting the State Government, and I contend that that paragraph is strictly relevant. The amendment goes on to say—

and to arrange with the States interested, the terms and conditions upon which the railways necessary to give access to the Capital, and to the port (if any) should be constructed and opened for traffic.

Senator PEARCE.—Is that relevant?

Senator BEST.—That is strictly relevant.

Senator DAWSON.—Why not simply move that the Bill be laid aside?

Senator BEST.—The amendment sets out that before a site is selected we ought to know the prospects there are of securing railway communication with the particular site. Could anything be more reasonable from a business or practical stand-point? On the other hand, we are asked to select

a site without any knowledge as to the wishes and desires of New South Wales, although we cannot select the site, or construct a railway without the consent of the Government of that State. Hence the honorable and learned senator, reasonably to my mind, contends that he must know the views of the Government of New South Wales, and the prospects of our getting railway communication to this particular site.

Senator DAWSON.—That is only another device to tie it up.

Senator BEST.—Admitting, for the sake of argument, that it is, then I submit that it is a perfectly legitimate amendment for the honorable and learned senator to move.

Senator MCGREGOR.—That part of the amendment which refers to time for gaining information is strictly relevant to the subject-matter of the Bill; but the portion which refers to Ministers conferring with the Government of New South Wales, or any other Government, for the purpose of finding out whether they are willing to cede this territory, and the portion which refers to the construction of railways, has nothing to do with a Bill whose object is to select a site for the Seat of Government of the Commonwealth. How can we possibly negotiate with the Government of New South Wales, or any other Government, until a site has been selected? We cannot go to the Government of New South Wales and ask for any information about Dalgety or Tumut, when we do not know whether it will be selected or not?

Senator BEST.—The honorable senator might as well say that we should not get reports on the sites.

Senator MCGREGOR.—We could get information about every place in New South Wales if we liked, but that has nothing to do with this Bill. It will be time for the Commonwealth to negotiate with New South Wales when the site has been selected. What has it to do with this Bill whether we go to the Federal Capital in a balloon, or a train, or an aerial ship? Nothing! Senator Dobson was quite willing to stick to the portions of his amendment which you, sir, considered relevant until he was backed up by learned senators, who are generally wrong when we come to discuss the interpretation of the Constitution, or even of a standing order.

Senator PEARCE.—Although Senator Symon correctly quoted from *May*, that—

It is competent to a member who desires to place on record any special reasons for not agreeing to the second reading of a Bill to move as

an amendment to the question a resolution declaratory of some principle adverse to or different from the principles, policy, or provisions of the Bill,

he did not quote that passage which says—

The ordinary practice is to move an amendment to the question by leaving out the word "now" and adding "three months," "six months," or any other term beyond the probable duration of the session.

Senator Sir JOSIAH SYMON.—Why should I quote what everybody knows? That is the standing order.

Senator PEARCE.—I wish to point out that, under the standing order of the House of Commons, the ordinary practice is for a member not to take the line which has been adopted by Senator Dobson, but to move that the Bill be read a second time, either this day six months, or this day three months. We have decided to discard the practice of the House of Commons, and to set up a practice of our own. I take it that on this point of order the practice of the Senate in the future, will be decided. Admitting, for the sake of argument, that the amendment is relevant, is it advisable that we should lay down a rule that, on the second reading of a Bill, a senator may move an amendment which should properly be moved in Committee, in order to "stone-wall" or perhaps shelve the Bill, when in Committee we have ample opportunity to move any amendment that we may require to move? If that rule is laid down, even although in unusual cases it has been allowed in the House of Commons, it will be initiating a very undesirable practice.

Senator Sir JOSIAH SYMON.—Our Standing Orders sanction it.

Senator PEARCE.—They do not. I take it that we are as much governed by standing order 186 as by standing order 187. The latter says—

No other amendment may be moved to such question except in the form of a resolution strictly relevant to the Bill.

The President can lay down a practice.

Senator Sir JOSIAH SYMON.—He cannot repeal a standing order.

Senator PEARCE.—The President can lay down a rule that the only amendment to be moved at this stage shall be an amendment to read the Bill this day six months, or this day three months, or an amendment to refer the Bill to a Select Committee.

Senator GUTHRIE.—The application of the standing order cannot be limited to those questions.

Senator PEARCE.—It can very well be limited, not to the question of the contents of the Bill, but to the question of when it should be read a second time, and what attitude should be adopted. I submit that such a practice as Senator Dobson seeks to initiate, although it has been permitted in extraordinary cases by the House of Commons, would be highly undesirable.

Senator Sir JOSIAH SYMON.—The House of Commons has the same standing order as we have.

Senator FEARCE.—It has never been availed of, except in most extraordinary cases. I submit that it is a straining of the standing order to say that on a motion, which is strictly relevant to a Bill, an honorable senator can move, as a reason for shelving the Bill, any amendment which is relevant to its clauses. At this stage of this Bill the discussion should be confined to its main principle, and that is the selection of a site for the Federal Capital. The proposals of Senator Dobson may arise out of the selection of a site, but they certainly are not relevant to that question.

Senator KEATING.—The contention of Senator Dobson, and those who are supporting him in his attitude, even if it were in strict conformity with the literal interpretation of the Standing Orders, is aimed at the very principle which guides us in parliamentary discussion. Senator Pearce has suggested the difficulties with which we should be confronted if we adopted this attitude.

Senator Sir JOSIAH SYMON.—Why should we abandon a privilege?

Senator KEATING.—The custom of Parliament—and in our Standing Orders we have not deviated from that custom—has been that on the second reading of a Bill, its principles, and not its details, shall be discussed. The proper place for discussing the details of a Bill and moving amendments is in Committee, but we have not yet reached that stage.

Senator Sir JOSIAH SYMON.—Will not this amendment defeat the second reading of the Bill if it is carried?

Senator KEATING.—Undoubtedly.

Senator BEST.—That is the object of the standing order.

Senator KEATING. — Standing orders 185, 186, and 187 come under the heading of "Second Reading." At this stage of a Bill it is its principles and not its details which are under our consideration. I hold that, no matter how the literal interpretation of these rules may be strained, it is not

competent for any honorable senator to come down here and under cover of a statement that he would submit a motion which was purely relevant to the contents of the Bill anticipate a Committee discussion.

Senator Sir JOSIAH SYMON.—Where is the Committee discussion?

Senator KEATING.—Senator Dobson, in his motion, has not only gone into all the details of the Bill, but has gone into details which, in his opinion, it ought to contain.

Senator Sir JOSIAH SYMON.—He does not want them in the Bill.

Senator KEATING.—That is the reason why I think that qualification of the word relevant appears in standing order 187.

No other amendment may be moved to such question except in the form of a resolution strictly relevant to the Bill.

That means that it must be relevant to the principle of the Bill. The honorable senator is using these as pegs upon which to hang a series of motions which I submit it is not competent for him to move at this stage.

Senator Sir JOSIAH SYMON.—Not to defeat the second reading?

Senator KEATING.—Certainly not.

Senator Sir JOSIAH SYMON.—Not if they are relevant to the Bill?

Senator KEATING. — I submit that relevancy to the Bill in this case means strict relevancy to the principle, and not to the details of the Bill. If the course adopted by the honorable and learned senator is acquiesced in by the Senate, we shall be exposing ourselves to the dangers suggested by Senator Pearce. We may have a Bill consisting, not of three or four clauses, but of 300 or 400 clauses, in connexion with which some honorable senator may move, at the second-reading stage, not that the Bill be read this day six months—the ordinary motion to shelve a measure—but that it be referred back for the purpose of inquiring into this, that, and the other matter. We might, in the case of a Bill such as the Navigation Bill or the Arbitration and Conciliation Bill, have an honorable senator anticipating the Committee stage of the Bill, and framing an elaborate motion, having for its object what Senator Symon suggests is Senator Dobson's object in this case—the shelving of the Bill.

Senator Sir JOSIAH SYMON.—I do not suggest that any more than that an amendment that the Bill be read this day six months would shelve the Bill, and in the same sense, by relevant resolution.

Senator KEATING.—Surely the honorable and learned senator must see that in connexion with a measure containing a much larger number of clauses, if the course proposed by Senator Dobson is approved of, any honorable senator will be able to submit a motion having for its ultimate object the shelving of the Bill, and as a kind of secondary object, the announcement of certain principles which the honorable senator holds, and on which he bars adequate discussion. He might utilize this second-reading stage of the measure against the intention of the Standing Orders for the announcement of principles of a varied character, which might extend throughout the whole ambit of a comprehensive measure.

Senator Sir JOSIAH SYMON.—If the resolutions were relevant to the Bill, should not that be allowed?

Senator KEATING.—No; I take the view that the Standing Orders to which reference has been made in this debate refer solely to the second-reading stage, and I submit that it is not competent for Senator Dobson to move any motion at this stage, having reference to details which occur in the Bill, or which from his point of view should occur in the Bill.

Senator CLEMONS.—I take it that the President will not adopt the suggestion made by Senators Pearce and Keating, and deprive Senator Dobson of the advantage of standing order 187. We have been listening to arguments which do not appear to me to be very relevant to the point of order. Under standing order 187, instead of moving that the Bill be read this day six months, Senator Dobson is entitled to move any other amendment which is strictly relevant to the Bill, and the simple duty which the President is asked to perform at the present time is to decide whether the motion submitted is relevant to the Bill. If the President rules that it is relevant, he will have decided that the motion is in order. If a portion of the motion is held to be irrelevant that portion will be out of order, but the remaining portion of the motion may be in order. Senator Best has already intimated in the clearest possible way that a large portion of the motion submitted by Senator Dobson is certainly relevant to the Bill.

Senator PEARCE.—Does the honorable and learned senator think that the reference to the railway is relevant?

Senator CLEMONS.—I am not contending that every word contained in the amend-

ment submitted by Senator Dobson should be admitted, but that if every word in it is held by the President to be relevant to the Bill, the amendment, as submitted, is just as much in order as would be a proposal that the Bill be read this day six months.

Senator DAWSON.—But supposing that some portion of it is held not to be relevant?

Senator BEST.—The amendment is not in order as to that, and that portion can be eliminated.

Senator CLEMONS.—I have contended that the President ought to rule that the whole of the amendment is relevant to the Bill, or that some portion of it is not relevant. That which is not relevant will not be in order, and must be rejected.

Senator DAWSON.—That is destructive of the whole amendment.

Senator CLEMONS.—If standing order 187 is held to be unsatisfactory, the way to get rid of it is to repeal it, and not to ignore it. Senators Pearce and Keating desire that the President shall rule in such a way as to ignore standing order 187, and decide that it is unsatisfactory. It forms a part of our Standing Orders, and so long as it does, some value must be attached to it. The intention is perfectly clear, and if any, or the whole, of the amendment submitted is relevant to the Bill, it is as much in order as would be an amendment that the Bill be read this day six months.

Senator DAWSON.—What Senator Dobson proposes is not to move an amendment, but to bring in a new Bill.

The PRESIDENT. — The standing order which I am asked to interpret and give a ruling upon, is standing order 187. The question I have to decide under that standing order is whether the motion which Senator Dobson proposes to move is in order, and is strictly relevant to the Bill. I point out, in the first instance, that the honorable and learned senator has mixed up in his motion a large number of propositions, which, if voted upon at all, ought to be voted upon separately by the Senate. If the honorable and learned senator had given notice of a motion in the ordinary way, calling for a decision of the Senate upon these various propositions, his motion could not be put in its present form, because it would not be in order. If that were the only reason, it would be quite sufficient to force me to rule that the one motion containing all these propositions is out of

order. It is a motion containing a number of propositions which ought to be voted upon separately. The very foundation of our Standing Orders is that each member of the Senate should have the right to an expression of opinion by vote upon every proposition brought forward. He could not have that right in connexion with this motion, because there are a great many matters mixed up in the one motion, with some of which he might agree, and with others of which he might not agree. I can quote several rulings by Speakers of the House of Commons on this very point, to show how much the operation of a similar standing order has been restricted in the House of Commons. Under the heading "Resolution must be pertinent to the Bill," I find this in *Denison's and Brand's Decisions*—

An amendment foreign to the subject matter of the Bill is not in order.

London Coals Mine Duties Continuance Bill Second Reading. Debate.

Mr. Ayrton moved as an amendment to the question of the second reading "That in the opinion of this House the Coal Tax and the London Bridge Approaches Fund should be continued until 31st July, 1862."

Mr. Speaker said he did not see anything in the Bill about the London Bridge Approaches Fund, and therefore the amendment of the honorable and learned member for the Tower Hamlets was not in order.

No doubt if Mr. Ayrton had confined his amendment to the Bill itself, and had said nothing in it about the London Bridge Approaches Fund, it would have been in order. I fancy that Senator Dobson's motion is liable to the same criticism. There is nothing about expenditure in this Bill. I give another example—

On the motion for the second reading of a Bill no amendment irrelevant to the question can be moved.

Consolidated Fund (Appropriation Bill) Second reading.

Motion made and question proposed—"That the Bill be now read a second time."

Amendment proposed—"That it is inexpedient to proceed with any legislation at this period, except such as is absolutely necessary for the government of this country."

Mr. Speaker—"The terms of the amendment before the House have no reference to the business before the House."

I think that amendment was quite as relevant to the subject-matter of the Bill in question, as the motion now before the Senate is relevant to the Bill we are considering.

Senator PEARCE.—It is on all-fours with Senator Dobson's motion.

The PRESIDENT.—Here it is proposed to ask the Senate to say that it is inexpedient to proceed with the provisions of this Bill until something else has been done.

Senator BEST.—Until certain information has been obtained.

Senator Sir JOSIAH SYMON.—Information relevant to the Bill.

The PRESIDENT.—Another example may be given—

An amendment is not in order which is not relevant to the motion to which it refers.

Prevention of Crime (Ireland) Bill.

On motion made and question proposed—"That the Bill be now read a second time,"

Mr O'Donnell rose to move the following amendment:—"That outrage and disaffection in Ireland are due above all to the unjust and merciless eviction of upwards of 40,000 men, women, and children by the police and military forces of the Crown—

And so on through a long series of resolutions. That amendment was ruled out of order. I do not say that the motion submitted by Senator Dobson may not be amended, but in its present form I do not think I can put it as an amendment, because it asks the Senate to affirm the proposition that the Bill shall not be proceeded with until something else is done.

Senator PEARCE.—About railways.

The PRESIDENT.—About railways, and about negotiations with the State Government of New South Wales, concerning some site which is not mentioned; and because in one motion the honorable and learned senator includes a series of propositions which should be voted upon separately. Honorable senators have a right to say that each of these propositions should be put and voted upon separately.

Senator DOBSON (Tasmania).—In view of your ruling, sir, I am prepared to make a suggestion in regard to the alteration of my amendment. I will cut out the two portions objected to. But as we have passed the usual adjournment hour, I should be very glad to have an adjournment at this stage.

The PRESIDENT.—The honorable and learned senator is speaking now.

Senator DOBSON.—I can ask leave to continue my speech to-morrow. That will enable me to submit my amendments in a new form.

Senator MCGREGOR (South Australia—Vice-President of the Executive Council).—I am quite willing to agree to an adjournment, but I do not know how it is to be brought about. Some one will have to move the adjournment of the debate. Ha

the debate on the President's ruling finished? That ruling can be challenged. If I am not in error, the question with regard to the President's ruling can be taken up to-morrow.

The PRESIDENT.—It is not challenged.

Senator DOBSON.—I am not going to challenge the ruling. I accept it. But I intend to move my amendment in an amended form to-morrow.

The PRESIDENT.—This raises a question which is not provided for by our Standing Orders. Can a senator, in the middle of his speech, without any motion that the Senate adjourn, ask leave to continue that speech on a future day? I am not giving any opinion about it, but it is not provided for by our Standing Orders. Whether it is a convenient practice or not is for the Senate to decide. There may be a difference of opinion. I take it that Senator Dobson, in the middle of his speech, asks leave to continue his remarks at the next sitting of the Senate. If that leave is given, I shall take it as a precedent, and it will, in future, be the practice of the Senate.

Senator Sir JOSIAH SYMON.—It has always been so.

The PRESIDENT.—In South Australia that practice was not permitted, because it was argued that it would be an objectionable course of procedure to permit a member to talk up to a certain time, and then have the debate adjourned. But it is entirely a matter for the Senate. I will put the question now, that leave be granted for Senator Dobson to continue his remarks to-morrow.

Leave granted.

Senator MULCAHY.—Rather than establish an undesirable precedent, it would be better to find some other way of accomplishing what is desired.

Senator Sir JOSIAH SYMON.—This course has been followed before.

Senator MULCAHY.—I know that it has been done within the last few days in another place.

Senator Sir JOSIAH SYMON.—It has been done in the Senate in the case of Senator Fraser, and also in the case of Senator Matheson.

The PRESIDENT.—It has been done once or twice in the Senate.

Senator MULCAHY.—If it is not desirable to continue the practice, there is another way in which it will be perfectly legitimate

for Senator Dobson to continue his remarks and submit his amendment to-morrow.

The PRESIDENT.—I take it that the Senate has given leave to Senator Dobson to continue his speech.

Senator MCGREGOR.—Some one will have to move that the debate be adjourned.

Motion (by Senator WALKER) proposed—That the debate be adjourned.

The PRESIDENT.—That is one of the difficulties. Senator Walker moves the adjournment of the debate, and, according to our Standing Orders, the senator who moves the adjournment of the debate has the right to speak when the debate is resumed.

Senator DOBSON.—He can give way.

Senator Sir JOSIAH SYMON.—The Senate has already given leave to Senator Dobson to continue his speech to-morrow. I think I am right in saying that when that leave has been given either in the Senate or in the House of Representatives, or in the House of Assembly in South Australia, the senator who obtained that leave was in the same position as a member who moved the adjournment of the debate. Senator Dobson has obtained leave to continue the debate to-morrow, and I submit that the debate is adjourned accordingly.

The PRESIDENT.—The debate is not adjourned accordingly. Senator Walker has moved that the debate be adjourned.

Senator Sir JOSIAH SYMON.—I think, sir, that probably you will reconsider that view.

The PRESIDENT.—This matter is not provided for by our Standing Orders, and we are making our practice. I am pointing out that in making this practice we may get into little difficulties.

Motion agreed to; debate adjourned.

Senate adjourned at 10.40 p.m.

## House of Representatives.

Wednesday, 25 May, 1904.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

### NORWEGIAN SAILORS.

Mr. WATKINS. — I wish to ask the Minister of External Affairs, without notice, if the attention of the Government has been directed to the case of the Norwegian steamer *Inger*, which recently arrived in Sydney, manned by a Norwegian crew, under charter to the Pacific Island



Company for the express purpose of trading on the Australian coast and to the Pacific Islands, and sailed on the 3rd inst., leaving thirteen of her crew stranded ashore, without means of any sort, even their clothing having been taken away in the vessel. Is the Government aware that these thirteen men, who are unable to speak English, are entirely dependent upon charity? Is it the intention of the Government to apply the provisions of the Immigration Restriction Act, No. 17 of 1901, to this case?

Mr. HUGHES.—Information has been received in respect to the case referred to by the honorable member. I am not aware that the seamen spoken of are in destitute circumstances, but an inquiry has been directed as to whether that is or is not the fact, and the Norwegian consul has been notified in reference to the matter. Whether the provisions of the Immigration Restriction Act will be applied to the men depends upon the result of the inquiry.

#### OVERSEA MAIL CONTRACTS.

Sir JOHN QUICK.—I wish to ask the Postmaster-General, without notice, whether it is true, as reported in the newspapers, that he intends to amend the conditions of the oversea mail contracts, as settled by the late Government, by eliminating the requirements respecting the provision for the carriage of perishable produce? If so, is he aware that a representative of one of the mail steam-ship lines has publicly intimated that that condition has not materially increased the price of the mail subsidy tender?

Mr. MAHON. — I have expressed no opinion whatever as to the intentions of the Government in this matter. In conversation with a newspaper writer, I merely put forward the departmental view that if any subsidy is required, or any extra expense caused by that provision, there is no business reason why the Post-office should be responsible for it, but that it should be charged to some other Department.

#### ELECTORAL ACT ADMINISTRATION COMMITTEE.

Motion (by Mr. McLEAN) proposed —

That the Select Committee on Electoral Act Administration have leave to sit at any time, and to report the minutes of evidence from time to

Sir WILLIAM LYNE.—Will the carrying of the motion without amendment allow the Committee to admit the press to their proceedings and to permit the publication of the evidence taken?

Mr. SPEAKER.—The ordinary course is for a Committee to report only at the conclusion of its inquiry, in which case its proceedings are private and confidential until that time. The motion permits the publication of the evidence from time to time, and allows the presence of reporters.

Question resolved in the affirmative.

#### MILITARY CYPHER CABLEGRAMS.

Mr. CROUCH.—No doubt the attention of the Prime Minister has been directed to the statement in the press that the General Officer Commanding has been using a private secret service code to send communications to the Imperial Government as to matters affecting Australian Defence without submitting them to the Minister of Defence. The statement which first appeared was that the Minister objected to the course on the ground that he thought that an official of his Department should make known to him all correspondence sent to outside authorities; but in to-day's newspaper an amended statement appears to the effect that the Minister does not object to the course which is being pursued, so long as the Commonwealth is not asked to pay for the transmission of the cablegrams. Does not the Minister think it wrong that an official employed by the Government should communicate information in regard to our defences to the Imperial authorities without making the nature of that information known to the responsible head of his Department?

Mr. WATSON.—The Ministry regret that at this stage any information on the subject has appeared in the public press. The statements which have been published, although they may contain a substratum of truth, are not to be taken as correct. The matter has been under consideration for some time past, and we are now in communication with the General Officer Commanding in regard to it. Until he has had an opportunity to explain his views, and to make any further representation that he may desire, it would be unwise to express any definite opinion here.

#### TAXATION OF FEDERAL OFFICERS.

Mr. POYNTON.—I wish to know from the Attorney-General if in his opinion the

decision of the High Court in the Tasmanian stamp case exempts Federal officers from State taxation.

Mr. HIGGINS.—Will the honorable member give notice of that question? He will understand that it is part of my duty to advise the Government, and as that may often involve a question of policy, I am not at liberty to answer questions of law without having consulted my colleagues.

#### IMMIGRATION RESTRICTION ACT.

Sir JOHN FORREST asked the Minister of External Affairs, *upon notice*—

1. Has an officer been appointed to carry out the Immigration Restriction Act at Fremantle?
2. Have instructions been issued to him?
3. Will every person landing at Fremantle, either to remain in Western Australia or *en route*, be interrogated as to his intentions to remain or to proceed further?
4. Will the interrogation be to the people of all nations; and, if not, to what particular nations will it be made?
5. Is the Minister aware that hundreds of people go on board the mail steamer as soon as she is berthed alongside the wharf at Fremantle, and that people on the ship immediately disembark?
6. Is this to be prevented in future; and, if so, will it not necessitate much delay and inconvenience?
7. Is he aware of the procedure in other parts of the world to prevent undesirable persons entering the country—at New York, for instance?
8. Does he consider the instructions he has issued will prove in any way inconvenient to the travelling public?
9. Will he place a copy of the instructions on the table?

Mr. HUGHES.—In reply to the right honorable member's questions, I desire to state as follows:—

1. Yes.
2. Yes.
3. Yes.
4. Yes.
5. I have no information, but such may probably be the case.
6. The convenience of the public will be interfered with as little as possible.
7. Yes.
8. No. See answer to No. 6.
9. Copy of the instructions to the Collector herewith. The exact instructions issued to the officer have not yet been received.

The Secretary, Department of External Affairs,  
to the Collector of Customs, Fremantle,

Dated 11th May, 1904.

Minister directs that special officer be instructed to visit vessels likely to contain Austrian and Italian immigrants, and to examine all immigrants separately and carefully, particularly as to whether they are under contract to perform manual labour. If he is satisfied that they are under contract, they are to be treated as prohibited immigrants. If he is not

so satisfied, but has reasonable grounds to suspect that false statements have been made to him in this regard, he should permit immigrant to land, and instruct him not to leave Fremantle until advised that he may do so, and while there to report himself every second day at Customs Office. In meantime all possible inquiries should be made by officer to ascertain whether his suspicion is well-founded. If he comes to the conclusion that such person is really under contract, you should report matter briefly as possible by telegraph, and ask for instructions. Special written report to be furnished by officer after each ship examined, stating what action he has taken."

#### METEOROLOGICAL DEPARTMENT.

Mr. GROOM asked the Prime Minister, *upon notice*—

1. Whether the Government is favorable to the establishment of a Meteorological Department for the Commonwealth?
2. Whether he will state the effect of the correspondence that has taken place between the Commonwealth and the States upon the subject?

Mr. WATSON.—The answers to the honorable and learned member's questions are as follow:—

1. The matter is receiving the attention of the Government, but up to the present it has not been possible to arrive at any decision.
2. The effect of the correspondence is to show that the transfer of the existing Meteorological Departments to the Commonwealth would not be easy, as in many States their work is closely allied with that of the Astronomical Departments. The matter is being considered.

#### SENATOR DAWSON AND THE SOUTH AFRICAN CONTINGENTS.

Sir JOHN FORREST asked the Prime Minister, *upon notice*—

1. Whether he has noticed the following in the *Argus* of 28th April last:—

"THE MINISTER OF DEFENCE.

"Brisbane, Wednesday.

"Mr. John Leahy, who was Minister of Railways in the Philp Ministry, was one of the speakers at the annual meeting of the Brisbane Chamber of Commerce to-day. Referring to the new Federal Cabinet, he said he regretted to see that the Minister controlling His Majesty the King's Forces was a man who some time ago had said that any one who went to fight for the King was a coward."

2. If so, whether he has noticed or has heard of the speech referred to, which is recorded in the Queensland *Hansard* of 11th October, 1899, in which the present Minister for Defence (Senator Dawson) referred to the members of the Volunteer Contingents to South Africa from Queensland as "a mob of swashbucklers who went to South Africa to show off their uniforms," and as "rank and arrant cowards," &c., &c., for reasons which he gave?

3. Whether he will inform the House if these sentiments express the present opinion of the Minister for Defence?

4. Whether the Government disapproves of and repudiates these epithets?

Mr. WATSON.—In reply to the right honorable member's questions, I desire to state—

My attention has been directed to the paragraph alluded to by the right honorable member's question. I have not read the speech mentioned, but the Ministry disclaim responsibility for statements made in a State Parliament by any members years previous to the formation of the present Government, and which are not immediately connected with its programme. The sentiments indicated are certainly not those of this Government. If it is desired to ascertain the present opinion of the Minister for Defence, the questions should be addressed to him.

#### FEDERAL CAPITAL SITES.

Sir JOHN FORREST asked the Minister of Home Affairs, *upon notice*—

1. Has he received the final report of Mr. Scrivener on the proposed site for the Seat of Government at Dalgety; and, if so, will he place it on the Table?

2. If he has not received it, will he inform the House when he expects to be able to place it on the Table?

3. Whether Mr. Scrivener, in his report, gives an opinion as to which site he considers the best in Southern Monaro; and, if so, will the Minister name it?

4. Whether Lieut.-Colonel Owen, Inspector-General of Works, has given an opinion as to which site he considers best of those he examined in the Southern Monaro and Tumut districts; and, if so, will the Minister name it?

5. Whether Mr. Chesterman has finally reported on the sites in the Tumut district; and, if so, which of all the sites he has examined does he recommend as most suitable?

6. What is the altitude of the site recommended by Mr. Chesterman, and the highest range of the thermometer in summer?

7. Has the Minister received from the Public Works Department of New South Wales a report recently made by Mr. Pridham on the water supply and electric power available from the Snowy River and its tributaries?

8. Will the Minister place the report on the Table, and, if it has not yet been supplied, will he apply for it?

9. Does he intend that Parliament should have all this recent and valuable information before it *in print* before proceeding to discuss a Bill fixing the site; and, if so, will he take immediate steps to have this done?

Mr. BATCHELOR.—The answers to the right honorable member's questions are as follow:—

1. No.

2. In about a fortnight.

3. The final report has not been received.

4. Yes, Dalgety.

5. Yes, Gadara.

6. (a) Under 1,500 feet elevation above sea level.

(b) Authentic temperature records are not available.

7. No.

8. The report will be asked for, and placed on the Table when received.

9. All the information referred to was placed on the Table of the House on the 19th inst. The printing is a matter for the Printing Committee.

#### MINISTERIAL STATEMENT: PAPER.

Debate resumed from 24th May (*vide* page 1461), on motion by Mr. WATSON—

That the letter from the Secretary of State for the Colonies regarding the use of the title "honorable" by the members of the first Parliament of the Commonwealth of Australia be printed.

Mr. KELLY (Wentworth).—In resuming this debate, I do not propose, if I can help it, to be side-tracked into any side issues, as were some honorable members last night. One honorable member, if I remember rightly, proceeded to indict our side because we had dared to infer that the Minister of External Affairs, by accepting office, was not true to his hustings pledges on the fiscal question. That seems to be an extension of the argument which, at first, was used by the Minister as against the party to which I have the honour to belong. The charge he then made has been hurled back at the Minister, and now it is hurled back again against us, for having dared to advance it against the Minister. That sort of *tu quoque* argument could go on for ever; and I, therefore, do not propose to address myself to it. But I do propose to examine the question whether the party at present in power is deserving of the confidence of the House, because that is the true issue. The party on the Treasury benches have long regarded themselves as "the white-headed boy" of politics, and the party that opposes them look on them as the bad boy of politics, who ought not on any account to be allowed to grow "white-headed" in office. With your permission, sir, I shall examine both these contentions. In the first place, the party in power tell us that they do not want office, and yet we find them seeking office on the pretext of an amendment on which they now say they set no store.

Mr. McDONALD.—This is terrible!

Mr. KELLY.—It is terrible; it is a bad entry into public life for a "white-headed boy." I should like to examine the amendment which brought the present Government into power. Sub-section *b* of clause 4 of the Conciliation and Arbitration Bill practically excluded all State and Commonwealth servants from the operation of that measure. The present Minister of Trade and Customs beat the Government

on an amendment which practically substituted "included" for "excluded," so that now the Bill provides that all State and Commonwealth servants are included within its operation. The Labour Party having won their places on the Treasury benches, now propose to speciously differentiate between the clerical and other employés in the public service. I say "speciously" because the Prime Minister, in his address on Wednesday last, was careful to say that a blank had been created in the Bill by the passing of the amendment moved by the Minister of Trade and Customs.

Mr. WATSON.—I did not press that as a reason, but simply made a statement of fact.

Mr. KELLY.—The Prime Minister says that it was simply a statement of fact, but I do not think that is so. No one knows better than the Prime Minister that no blank has been created, but that the Bill is more ample now than it was before.

Mr. WATSON.—Does the honorable member say that the leaving out of two or three words makes the Bill more ample? The honorable member is barking up the wrong tree.

Mr. KELLY.—The word "included" has not yet been substituted, but it was proposed to substitute it at some other time. We find this party, who are so jealous of their individual liberty outside questions of their party programme, voting as solidly on behalf of this amendment as they are now solid against carrying it out. So much for their freedom from the caucus. But the Prime Minister knows the state in which the Minister of Trade and Customs left this Bill, and he now proposes something quite different. What was the use of the Labour Party, before the fall of the late Government, going to that Government and saying, "Do not regard this as a vital issue; it is really of no moment?" They knew that the late Prime Minister was a gentleman who always placed his convictions far higher than continuance in office.

Mr. WATSON.—I told the late Prime Minister the same thing six or seven months before.

Mr. KELLY.—The Labour Party knew that the late Prime Minister was such a politician as I have described. Now they take a different view of the question, and are willing to sink the principle on which they ousted the late Government.

Mr. McDONALD.—Let the honorable member try us!

Mr. KELLY.—If the Labour Party believe in this principle, why do they now forsake it? They did not believe in it, why did they press it? There can be only one of two answers to this proposition. Either they sank their convictions to oust the Government in order to secure office, or they are sinking their convictions in order to stay there. Then the Labour Party say that they do not want office, although we find them going in for a system of lobby intriguing in order to stay where they are. We find them going about buttonholing men on this side whom they imagine to be disaffected, and showing these men official labour league letters, promising, on behalf of their confreres outside—

Mr. BATCHELOR.—Has the honorable member been buttonholed?

Mr. KELLY.—No; the Labour Party are very careful about whom they buttonhole, and I may now ask why I have not been approached. But the Labour Party buttonholed the men to whom I have referred, and showed them labour league letters, promising that they would not be opposed at the next election if they agreed to help the Government in the present crisis. The Labour Party say that they stand for the whole people. How can they bind the whole people three years ahead? The Labour Party say that they do not want office; but if so, why should they prostitute all the principles of clean Government in a shameless effort to stay there? I think I have said enough to show my conviction that there is no evidence to support the Labour Party's contention that they are "the white-headed boy" of politics. I should now like to examine the other contention. The Federal Labour Party is a growth out of the Labour Parties existent all over Australia before Federation, and still existent. This party is governed and is subject to the will of the same conclaves which held those separate parties in the hollow of their hand. Now, what the ultimate policy of the Labour Party is can only be disclosed by the future, because none of us can gauge it at present. We only know that they are apt to be swayed by the programmes laid down by the various sections of the Labour Party throughout Australia.

Mr. BAMFORD.—To which parties does the honorable member refer?

Mr. KELLY.—To the different coteries of men who govern the various labour parties

throughout Australia. These organizations will eventually mould the sentiments which will guide the Ministry, when it is strong enough to carry on, without considering the views of a far larger Opposition. In view of these circumstances, I do not think that it is sufficient to approach the consideration of the policy of the Government by simply looking at the programme which has been placed before us. In order to arrive at a just conclusion as to the intentions of the Government, it is necessary to examine the policies of the different labour organizations, of whom the members of the Government and their supporters are merely the delegates. That, however, would be a task so enormous that I do not propose to enter upon it this afternoon. Several honorable members of the Labour Party have told us how that party is constituted. For instance, the honorable member for Hindmarsh yesterday took credit for his party, inasmuch that within its ranks were to be found squatters, doctors, and lawyers. All honour to the party which contains within its ranks representatives of these classes of the community. Honorable members on this side, however, take no credit to themselves because of the social standing of those who are to be found amongst them. We gauge a man according to his capacity or ability, and do not care whether he is a squatter, or doctor, or anything else.

Mr. HUTCHISON.—Neither do we.

Mr. KELLY.—The honorable member appeared to put forward his statement yesterday as if he intended it to confer a badge of distinction upon his party.

Mr. WATSON.—When we convict the honorable member's party of a falsehood, he turns round upon us. We have been charged with being exclusive, and when we show that we are not, the honorable member at once says that we are seeking to confer a distinction upon our party.

Mr. KELLY.—As indicating also, to some extent, the nature of the constitution of the Labour Party, I desire to quote the statement made by Senator Dawson in the course of an interview which he recently granted to a representative of the *Sunday Times*. Senator Dawson stated—

Any man who subscribes to our platform is a full member of the party, and any one who does not is an outsider, and there never was a period in the labour movement when it was otherwise.

When we consider how many hundreds of thousands of men there are outside the ranks of the Labour Party, that statement should in itself be sufficient to indicate the

exclusiveness of the organization. I do not propose to press the matter further than to quote these remarks of the honorable senator. I propose to examine the programme of the Government, of which the first item is the Conciliation and Arbitration Bill, with a view to showing that it is brought forward in its present form in the interests not of all classes of the community, but of a section. We should not forget that the Labour Party is largely made up of officials of the militant labour unions, which the Conciliation and Arbitration Bill is intended to assist. We must not lose sight of this fact, which I desire to press home. The moment the Conciliation and Arbitration Bill comes into operation, a union, if it has certain rules, may come along and register itself in the Commonwealth Court, and amongst the first to take advantage of the provisions of the Bill will be those militant unions which honorable members opposite have such a large share in administering.

Mr. BATCHELOR. — Do not honorable members on the Opposition side of the House accept the Conciliation and Arbitration Bill?

Mr. KELLY.—I am not speaking of the Bill, but of the personal element introduced into it by the Labour Party. I am differentiating between the militant unions and the genuine trades' unions. If we are to have a Conciliation and Arbitration Bill, we must have a workable measure, and we want the first union to come along and register. But we do not want the militant unions to take this course, and afterwards, by making use of other provisions of the Bill, to insure that they shall be the only unions registered, and that all men must subscribe to them—to their political and fighting funds. The Labour Party have left the Bill in such a condition that a union can come along and register, and afterwards, by taking advantage of the clause relating to the preference to be given to unionists, compel all men—practically at the peril of their livelihood—to join the unions, to subscribe to their funds for the support of our friends on the other side of the House! Such unions would then be in a position to compel men, who have not joined militant unions in the past, because they have preferred to retain their individual political liberty, to join them and thus enhance the power of the leaders of the unions—our honorable friends opposite. If the members of the Labour Party wish to alter this, a very simple

course is open to them. If they wish to escape the charge of unfairness in this regard, they should adopt a provision whereby no union should be allowed to register, if its rules contained any provision whatever relating to political matters or parliamentary elections.

An HONORABLE MEMBER.—Do the coalition propose to do that?

Mr. KELLY.—I am speaking for myself. I am not the leader of this party.

Mr. RONALD.—The honorable member ought to be, if he is not.

Mr. KELLY.—No doubt there is a good deal in what the honorable member says. I think I have shown that the Conciliation and Arbitration Bill can be construed as an insidious attempt to force the people to grant the unions largely increased power, which, if asked for openly, would be refused with scorn. So much for one reading of the Conciliation and Arbitration Bill as constructed by the Government. The next measure to which I desire to refer is the Capital Sites Bill. This measure has been introduced into the Senate, apparently in order to keep passive for the present the representatives of New South Wales in this Chamber; because, if the Government really meant to push it through, they would not introduce it before they were prepared to provide the funds necessary to give effect to its provisions. They tell us that they intend to defray the cost of establishing the Federal Capital by confiscating a portion of the reserves of the banks. They do not propose to appropriate this money until next session, and therefore I ask, why have they introduced a Capital Sites Bill before the money necessary to carry out their plan is to be made available? I think that point is worthy of the consideration of the representatives of New South Wales. To my mind, it affords the best proof that could be adduced that the Government are insincere in this regard. In approaching this question, we find also that the Government, after their assumption of office, have disregarded the conviction of the strongest personality on the Government benches. I refer to the right honorable and learned member for Adelaide, who said, on a former occasion, that choice of the Capital Site should be made a part of the Government policy. He told the late Government that the Ministry should choose the site, and make the House abide by its decision. The present Government, however, have ignored that advice. In itself I do not suppose that is a particularly

heinous offence, but as members of the Labour Party are always saying that they place such infinite confidence in the judgment of the right honorable and learned member, I think it is rather significant that, in almost their first action after taking office, they should disregard his counsel. The Government have gone very far afield—to Canada in fact—to secure precedents for their proposed robbery of the banks. I wish they had crossed the Canadian border to the United States in search of a precedent for their scheme for blackmailing New South Wales of 900 square miles of her territory. Had they done so, they would have discovered that the United States, with a population of 80,000,000, gets along very well with only sixty square miles of Federal territory. In view of that fact it is surely possible for this Commonwealth to carry on successfully with 100 square miles of Federal territory. But my honorable friends opposite disregard precedents which do not accord with some particular plank of their platform. Whom, I ask, will their proposed scheme advantage? Will it benefit New South Wales, which is to be blackmailed of 900 square miles of its best lands? Will it advantage the Commonwealth, which will have to pay in part for the experiment? Certainly not. It will merely benefit those conclaves and their tools in Parliament who desire to conduct experiments in land nationalization at the expense of New South Wales and of the Commonwealth. I hold that if they wish to experiment in land nationalization they should select an area of only average productivity—a piece of land which would guide us as to the soundness or otherwise of their theories in that connexion. Why should they make the Federal Capital proposal a stalking horse to enable them to secure a large area of the best territory in New South Wales, and to unfairly place before the electors the result of their schemes? Almost any form of land tenure would be successful upon an area such as it is proposed to resume for the Federal Capital site.

Mr. HUME COOK.—Why does the honorable member say that the Federal territory will comprise the best lands in New South Wales?

Mr. KELLY.—Three sites have been specially selected, partly because of their fertility, and I assume that Parliament will choose the best of these. I should like to examine the Prime Minister's statement regarding the question of our mail contracts.

He stated that he has had an interview with Mr. Anderson, the manager of the Orient Company, who told him—as he had already informed the honorable and learned member for Ballarat—that the increased subsidy demanded by the mail companies is not due to the provision for the employment of white labour upon the ships, which has been inserted in the contract. Doubtless that is so, because, as we all know, the Norddeutscher-Lloyd, which employs white labour only throughout its ships, has a much smaller wage-sheet than have the other companies. The real question is not one of expense, but of the vessels being able to run punctually to time. The Prime Minister admitted, in reply to an interjection, that Mr. Anderson had declared that if the companies observed the other conditions which it is attempted to impose they would insist upon the insertion in the contract of some provision which would enable them to escape penalties for delay. The Prime Minister has said that he regards that as a minor matter. I disagree with him. In my judgment, punctuality should be a first essential. This matter affords another illustration of the fact that “the white-headed boy” can be specious when it suits him. I now propose to say a few words concerning the Government policy with regard to torpedo-boat destroyers. In his dissertation upon naval defence, the Prime Minister affirmed that these destroyers would, if desired, act as the eyes of the British Fleet stationed in Australian waters. I do not propose to accept that statement without reserve. If these vessels are intended to act as eyes for the fleet, surely both should be placed under the same control. Of what use are a man’s eyes to him when he is attacked, if his arms are tied, or *vice versa*. We must have a central control in these matters. Dual control has never proved efficient in any naval or military enterprise. Having regard to that fact, I have come to the conclusion that the Prime Minister’s proposal springs simply from a desire to euphemistically introduce the Australian Navy project—a project as futile as it would be inefficient. Honorable members are aware that Australia will not be subject to invasion until Great Britain has lost command of the seas. When such a contingency arises—and I hope it never will—an enemy could send to our coast four or eight torpedo boat destroyers for every one that we possessed. Our vessels would represent only so much scrap iron,

Mr. Kelly.

because they would be caught and smashed in detail. I think that the Prime Minister has been unduly impressed by the great speed which these vessels possess. But is he not aware that they attain that speed only in calm water, only under conditions, in fact, which seldom obtain around the coast of Australia. I understand that the tendency now-a-days is to construct a larger and slower type of this vessel than was formerly in vogue, in order to overcome the difficulty to which I have directed attention. I desire to impress upon the House my conviction that an Australian Navy would be of no service whatever to the people for defence purposes. A navy which would be adequate to defend our coast must be in a position to seek out and blockade the coast of the enemy. That is admitted amongst naval experts to be a cardinal principle in naval warfare. No better example of the soundness of that principle can be cited than that which has been afforded by recent events in the Far East, where the Japanese sought out and blockaded the Russians at their own base, denying to them any opportunity to contest the control of the seas. If we wish to defend our shores we must blockade the coast of our enemy. For Australia to essay a task of that character would involve the equipment and maintenance of an enormous navy, which would be capable of going, perhaps, to the other end of the world. Such an undertaking it would be manifestly absurd for us to attempt. Consequently the only means open to us of protecting Australia from invasion oversea is to contribute—and to contribute largely—to the Imperial Navy. When I say that is the only means we have of protecting ourselves, of course I except the fact that it is necessary to maintain a strong citizen force to repel invaders after they have once gained a footing. I repeat that the only way in which our coast can be adequately protected is by Australia making a large contribution to the Imperial Navy.

Mr. KNOX.—Does not the honorable member believe in having a good harbor defence?

Mr. KELLY.—I certainly do, because a good harbor defence is a protection against sudden raid, and from any organized blockade. I should like to ask the Prime Minister if he grudges the contribution that we have already made to the Imperial Navy under the terms of the Naval Agreement. If he does he should

boldly say so, and not fool the electors of Australia into the belief that his scheme under which we should have a torpedo destroyer or two dotted round the coast of Australia, would render us any the less insecure from foreign invasion. I do not wish to detain the House at any length, but I should like to briefly traverse the Government proposals in regard to the tobacco monopoly and bank confiscation. In the first place the Prime Minister has adduced no evidence to show that the present tobacco monopoly is abusing its powers. He does not tell us that the trust has raised the price of tobacco. As the result of the imposition of the Commonwealth duty there may have been, of course, a natural increase in some places; but he does not contend that the price of tobacco has been raised by the trust, or that the quality has been reduced. He simply says that the tobacco trust is a paying concern, and that the Government might as well secure the profits obtainable from carrying on such an undertaking. I would also remind honorable members that the Prime Minister does not say that the Government propose to lower the price of tobacco, and make it possible for the people to obtain their smoke at half the present cost. He merely proposes that the Government shall secure the profits to be obtained from such an undertaking. His intention is that the Government should confiscate the operations of a trust, which has not been proved guilty of any wrong doing, and establish in its place a monopoly which would be subject to all the temptations to which a Government concern is always open when it is necessary to raise as much money as possible to meet the exigencies of the Government. Any one who has lived in France for any length of time will realize that the Government tobacco monopoly there has not been to the advantage of the people. The quality of French tobacco is simply execrable; it is unsmokable. Do not honorable members see the danger which might accrue from having a Treasurer in power who was badly in need of money, but dared not ask Parliament for it, and who would in this extremity press the managers of the Government tobacco monopoly to obtain as much profit as possible from the people. Cannot the Prime Minister see that an insidious means of taxation would thus be adopted under which the people would be unable to learn the true extent of the taxation imposed upon them.

Mr. POYNTON.—Would that be any worse than a land tax?

Mr. KELLY.—The people know the extent of their liability under a land tax, but that would not be the case in connexion with a Government tobacco monopoly. They would only learn to what extent they are being taxed by marking the depreciation in the quality of the tobacco.

Mr. SPENCE.—The honorable member is assuming that the Government would control the management.

Mr. KELLY.—The Government invariably controls the management of State undertakings. If they did not do so, what difference would there be between a Government and a private monopoly? It appears to me that this is a scheme on the part of "the white-headed boy" to raise money for the purposes of government—money which the people, if they knew the true position, would not allow to be raised in that way. The Government assert that they are opposed to the floating of loans for the Commonwealth—that they favour the keeping of our expenditure within the limits of our ordinary revenue, and that they are opposed for the present to new taxation. But they believe in this form of taxation, under which the people would find it impossible to determine the extent of the impost levied upon them. I should like to refer briefly to the Government banking proposals. The contemplated bank confiscation has a very curious aspect. The Prime Minister owes his success very largely to the declaration which he has made again and again that he is opposed to borrowing. That has been one of his strongest cries. He cannot, therefore, borrow; but under his banking proposals the Government would be able to confiscate perhaps £5,000,000 of the bank reserves.

Mr. O'MALLEY.—£8,000,000.

Mr. KELLY.—I am putting the figures as low as possible. I think that the proposal is to take 40 per cent., and then two-thirds of 40 per cent., which, roughly speaking, would be four-fifteenths.

Mr. O'MALLEY. — We should have the handling of £8,000,000.

Mr. KELLY.—Quite so. The Government propose to spend £5,000,000, but they would have the handling of £8,000,000. That is the crux of the question. In support of their proposals they refer to the requisitions which have been made by the Canadian Government; but they have omitted to tell the House that



the Canadian banks were wholly opposed to the legislation in question.

Mr. O'MALLEY.—That is true.

Mr. KELLY.—In other words, those who were most competent to judge of their own affairs strongly opposed it. For whom are these reserves maintained by the banks? They are kept, not for the benefit of the shareholders, but for the benefit of the depositors.

Mr. O'MALLEY.—And the Government is a depositor in the different banks.

Mr. KELLY.—The Government as a rule are borrowers rather than depositors. As the Prime Minister said very fairly, the conditions which prevail in Australia are absolutely different from those existing in Canada, where the banks have reserves of only 8·10 per cent. against their liabilities. I have not had time to go to the root of this question—and as a matter of fact all the books dealing with it have been in the hands of members of the Government—but I believe that it was because of the low reserves in Canadian banks that the Canadian Government took action. They introduced this legislation largely for the protection of the depositors, believing that the bank deposits bore too large a proportion to their reserves. But no one can say that the position is the same in Australia. Here the proportion of reserves as against liabilities is 22·19 per cent. These figures both relate to the year 1902, and a glance at them will show that there is a very obvious difference. Legislation of this kind was introduced in Canada for the protection of the depositors, but in Australia it is to be introduced, as honorable members opposite have told us this afternoon, solely in order that the Government may have the handling of this large sum of money. I should like now to briefly summarise some of the reasons which lead me to look upon honorable members opposite as a party very dangerous to leave in possession of the Treasury benches. If we consider the way in which they came into office, and the means they have adopted to retain possession of the Government benches—if we look at the programme for the present Parliament which they have put before us, as well as the future programme, which, from May Day and other speeches, we know they contemplate—we must recognise that the contention that they should not, on any account, be allowed to grow “white-headed” on the Treasury benches, has been proved up to the hilt. I hold that

the Labour Party have, according to their own programme, been selfish. They have not been disinterested in gaining office, nor in the means which they have adopted in order to stay there, and I believe that they have up their sleeve measures even more revolutionary than those which are mentioned in their programme. In my opinion the vitality and enterprise of the people have been made subservient to the ambitions of a clique, and it is the duty of those of us who do not represent that clique to take the first opportunity to oust this Government from power, and to substitute for it—

Sir WILLIAM LYNE.—A worse one, perhaps.

Mr. KELLY.—I understand that the honorable member intends to join the next Government, so that he may, perhaps, be right in his description of it.

Mr. MAUGER.—The present Government have not yet been defeated.

Mr. KELLY.—The honorable member for Hume does not like to see the members of his party toeing the line; but it is the duty of those who are opposed to the principles of the Labour Party to take the first opportunity to oust them from office.

Mr. BAMFORD.—Why not do so at once?

Mr. KELLY.—I think it will be done without much trouble.

Mr. HUGHES.—Then why take so much trouble about it?

Mr. KELLY.—When they are ousted, we shall have, not government by a clique for a clique, but government by the representatives of the whole people for the benefit of all.

Mr. JOHNSON (Lang).—My original intention was not to make any remarks at this juncture, and I should not have risen to speak on the question before the House had it not been for the animadversions and unwarrantable personal attacks made upon me and my attitude towards the present Government by honorable members sitting on the Ministerial side of the chamber. To make the position clear, it will be necessary for me to review the condition of parties since the last general election. It will be remembered that when this Parliament first assembled there were three distinct parties in the House, which differed from the division of parties in the last House, inasmuch as the numerical strength of each was relatively the same, whereas the numerical strength of the three parties in the first House differed considerably. It at once became obvious that we had either

to consent to allow one of these parties to govern under the direct control and coercion of another, which from the point of view of the members of the direct Opposition was incompatible with the best interests of the country, or the protectionist Government must be turned out of office. The members of the direct Opposition were pledged to the support of free-trade principles, but their first duty to their constituents was to get rid of the Government. It was realized throughout the electorates which we represent that the continuance of that Government in power would make for all that was most undesirable in connexion with the administration of the affairs of the Commonwealth, because, besides being in an actual minority, it was under the domination and control of the irresponsible third party, which had shaped its policy last Parliament, and was prepared to shape it this Parliament. Under those circumstances, we had responsibility divorced from control—a condition of affairs which could not be allowed to continue. Consequently, when an opportunity to put an end to it arose, several members of the Opposition joined with the members of the Labour Party in supporting an amendment moved by a member of that party, and that temporary combination was successful in defeating the Deakin Government. That was so much towards the redemption of our pledges to our constituents. But a new situation arose. When the then Government were defeated, the leader of the Labour Party was sent for by the Governor-General, and asked to form a Ministry. While, in my opinion, the action of the Governor-General was perfectly right and constitutional, the honorable gentleman sent for, and those associated with him, would have stood much higher in the estimation of the people of the Commonwealth if, before absolutely accepting that invitation, they had ascertained whether there was a possibility of obtaining a reasonable working majority to support their policy. Had they done so, they would have got rid of the suspicion which must now inevitably attach to them of having accepted office with the slenderest hopes of success in retaining it. I do not say that before the defeat of the late Government they were anxious for office; personally, I believe they were not; but their conduct will always be tainted with that suspicion in the public mind. They would have stood in a very much better light with the whole of the country had they shown their disinterestedness in

the matter of the emoluments of office, and, if when they found they could not secure a working majority to start with, they had returned His Excellency's commission, and recommended him to send for some one else, or suggested some other course which they thought prudent.

Mr. HUTCHISON.—They have not discovered that course yet.

Mr. JOHNSON.—I do not see how they could possibly have expected to discover it without looking for it. When the Government met the House what did they find? They found twenty-three or twenty-four honorable members on the Government benches, and a phalanx of forty-six arrayed against them.

Mr. SPENCE.—It was not a solid "phalanx."

Mr. JOHNSON.—It was not solid at the time, but that was the disposition of parties which met the Government on their first appearance. That fact alone should have convinced them they had made a mistake: but we know what they have been constantly doing since then. By all sorts of artful contrivances they have been attempting to get honorable members on this side to forego their allegiance to their respective leaders, offering bribes of the worst possible description—bribes of non-opposition at the next general election—promises which the Government have not the power to redeem even if accepted. By such means they have tried to get a working majority; but, up to the present moment at any rate, they have not succeeded. I opposed the late Government because I knew that while they were in office, and so long as they could get the support of the Labour Party, there was no possibility of pulling down any part of the Tariff wall. I had no hesitation in assisting the Labour Party to oust the late Government. But I am perfectly free to admit that the Labour Party had no desire at that time to turn the Government out. The Labour Party, unfortunately for themselves, fell into a trap. When the esteemed leader of the party to which I have the honour to belong announced his intention to support the late Government in the crisis, it was thought by most of the Labour Party that that promise involved not only his individual support, but also the support of the whole of the members of his party. Obviously that was the idea in the minds of the present occupants of the Treasury benches; but when it

was too late to make a retreat, the Labour Party discovered that they had made a mistake. They wanted to pose before the country as the great champions of the principle, as they put it, of including State and Commonwealth servants within the operation of the Conciliation and Arbitration Bill. They expressed their determination to press the question to a division, notwithstanding the fact that the Government which they were anxious to keep in power had declared that they would make it a vital question. They never thought that the amendment would be carried—they did not want it to be successful. We had members of the Labour Party hurling accusations of the most violent kind at those members of the Opposition who had the temerity to support their own amendment. That is where the insincerity of the Labour Party was evident, clear and unmistakable. I must confess that, up to that time, no matter how much I disagreed with the platform and methods of the Labour Party, I had, at any rate, given them credit for sincerity.

Sir WILLIAM LYNE.—What did the honorable member do?

Mr. JOHNSON.—I did not do as the honorable member did, and I hope I never shall be found emulating his political career.

Sir WILLIAM LYNE.—The honorable member would not follow as true a course as myself.

Mr. JOHNSON.—Surely the honorable member does not understand what he is talking about when he speaks of a "true course."

Sir WILLIAM LYNE.—I do not think that the honorable member does.

Mr. JOHNSON.—I say that we have evidence of the insincerity of the Labour Party, when they held out threats of what would happen in the future to those members of the Opposition who supported their amendment. The Labour Party wanted to pose as martyrs before the labour world, but were unable to do so; and when it was too late, they found that they had to go to a division. They could not withdraw the amendment and save the Government, and, therefore, the Government went down. Where do we find this great principle of including the public servants within the Arbitration Bill put before us at the present time? That principle is eliminated—the principle which they made a vital question, and for which they went to the extreme of wrecking a

Government, is now thrown to the wind. We find no trace of the proposal in the Conciliation and Arbitration Bill before us, and this I say is a convincing proof of the insincerity of the Labour Party. It is true that the amendment, on which the late Government was defeated, was not put forward by the leader of the Labour Party, but by one of the rank and file. It must be remembered, however, that the amendment had the sanction of the leader of the party, who voted for it, and therefore became responsible—a fact which was recognised in the action of His Excellency the Governor-General in sending for him to form a new Ministry. Now, why do I oppose the present Government? The most serious objection I had to the last Government was a fiscal objection—the fact that it was a protectionist Government—I now find myself confronted by a Government largely dominated by protectionists, which, indeed, has more protectionists than free-traders amongst its supporters, and which, in addition to its protectionist tendencies and proclivities, has the taint of avowed Socialism. All my life I have been one of the strongest and most uncompromising opponents of Socialism. That is not from any personal feeling against those who advocate Socialism; on the contrary, I am free to admit that those who advocate Socialism are, in my belief, actuated by the most worthy and humane motives. But, in my opinion, Socialism is absolutely wrong, and would lead to greater troubles than those which it seeks to remedy—to conditions which, ultimately, would prove more intolerable than any of which we have yet had experience.

Mr. SPENCE.—What does the honorable member mean by "Socialism"?

Mr. JOHNSON.—It is for supporters of the Government to define the meaning. The great trouble about Socialists, I find, is that they can never be pinned down to any one definition. There are as many definitions of Socialism—unfortunately, or fortunately, as the case may be—as there are Socialists, so that what stands for Socialism with one does not stand for Socialism with another. There is the one common ground of agreement amongst them, to attack capital, which, to them, is a great bugbear. Capital must be nationalized. Outside of that agreement, however, their definitions are as numerous as are the followers of the principles of Socialism, if there are any principles involved.

Mr. SPENCE.—The honorable member is opposing a bogey—a myth.

Mr. JOHNSON.—Then the honorable member opposite must be supporting a myth. The fact remains that the Government have declared their intention to bring in socialistic measures, which, as they have given us to understand, comprise the nationalization of various branches of industry, and, ultimately, I suppose, the nationalization of all branches of industry and of capital, property, and everything else. If we are to pay any regard to the resolutions passed at the May Day demonstrations, which have been indorsed by the present Prime Minister as the basis of the proposals of the Labour Party, we must assume that all capitalists are enemies of the country, and are not to be countenanced under any circumstances. Personally, I do not take any exception to capitalists. As a matter of fact, I would rather see them encouraged to engage in all sorts of enterprises, and to expend their capital in developing the natural resources of the country under perfectly free conditions. I should not be in favour of granting special privileges to any particular individuals, but would make all start from the same level. At the same time, there should be no interference with the investment of capital in legitimate enterprises. Where our friends, who term themselves Socialists, are wrong, in my view, is in attributing the existing social conditions, which admittedly are not by any means what it is desirable they should be, to the evil influences exerted by capitalists. I think that in that regard they have made an initial mistake, upon which they have proceeded to build up their policy.

Mr. SPENCE.—Who said anything of the kind?

Mr. JOHNSON.—I am judging by the utterances of honorable members opposite. If those are not to guide us, where else can we look?

Mr. SPENCE.—Would the honorable member quote some of the utterances to which he refers?

Mr. JOHNSON.—If the honorable member desires me to traverse the whole of the speeches delivered by members of his party, I am perfectly willing to do so; but I do not think that any such course is necessary. I desire to explain why I am to be found on the Opposition benches. In my speech on the Address-in-Reply, I remarked, in view of the state of parties, that it was obvious that it would be necessary before long to take some steps to divide honorable members into two sections,

so that we might have a distinct line of demarcation between honorable members on the Treasury benches and those who were opposed to them. Yet, I was attacked by the Minister of External Affairs and by the honorable member for Gwydir in a most unfair manner, because it was alleged that I had sunk my principles. I had not sunk my principles any more than those honorable members have sunk theirs by associating with those who differ from them on the Government benches.

Mr. BROWN.—They are only judging the honorable member by the company he keeps.

Mr. JOHNSON.—The company I keep may not be congenial in all respects, but I prefer it to that in which I should find myself were I sitting on the Government benches. Although I cannot get all I want from those honorable members with whom I am at present associated, it is morally certain that I should have no possible chance of getting anything from those who are on the Government benches. That is one of the reasons I am in opposition at the present time. I find myself in association temporarily with those who are opposed to me on the fiscal question, but I did not seek the alliance. Those who hold views opposite to mine came over to my side of the House, and, therefore, if honorable members opposite have any quarrel, it must be with my fiscal opponents, and not with me. I still occupy the seat which I have filled since I have been in this Parliament.

Mr. MAUGER.—Surely it is not a matter of seats.

Mr. JOHNSON.—No; but I am pointing out that I am still in opposition. I have not changed my views. I am not only confronted with a solid phalanx of protectionists, but also with a compact array of Socialists, to whose policy I am opposed. I am in the unfortunate position of holding certain views, which are shared by an insufficient number of members to enable us to form a distinct party, and to take possession of the Treasury benches. Consequently I have thrown in my lot with the party which, while it comprises members who go no part of the way with me, contains others who are prepared to go some part of the way, and still others who go the whole way. Therefore, I am in congenial company to that extent: whereas I should have no congenial society were I sitting opposite. When the Minister of External Affairs charged me with sacrificing my principles, he forgot that he was in exactly the same position as myself. T

never charged him with sacrificing his free-trade principles, nor do I take that attitude now. The honorable and learned member, however, finds himself in alliance with those who hold opposite fiscal views, and I should have far more reason and logic on my side were I to charge him with having deserted his principles, because the alliance into which he has entered is voluntary and permanent, whereas the situation in which I find myself is the result of political accident, not of premeditated design. It has been practically forced upon me by the exigencies of the political situation, over which I had no control.

Mr. G. B. EDWARDS.—We have all sunk a certain amount of principle, and it would be better for the nation if we could sink more.

Mr. SPENCE.—I thought honorable members opposite were all free men.

Mr. JOHNSON.—So we are; but we have found certain points upon which we can all agree, and have made those a common bond of union. That was a matter of free-will and conscience. That is where our position differs from that of honorable members opposite. A good deal of reference has been made to a supposed coalition. As a matter of fact, there is no such thing in existence yet.

Mr. MAUGER.—That is not the honorable member's fault.

Mr. JOHNSON.—No; nor have I sought it either; the fault lies—that is presuming it is a fault—with the Victorian representatives who first talked about a coalition. Honorable members opposite appear to have assumed that a coalition was accomplished, and they also apparently labour under the impression that certain other things, which have no existence in fact, have been brought about. They erred in assuming that we have given certain pledges, and, therefore, a great deal of their argument has been destitute of any real basis. So far as the members of our party are concerned, they have not given any vote with regard to the proposed coalition. Certainly a coalition was proposed, but it was proposed in the full light of day, and its terms have been made known to the whole world. Furthermore, the conditions of the compact did not call upon honorable members to sacrifice any of their principles, but simply to recognise the obvious fact that a fiscal truce—which is a very different thing from a fiscal sacrifice—was forced upon us by the general verdict of the majority of electors, which rendered abortive for this

Parliament the free-trade victory of New South Wales. Might I ask the Minister of External Affairs, who accused me of sacrificing my principles as a free-trader, what he could do if the esteemed leader of the Free-trade Party were to table a free-trade motion to-morrow? Could the free-trade member for West Sydney support that motion? Is he free to do so? We know perfectly well that in his Ministerial position he could not vote in favour of it. Consequently, if there be any force in the accusation regarding a sacrifice of principle, it tells with crushing force against the Minister of External Affairs, but does not touch me in the slightest degree.

Mr. FISHER.—Did not the honorable member's leader say that he could answer for every one of his party?

Mr. JOHNSON.—He may have said that he could answer for the fidelity of his party respecting terms agreed to by themselves. But he could not, nor did he, claim any power to pledge his party to any terms which they might disapprove of. They are all free agents.

Mr. FISHER.—As regards the coalition project, the honorable member's leader was able to pledge his whole party?

Mr. JOHNSON.—No. Not without their free consent.

Mr. CAMERON.—He could not pledge me.

Mr. JOHNSON.—The only pledges which they are called upon to fulfil are those which are made to their constituents. It is not for their party to deal with any vote which is cast by them—that is a matter between themselves and their constituents. No attempt is made to interpose any obstacle between them and the electors whom they represent. During the course of his remarks yesterday, the Minister of External Affairs quoted from a letter which I wrote to the *Sydney Daily Telegraph* some time ago. He made a good deal of spurious political capital out of that communication. In it, I dwelt upon the fact that, unfortunately, we were not able at the present time to touch the Tariff question, a fact which seemed to afford grounds of jubilation to some men who erstwhile were trusted as free-trade champions, notwithstanding that a permanent coalition might mean the retention of existing burdens on the people. They were, apparently, ready to accept a coalition at any price. I was never prepared to accept a coalition at any price, nor have the members of our party been asked to do so. The terms

of the coalition proposed, extended only to the life of the present Parliament. The fiscal issue was to be suspended merely for that period. We are not responsible for the present position of affairs. Our efforts to re-open the Tariff have been rendered impotent by the votes of the electors of the Commonwealth. They have made it impossible for us to successfully attack that question during the currency of this Parliament. We are thus compelled—whether we like it or not—to allow that matter to rest, except so far as it may be raised by individual members upon any particular motion in which the Tariff may be involved. When such occasions arise, the private members of the party to which I belong are at perfect liberty to vote as they please. Although the Minister of External Affairs carefully quoted one of my letters, he studiously abstained from reading subsequent communications, which made my position absolutely clear. It is quite possible that he may not have seen these, but, in order that he may be unable to urge that excuse in the future, I propose to read one or two extracts from them. A couple of days after the publication of my previous letter, in replying to the editorial footnote which was quoted by the Minister, I said, amongst other things—

I admit that a combination of circumstances has led to a situation in the arena of Federal politics wholly unexpected, and undreamt of during the recent election campaign. I admit that a tripartite parliamentary system is not conducive to sound principles of government, because it enables even a small independent minority to control by coercion the policy of an unstable Ministry. I admit that the maintenance of representative government demands the abolition of the intolerable tripartite system, and that this can only be accomplished by a coalition of some kind between two of the three existing parties against the third.

Whilst I recognised that, I certainly did not view the prospects of such a coalition with unqualified delight. The expression of delight at the promise of a coalition, the basis of which was then unknown, applied chiefly to the report of an interview upon the subject with Sir William McMillan, who, in reply to an inquiry by a press interviewer, said, "All that can be said is that we are all delighted." I saw no reason for joy, but rather for profound regret, that the adverse vote of the Commonwealth had rendered some alliance necessary. That has been the position which I have consistently adopted, and it was the position

which I occupied when I spoke on the Address-in-Reply. But my attitude in this connexion is made still clearer by a further letter from me, in reply to another by Mr. Hammond. It was published in the Sydney *Morning Herald*, and reads thus:—

It is true that a minority must not be permitted to occupy the Treasury benches, irrespective of party. It is an outrage upon the Constitution, upon representative government, upon the democratic principle of majority rule, and any honorable means of putting an end to minority rule by a temporary alliance, not involving as a basic condition the surrender of vital principles, will be hailed by the majority of people, I venture to believe, with satisfaction. But there is danger that hysterical clamour may encourage an alliance which will ultimately lead to disaster, or at any rate to a perpetuation of evils which it will take a generation to remedy. Unfortunately, the grand free-trade victory of this State was rendered abortive by the preponderance of labourites and protectionists returned in the other States—a fact which renders it impossible for the party to successfully attack the Tariff in the present Parliament.

I think that letter renders my position absolutely clear. I do not see how, by any possible distortion of facts, the attitude which I have taken up can be said to involve any sacrifice of principle. During the course of his speech yesterday, the Minister of External Affairs remarked, "Times change, and we change with them." The truth of that observation is exemplified by the change which has taken place in the Ministerial policy as compared with that which the Labour Party vigorously advocated when they had not responsibility linked with control, but exercised control without responsibility. We find that with the exception of a mutilated Conciliation and Arbitration Bill all those great measures which they deemed so imperatively necessary when they were occupying the cross benches are now relegated to the background. Instead of proposing to pass legislation which they were so eager to force the late Government to enact, they have put forward a perfectly harmless, inoffensive programme, which one is forced to conclude must have been obtained as the result of some one eavesdropping at the door of the leader of the Opposition's room.

Mr. O'MALLEY.—All our proposals have been on our platform for the last ten years.

Mr. JOHNSON.—If that be so they must have been well concealed. It is a remarkable coincidence that in many respects the programme put forward by the Government is practically the same as that which the leaders of the other parties in the

House have proposed as the basis of the projected coalition.

Mr. O'MALLEY.—They must have taken their programme from the Labour Party.

Mr. JOHNSON.—I do not know whether they did so or whether the Labour Party obtained their programme from our leaders.

Mr. O'MALLEY.—We do not object to honorable members opposite supporting such a programme.

Mr. JOHNSON.—Just so; but they can support it with greater effect when coming from a Ministry of their own. The Government programme for this session is such a milk and water one, as compared with the strong measures which they held to be imperatively necessary when they occupied the cross benches, that no one could take exception to it. If the programme which the Labour Party put forward before they went into office was considered to be necessary at that time, should it not be equally imperative now? If it were necessary to place certain proposals in the very forefront of their programme then, should it not be even more urgently necessary to do so now that the party are in office? A contemplation of these facts shows how true are the words of the Minister of External Affairs that "Times change, and we change with them." The honorable and learned gentleman intended that the remark should apply, not to the present Government, but to honorable members of the Opposition, and I think I have shown, with sufficient clearness, that its truth is more fully exemplified by the attitude of the present Ministry than by the position taken up by the Opposition. Another exemplification of its truth is also to be found. "Times change, and we change with them," should be the motto at the head of every labour manifesto, because the Labour Party's programmes have, from first to last, shown how great has been the change which their opinions have undergone. The party have changed from a desire, in the first instance, for freedom to a wish to give effect to principles which are the worst form of toryism. By a gradual process of evolution they have lost the grand ideals which they originally professed, and have come down to the level of men of semi-barbarous times. They now seek to bring into operation legislation very similar to that against which their forefathers fought for generations. I do not say that they have designedly made this choice. Their action has

been due to ignorance of true economic laws. They have lost sight of the grand ideals of freedom that lie at the root of a nation's prosperity and progress. And what is true of the nation is true of the individual. A nation is after all only a collection of individuals. "Freedom" should be the watchword of every community claiming to have any true regard for democratic principles, for restriction makes for all that is bad in what we know as toryism. In this connexion I shall quote another remark made by the Minister of External Affairs when dealing with the fact that even so great a Tory as the late Sir John McIntyre had actually advocated something in the direction of Socialism. That Sir John McIntyre should have done anything of the kind appeared to the honorable and learned gentleman to be little short of marvellous; but there is nothing marvellous about it. Protection and toryism have always been inseparable, and Socialism, which is the twin sister of protection, falls naturally into line as a measure of toryism. All socialistic principles, so far as they have been elucidated, within my knowledge, tend towards what is known in the old country as Toryism.

Mr. MAUGER.—The Social Democrats in Germany belong to the Free-trade Party.

Mr. JOHNSON.—That may be so, because their principles are more in a line with what is known as the Single Tax, than Socialism as understood here; but there are Tories in the Free-trade Party as well as in other bodies.

Mr. MAUGER.—But the honorable member said that protection and Socialism were synonymous.

Mr. JOHNSON.—They are in the sense that both are based upon the restriction of individual rights. Restriction is the underlying basis of both principles, and in that respect they certainly have an affinity. Democracy, on the other hand, makes not for restriction, but for increased freedom.

Mr. TUDOR.—Would the honorable member burn the statute-book?

Mr. JOHNSON.—If one session of Parliament could be devoted to the work of destroying many of the laws which have been passed a distinct gain would accrue to the community.

Mr. TUDOR.—The honorable member is an Anarchist.

Mr. JOHNSON.—That is not so: my training and my natural desire is that no injury should be done to any individual

We should all enjoy equal freedom, and my training and natural inclination in that respect should satisfy honorable members that I would never support any attempt to encroach upon another man's equal liberty. Every one is not built the same way, and some honorable members opposite might require the presence of a policeman to induce them to observe the law. I do not think, however, that they would. My objection to them is not a personal one, and, as a matter of fact, between many of the members of the Labour Party and myself there is a friendship of long standing.

Mr. MAUGER.—They are not a bad lot.

Mr. JOHNSON.—Certainly not. I have always given them credit for a desire to observe the most humane principles; but I think that they are not going the right way to give effect to those principles.

Mr. TUDOR.—Was not the honorable member at one time a pledged labour candidate?

Mr. JOHNSON.—I am coming to that point. I referred a few minutes ago to the remark made by the Minister of External Affairs, that "Times change, and we change with them." I demonstrated the fact that it applies with peculiar force to the members of the present Government. I wish now to show that these words apply with even greater force to the whole labour movement, from its inception to the present time. I have to thank the honorable member opposite for reminding me of this. I was on two occasions made the subject of a violent attack by the honorable member for Gwydir on this point, and on my previous connexion with the Labour Party. Of all men with whom I am personally acquainted, he is the last who should speak of the sacrifice of principle, or throw stones at another. I would remind him of the advice which he gave me when speaking during the debate on the Address-in-Reply on Mr. Chamberlain's preferential trade proposals, that "those who live in glass houses should not throw stones." He did not recognise that the house in which I am living is a stone house, while he lives in the glass house. No man in the political arena of Australia has had a more chequered or varied career than he has had. When I made his acquaintance, twelve or thirteen years ago, he was a rabid and uncompromising free-trader. When I next knew him, he did not know whether he was a free-trader or a protectionist, and was inclined to both faiths, sitting on a rail as a "fair-trader."

Mr. THOMAS.—He was sinking the fiscal issue then.

Mr. JOHNSON.—That was at a time when the fiscal issue was a burning question in New South Wales politics. But as a number of free-traders thought that protection was coming, they hastened to change their coats accordingly, and among the first to do this was the honorable member for Gwydir. I lost sight of him for some years, and I then found him to be a member of the Labour Party, and a strong Socialist, though previously he had been inclined to single-tax principles, which are the antithesis of Socialism. Then he ran as a protectionist labour candidate for the electorate of Canterbury, in opposition to Messrs. Bavister and Daniehy, the selected candidates of the party. He is scarcely the man who should speak about fidelity to principle, and prate of consistency. The only thing in which he has been consistent is his inconsistency.

Mr. O'MALLEY.—But he is regenerated now.

Mr. JOHNSON. — Degenerated would more correctly describe his position. He has done nothing but degenerate, politically, ever since I first met him, and that statement is abundantly proved by the fact that he now sits behind this Ministry. After the Canterbury election I lost sight of him again, and then he turned up in the electorate in which I live, and is at present a constituent of mine. He was elected an alderman of the municipality of Marrickville, which is in the Lang electorate, and the electors there had ample opportunities to become acquainted with him and with his opinions. As an alderman he rendered good service to the municipality, and one would think that, having served with distinction in that honorable post, the electors of the State electorate of Marrickville would have been ready to choose him as their representative in the State Parliament. His conflicting variety of political opinions, however, had earned him the popular title of the "political chameleon," and he secured the magnificent total of only eleven votes.

Mr. THOMAS.—How many votes did the honorable member get when he first stood for election to Parliament?

Mr. JOHNSON. — Nearly 700; and when next I stood, although I withdrew before the poll was held, roughly speaking, about 300 votes were cast for me.



The honorable member for Gwydir disappeared from the Marrickville electorate, and when next I heard of him he had bobbed up into the political arena from a back blocks constituency, having succeeded in getting elected to the State Parliament by a constituency to whom his previous political history was unknown. Now he has succeeded in getting into this Parliament. I mention these facts without having any personal feeling against him, and merely to illustrate the aptness of his remark that "people living in glass houses should not throw stones." He should not have forgotten that I am acquainted with his political history, and would, therefore, have been wise to refrain from the unjustifiable attack upon me which has made these statements necessary. He referred to my connexion with the Labour Party, of which more anon. I have not yet fully dealt with the point I at present wish to emphasize. I desire to show how the trite saying of the Minister for External Affairs applies to the rise, progress, and possible fall of the Labour Party. I have here the first manifesto issued by that party when they adopted the fighting platform.

Mr. TUDOR.—For what State?

Mr. JOHNSON.—For the State of New South Wales. I shall trace their history from that time until now. No one knows more about the history of the party in its early days—in the days when it made for freedom—than I do. The first proposal to form a Labour Party emanated from under my roof, and I may claim, in a sense, to be the actual father of the party.

Mr. MAUGER.—The honorable member looks too young!

Mr. JOHNSON.—I admit that I am not very patriarchal in appearance. I did not expect my progeny to turn out the utter and ghastly failure which politically they are, though personally they do not reflect discredit on their political parentage.

Mr. FISHER.—What is the date of the manifesto from which the honorable member is about to quote?

Mr. JOHNSON.—1893. The Labour Party was formed in 1891, but in 1893 its members decided to get rid of the large platform on which they had been previously working, and, at a conference, adopted a fighting platform on which to contest the approaching elections under a new Electoral Act. On this platform land value

taxation stood first. Then came the following planks:—"Mining on private property," "Abolition of the Upper House," "Local government on a democratic basis," "National banking," and the "Legislative limitation of the working day to eight hours."

Mr. SPENCE.—They carried land value taxation.

Mr. JOHNSON.—I cannot recognise that they did. I was ready to accept that platform in its entirety. At that time I was about to contest the Rylstone seat, which, so far as one can calculate in these matters, was an absolute certainty for me, and has ever since been held by a free-trader, and a worthy friend of mine, Mr. J. C. L. Fitzpatrick. I elected, however, to fight for the platform of the Labour Party, because it was more free-trade than was that of the free-trade party. Not only did its acceptance involve no sacrifice of principle on my part, but it enabled me to follow further that line of policy which I have always supported; and it has been always my plan to attach myself to the party which is going furthest in the direction in which I wish to proceed. The reason given in the manifesto of the Labour Party for making land value taxation the first plank of their platform was this:

Whereas, in the opinion of this Conference, the destruction of land monopoly is the first step in obtaining economic reform, the first plank in the fighting platform should be land value taxation, according to plank 13 of the labour platform.

So important did the members of the conference regard land value taxation, that they removed it from its position as thirteenth plank to the first place, because they considered it necessary to obtain that reform, in order to bring about any improvement in the condition of labour. But they have not yet got land value taxation, nor have they attempted to get it in its entirety.

Mr. THOMAS.—The leader of the Opposition has said that we have got it.

Mr. JOHNSON.—I shall come to that.

Mr. SPEAKER.—Does the honorable member think that this has anything to do with the question under discussion?

Mr. JOHNSON.—It became necessary for me to refer to these matters in reply to the attacks made upon me, because of my present position and my former connexion with the Labour Party.

Mr. SPEAKER.—If the honorable member feels it necessary to go into these details, I hope that he will be as brief as may be.

Mr. JOHNSON.—Certainly. I shall proceed only to the extent necessary to give a fair exposition of the situation. Turning to the thirteenth plank of the platform, I find the following:—

Prohibition of further alienation of Crown lands, and the recognition in our legislative enactments of the natural and inalienable rights of the whole community to the land—upon which all must live—and from which, by labour, all wealth is produced. By the taxation of that value which accrues to land from the presence and needs of the community, irrespective of improvements effected by human exertion, and the absolute and indefeasible right of property on the part of all Crown tenants in improvements effected on their holdings.

Following upon that, I find that, although the party had not succeeded in securing the adoption of even the first plank of their platform, they gradually dropped the subject, until, in 1898, they sought for only a progressive land tax. In later platforms, all reference to the subject was deleted. At the time I have spoken of, the labour programme was an absolutely free-trade platform. Now, to show that my action was consistent in supporting the Labour Party, as I knew it at that time, I will quote further from their platform. The quotation has reference to what was meant by sinking the fiscal issue, and is printed in prominent type—

They will not sink the question of revenue. They will strive to obtain revenue for State and local purposes by a tax on unimproved land values, and thus bring into use the bulk of the land now held by monopolists for speculative purposes.

It further stated—

Any man turning from the straight path thus laid down can find no place in the ranks or councils of the party. He will be distinctly Repudiated by all Labour Bodies.

If we follow what was done in connexion with the declaration of the policy of the Labour Party, we find that when this principle came up for discussion in the State Assembly of New South Wales, they voted in favour of exemptions. The first time that the party had the matter under consideration, they indorsed the principle of no exemptions; but when it came to a matter of practical politics, and a Land Tax Bill was introduced into the Legislature, the Labour Party were the loudest in proclaiming the necessity for exemptions, and absolutely refused to support the measure without such a provision. This was done in face of the fact that the labour platform had declared that any one who departed from the strict lines laid down in

the programme would not be admitted to the labour councils; but would practically be declared bogus. I ask, where is that platform now? and where are the members who stood behind it? I am standing by it still, and therefore I think I can honestly claim to be the only true supporter here of the Labour Party when it had a policy which was worth fighting for. It has no such policy now. On the question of exemptions, I think it will be pardonable if I quote a short sentence from a speech of the present Prime Minister.

Mr. SPEAKER.—Order! I must confess that I am not able to see at this stage what the question of exemptions, or no exemptions in connexion with the land tax policy, has to do with the matter under debate. If the honorable member cannot directly connect his remarks with the subject, I shall ask him to pass on to other matters.

Mr. JOHNSON.—Do I understand you to rule that I shall not be in order in attempting to justify my attitude by reference to the speeches of other honorable members?

Mr. SPEAKER.—I can quite understand that an honorable member may require to refer incidentally to events of many years ago, for the purpose of defending himself against imputations which may have been cast upon him; but I should expect such references to be of an incidental character.

Mr. CONROY.—On the point of order, Mr. Speaker, I should like to know whether I shall be in a position to address myself to the history of the Labour Party in its bearing upon the adoption of their present attitude. It seems to me that they are now dropping many of the planks which were in the platform on which they were first elected, and that it would be desirable to know the reasons they are able to give for having abandoned a portion of their programme. I trust that you will hold that an honorable member will be justified in showing that, owing to the fact that the party in power have dropped many of the planks of their platform, they are not entitled to the confidence of the country.

Mr. SPEAKER.—I think that the honorable and learned member for Werriwa is under a misapprehension as to the real purpose of the debate that is now proceeding. If this were a no-confidence debate, I should feel obliged to permit any such references as those to which he has referred. This, however, is not a no-confidence debate.

but a discussion upon certain definite proposals which have been placed before the House by the leader of the Government. I do not remember any reference in those proposals to a land tax, with or without exemptions, and, therefore, it seems to me that a lengthy reference to land taxation, with or without exemptions, is altogether outside the scope of the discussion. Moreover, the honorable member for Lang does not pretend to be addressing himself to the subject under discussion, but has avowed that his object is to clear himself from certain imputations. I have asked him to do so, as briefly as he may, and to, as far as possible, avoid reference to matters beyond the scope of the debate.

Mr. JOHNSON.—I shall respect your ruling, Mr. Speaker, but, whilst doing so, I must certainly direct your attention to the fact that I refrained from retaliating whilst these charges were being made against me, because I thought that I should have an ample opportunity of dealing fully with the matter afterwards.

Mr. SPEAKER.—The honorable member now has an opportunity, if he will proceed.

Mr. JOHNSON.—But I am subject to certain limitations. It seemed to me necessary to read certain quotations in order to make clear my position and that of the Ministry, and to show that changes which have occurred in the policy of the Labour Party make it impossible for me to follow the Government. I thought this necessary, more particularly because the Government, through some of its members, has given a direct invitation to members on this side of the House to go over and support it. I desire to show that it is impossible for a man with liberal ideas, and with sympathies entirely in accord with the legitimate aims of labour, to follow the Government, owing to their departure from the programme first adopted. I shall, however, proceed no further on those lines. The position is that we have a duty to perform, and that is, to bring back the administration of our affairs to proper lines, and to conditions more in accord with the recognised principles of constitutional government. Therefore, believing that constitutional government can be maintained only by a Ministry which has a clear majority of supporters behind it, we are endeavouring to clear the atmosphere, and to establish a plain line of demarcation between Government supporters and those in opposition. Even at the present

time, the Ministry know perfectly well that there is arrayed against them a combination, perhaps not absolutely agreed, but a combination of Oppositionists thrown into association with each other because of their disbelief in the principles embodied in the general labour platform. It is for those who do not believe in minority rule, to endeavour to bring about a condition of affairs under which we can establish a Government, whether it be a Labour, a Protectionist, or a Free-trade Ministry, that will be able to control its own business and command a fair majority. It is with this end in view that I have taken my present stand with regard to the proposed coalition. I do not desire a coalition, but circumstances have forced us into some kind of united action for the purpose of relieving the country from the chaotic state of affairs into which it is now being driven. Those who have come together with a view to achieve this object deserve the best thanks of the country, even though they may have for the present to sink certain questions which would under ordinary circumstances keep them asunder.

Mr. BRUCE SMITH (Parkes).—I have not had the advantage of reading the speeches which were delivered yesterday, but I have had an opportunity of reading the reports published in the newspapers. Therefore, I feel justified in taking part in the discussion at this stage, because I think I can take up the current of the debate without being placed under any special disadvantage. When listening to the speech of the Minister of External Affairs I could not help being struck with the acrimony which he has thought fit to introduce into the debate. It was the first occasion on which the honorable and learned gentleman had taken part in any debate in this House since he assumed Ministerial office; and it bodes ill for the future if that honorable gentleman intends to follow the course which he adopted on Friday last, and again yesterday, of making personal attacks upon members sitting on the opposite side of the House, simply because their opinions happen to conflict with his own upon such impersonal questions as the constitution of the party to which he belongs. Every honorable member will agree with me that if there has been one characteristic more than another that has distinguished the deliberations of this Chamber from those of the States Parliaments, it is the absolute good-will that has existed since we first met in March, 1901.

Mr. McWILLIAMS.—I wish the honorable and learned member would say "some of the States Parliaments."

Mr. BRUCE SMITH.—The honorable member for Franklin comes from an ideal State, where things are better managed than they are in larger countries. But whatever may be the condition of things in Tasmania, or elsewhere, I can say that, after membership of the New South Wales Parliament for twelve or fifteen years, I was very much impressed by the absence of ill-feeling and acrimony which characterised the first Commonwealth Parliament. It is true that we gave utterance to some very direct statements concerning one another, and one another's policy. We did not hesitate to make those statements in the most straightforward way, but I do not recollect a single instance in which one could truthfully say that, as a result, ill-feeling had been engendered between members holding opposite opinions. The fact is that, in espousing certain views, we have invariably credited one another with sincerity. If opposing parties are prepared to do that, there should be a complete end to bitterness, because all sincere politicians are endeavouring to arrive at the same ultimate result, even though they may be travelling by different routes. I hold that it is to the advantage of the country that we should conduct our deliberations amicably, instead of allowing the personal element to create bitterness and to retard the transaction of business. The Minister of External Affairs entered into a number of personal matters which very much astonished those who have for many years associated him, in State as well as in Federal politics, with the right honorable member for East Sydney. Not only did that honorable gentleman speak of the Minister in complimentary terms, but the honorable and learned member for Ballarat did likewise. Indeed, I think that the right honorable member for East Sydney almost overdid his complimentary references to the ability of the Minister of External Affairs. I repeat then that it bodes ill for the future of this House if that honorable gentleman, as a politician possessing some years of experience, intends to set the example of bitter personal attack upon those who disagree with him. I should like to know why the honorable and learned gentleman so bitterly resented the complete investigation of his party's methods, which was

vouchsafed to this House by the right honorable member for East Sydney, and the honorable and learned member for Ballarat. Is he ashamed of the constitution of his organization? Is he ashamed of the methods that are adopted by the caucus being driven home to him in the extremely logical way in which they were treated by those honorable members? Is he ashamed of having given a pledge, which, as a member of the Labour Party, he is bound to respect? If not, he ought rather to rejoice that some of the practices and principles which guide the regulation of his party, are being emulated by honorable members upon this side of the chamber. But the Minister seemed to think that to analyze the methods and the organization of his party, or the pledge which he gave to it and to the "labour" supporters throughout Australia, was a sort of indictment against his political and moral character. Indeed, in order to put the *tu quoque* reply in as offensive a manner as he possibly could, he turned upon me, and charged me with having emulated the methods of the Labour Party by giving a policy pledge. That observation brings me to a somewhat personal matter. The Minister, as we all regret, is somewhat deaf, and his deafness places him under a very great disability in this House; because it very frequently happens that an interjection is not heard by him, or is heard in such a way that he misunderstands it. During the course of this debate one unpleasant episode occurred which was due to a member of the Labour Party, and for which I hold neither that party nor the Minister of External Affairs responsible. When the right honorable member for East Sydney wished to make an explanation of some matter which was charged against him by the Minister, a member of the Labour Party objected to granting him the necessary permission to do so.

Mr. MALONEY.—In accordance with the rules of Parliament.

Mr. BRUCE SMITH.—I do not object to those rules.

Mr. MALONEY.—Why not wipe them out?

Mr. BRUCE SMITH.—They are very good rules, and I have no desire to wipe them out. But, although those rules are laid down to prevent an abuse of the practice to which they apply, it is a very common custom, when the leader of a party desires to make a personal explanation, for the honorable member who is addressing

the Chamber, to allow him to do so at the time when the charge is fresh in the memory of the House. Mr. Speaker very properly asked the House whether it approved of the right honorable member for East Sydney being allowed to make an explanation. With what result? With the exception of one honorable member the whole Chamber saw the justice of acceding to the request, but one honorable member exercised the power which he undoubtedly possesses to say, "I object." I refer to this question simply to justify my own course of conduct. The Minister of External Affairs was angered because the organization of his party, and the principle of the caucus and the pledge, had been criticised, and accordingly he turned a very vigorous *tu quoque* upon me. He challenged me to deny a certain fact. I declined the challenge. Why? Because I knew perfectly well that the same spirit which had animated one honorable member of the Labour Party to prevent the leader of the Opposition from making an explanation, would again be exhibited if I attempted to make my explanation. But the Minister of External Affairs allowed his anger to lead him into an indiscretion. He charged me—and I think I am one of the most independent members of this House—with having emulated the methods of the Labour Party, by giving a political pledge. I now challenge him to produce any such pledge that I have ever given; and I should like him to know that I issue that challenge. I understand what he meant, and I shall tell the House what it was, because I am very anxious to preserve the good opinion of honorable members, not only in regard to my politics, but in regard to my consistency. This is a personal matter which is absolutely dragged from me by the circumstances to which I have referred. Upon one occasion, although I am a Protestant, I resolved to send a child of mine to a Roman Catholic Convent. I was liberal enough to recognise that it was possible for one of my own children to receive a good education there. The child went to that convent and died there, and I had sufficient liberalism in my disposition to publish the fact that the death of the child occurred at the convent. What was the result? I lost my seat at the Federal Convention, and during the last election the matter was again brought up against me. Certain Protestant bodies doubted my impartiality with regard to the Catholic creed, and I was asked four direct questions upon paper.

*Mr. Bruce Smith.*

Mr. FOWLER.—Is that the state of politics in New South Wales?

Mr. BRUCE SMITH.—It was the state of politics at that time.

Mr. MALONEY.—It is shameful.

Mr. BRUCE SMITH.—I do not object. I merely desire to show what a poverty of resource the Minister of External Affairs laboured under when he levelled this charge against me. I was asked whether I favoured public appointments going to men and women irrespective of their creed, to which I answered "Yes;" whether I favoured Sunday observance, to which I replied "Yes;" and whether I approved of clerical precedence being given to that Church which had the greatest numerical following.

Mr. RONALD.—What did the honorable and learned member say to that?

Mr. BRUCE SMITH.—I said "Yes," certainly. I was also asked whether I favoured Government inspection of charitable industrial institutions, to which I answered "Yes." I added, at the foot of the four questions, a note somewhat to this effect:—"These are all questions which every liberal-minded man must answer in the affirmative." That is the only pledge—political, religious, social, or otherwise—that I have ever given in my life. The House, therefore, will realize the poverty of material at the disposal of the Minister of External Affairs when he charged me with having given a pledge, knowing full well, as he did, that a member of his own party was resolved to prevent any honorable member upon this side of the House from making a personal explanation. Since then scores of people have asked me how I reconcile my action in having given a pledge with the attitude which I have always assumed in regard to the practice of intellectually handcuffing politicians.

Mr. WATSON.—Was it not necessary for the honorable and learned member to give answers to those questions as a prelude to his selection by a certain organization?

Mr. BRUCE SMITH.—I do not know. Does the Prime Minister repeat the statement of the Minister of External Affairs? I was prepared to answer those questions upon any platform and at any time in my life. The Prime Minister talks about "a prelude to selection." It shows the narrow-gutted way in which he views matters. He has asked me whether answers to the questions were necessary as a prelude to my selection.

Mr. WATSON.—Were they?

Mr. BRUCE SMITH.—I do not know, neither do I care. The Minister of External Affairs charged me with having signed a pledge. I am thankful to say that I have never signed one. The alleged pledge which I gave would never have been signed under any other circumstances.

Sir WILLIAM LYNE.—Was not a similar document sent to the other candidates?

Mr. BRUCE SMITH.—I merely know that it was brought to me by one of my supporters, who stated that many of the electors were under the impression that I favoured Roman Catholicism. I replied—"I have no actual bias either towards Protestantism or Catholicism. I value men for what they are, and for what they do—not for the creed which they may follow." The Minister of External Affairs further charged me with having stultified my expressed opinions upon a number of other questions. The honorable gentleman assumed for the purposes of debate that the list of political principles which had been published in the press had been converted into a kind of pledge by every one who contemplated assisting the coalition movement. When my leader spoke to me in regard to the projected coalition, I replied that I would support him in any movement to bring about a coalition, provided that there was no sacrifice of any vital principle. I shall tell the honorable gentleman, who made the charge, what the honorable and learned member for Ballarat has already told the public, that it was never intended that every honorable member, who contemplated taking part in the coalition movement, should agree to adhere to every item of the so-called programme. Does any honorable member, who is in his right mind, imagine that, after I had separated myself from my party, and stood almost alone in regard to the policy of a White Australia, I should stultify myself and go back upon my principles for the sake of a miserable coalition? The man who imagines that I would, could not have read the conditions associated with that list of legislative proposals, or he would not make such a charge.

Mr. TUDOR.—"Miserable coalition" is a good name for the proposed combination.

Mr. BRUCE SMITH.—That may be so from the point of view of the Ministry and their supporters.

Mr. TUDOR.—That is the term which the honorable and learned member applied.

Mr. BRUCE SMITH.—I would apply to the observation made by the honorable member for Yarra a remark once made by

Lord Beaconsfield, who said that the most effective satire is a majority. The honorable member may laugh on the other side of his mouth before a very long period has passed.

Mr. FISHER.—We are glad to hear that the courage of the Opposition has been roused.

Mr. PAGE.—Why do not the Opposition adopt a straight-out course, instead of resorting to all this fencing?

Mr. BRUCE SMITH.—I shall ask the honorable member by-and-by why he does not come at once to his policy. I shall show the House how he has dealt with it now that responsibility is thrown upon his party. That will be a very pleasing part of the duty which I propose to perform this evening.

Mr. PAGE.—We shall be very pleased to listen to the honorable and learned member.

Mr. BRUCE SMITH.—I hope that it will be understood that although I somewhat vigorously resent personal attacks, such as have, unfortunately, been made by the Minister of External Affairs, I bring no bitterness into this matter, and do not harbour any resentment. To my mind, the Minister of External Affairs has been guilty of a great want of judgment. He has displayed a lack of Ministerial wisdom; and if his example were followed by other honorable members, this House, instead of being a very pleasant assembly to which to belong, would become unbearable, and one to which a very few men would care to be returned.

Mr. FISHER.—It would become something like the New South Wales Parliament.

Mr. McCOLL.—The language used by the Minister was scandalous.

Mr. BRUCE SMITH.—I say, then, with all solemnity, that I regard the present position as a crisis in Australian history. The press may regard it from a narrow standpoint, and contend that it is merely a question of the "ins" and the "outs"; people may think that, after all, it is merely a question of whether Mr. Watson, Mr. Deakin, or Mr. Reid should be Prime Minister; but, in my opinion, we have reached the gravest political juncture that has yet occurred, not merely in the history of the Federal Parliament, but in the history of the Parliaments of Australia. We shall have to decide, sooner or later, whether the society of Australia—and I use the word society in its sociological sense—is to be conducted upon the lines followed at the present time by

all civilized countries, or whether it is to be handed over to a body of enthusiasts—and I use that word with all respect—who are firmly convinced of the wisdom of nationalizing all industries and of converting society from a self-helping, self-sustaining body, in which the individual has the fullest freedom, to one in which the community as a whole completely dominates the individual. That is the issue. The honorable member for Southern Melbourne may smile; he may not be able to grasp the gravity of the situation.

Mr. RONALD.—Not in that respect.

Mr. BRUCE SMITH.—The honorable member lacks, perhaps, that appreciation of the position which would enable him to recognise the far-reaching consequences of this issue. I assert with all good will that we have reached the parting of the ways. We have to determine whether the Government, with its undoubted belief in all the immoderate aspects of Socialism, is to have not only the legislative but the executive power of this country placed in its hands, or whether the country is to be governed on lines which, as I have already said, are at present followed by every civilized community in the world.

Mr. WATSON.—We are all going in the same direction.

Mr. BRUCE SMITH.—Does the honorable gentleman think that that makes the position a right one?

Mr. WATSON.—Not necessarily.

Mr. BRUCE SMITH.—Has the honorable gentleman ever heard of that great Greek orator who once said something which elicited the vociferous applause of his audience, and, turning to a friend observed: "What was it that I said; it must have been something very foolish." Does the honorable member think that because the rest of the world is, as he says, "going in the same direction" it is right for us to do so? How can that assertion be advanced as an argument?

Mr. WATSON.—The honorable and learned member is advancing the argument that we are going contrary to all other nations.

Mr. BRUCE SMITH.—I say that no nation has been built up on the principles proposed by the Government. I shall challenge the Prime Minister, by and by, to give the people of Australia a single instance in which a community, started upon a socialistic basis, has ever emerged from obscurity. That, after all, is one of the

tests that the people of Australia will be forced to apply by-and-by in order to determine which of these parties shall be in the ascendant. We have reached a grave juncture in our history, because at no time has the reign of a Labour and Socialistic Ministry been so imminent. I am sure that honorable members opposite are now so accustomed to the application of the term "Socialists" to them that they will not consider me offensive in speaking of them in that way.

Mr. FISHER.—Hear, hear.

Mr. BRUCE SMITH.—The honorable member will recollect that in the earlier life of this Parliament the word "Socialist" was applied with bated breath. A supposition prevailed that some of the members of the Labour Party insisted on the use of the word "Democrat," as distinguished from the word "Socialist."

Mr. WATSON.—It has now become a reproach to be an individualist.

Mr. BRUCE SMITH.—I think it is admitted that the policy of the Government is a Socialistic one, and it will be my duty to analyse that policy, as well as some of the utterances of the Labour Party, in order that we may know exactly where the party and their policy is likely to lead Australia.

Mr. WATSON.—The honorable and learned member will take the honorable and learned member for Werriwa as his guide.

Mr. BRUCE SMITH.—I do not accept any honorable member as my guide. The Minister of External Affairs said that the question was "Under which king?" That may be a very heroic and very satisfactory way of putting the issue from his point of view, but I should like to present it in a much more matter-of-fact and, I think, much more comprehensive way. The question is, as I put it, "Is Australia to be governed by a fifth or a sixth part of its people in the interest of its own class?" I use those words very deliberately.

Mr. WATSON.—In the interests, not of a class, but of Australia.

Mr. BRUCE SMITH.—No; in the interests of the fifth or sixth part.

Mr. FOWLER.—In view of our franchise, is not that impossible?

Mr. BRUCE SMITH.—It will be impossible so far as legislation is concerned, so long as we have an Opposition as strong as is the present one. But I mean to point out to-night to the House that the gravest danger to this community—if Socialism is a danger—lies not in the passing of legislation by

the present Government, which would be well checked by a dominating Opposition, but in allowing that Government to exercise the Executive powers of this country during a period of many months of recess.

Mr. FISHER.—That is the point.

Mr. PAGE.—Hear, hear; that is the point.

Mr. BRUCE SMITH.—The honorable member knows that it is. I would invite the House to take note of his beaming countenance.

Mr. WATSON.—We do not know what his feelings are.

Mr. PAGE.—We do not know what is in his mind.

Mr. BRUCE SMITH.—I do not know whether the honorable member quite sees the point of view from which I am dealing with this matter. I am not thinking of what is possibly in the honorable member's mind—the matter of Ministerial pay.

Mr. PAGE.—Nor am I. I am thinking only of the question of administration.

Mr. BRUCE SMITH.—Exactly. The House knows very well that the same laws may be administered in totally different ways.

Mr. WATSON.—We have found out that that may be so.

Mr. BRUCE SMITH.—We have had an instance of that kind, to which I shall make reference later. Another question for our consideration is, whether this country is to be governed by one-third of the members of this House. No exception can be taken to the stating of that proposition. It must be remembered that the members of the party now in office have in the past cried themselves hoarse in support of the principle of Government by majority; and yet with the support of only one-third of honorable members of this House they occupy the Treasury benches, and claim "fair play."

Mr. FISHER.—We say to the Opposition—"Put us out if you can."

Mr. WATSON.—And, "If you cannot put us out, keep quiet."

Mr. BRUCE SMITH.—I take it that these honorable gentlemen are impressed with the morality of Government by majority; and if they have recognised and admitted it, as I shall show they have, from time to time, surely it is their duty not to wait to be put out of office. The proposition appears to be considered by honorable members opposite to be humorous.

Mr. WATSON.—It is, when we come to think that the suggestion is that we should give way to another minority.

Mr. BRUCE SMITH.—It is a humorous proposal to a party, the members of which have in the past pledged themselves again and again to support the principle of government by majority. The honorable gentleman at the head of the Government admitted, when speaking in connexion with the May Day celebration deputation, that he had not a majority in the House.

Mr. WATSON.—I said that so far as we knew we had not, but that we hoped that we had a majority.

Mr. BRUCE SMITH.—The honorable gentleman did not say that "so far as he knew" they did not possess a majority, but that they had not a majority.

Mr. WATSON.—I think I did.

Mr. BRUCE SMITH.—I shall quote what the honorable gentleman said. He said that the Government had not at present a majority in the House.

Mr. WATSON.—I think I said that, so far as I knew, we had not a majority.

Mr. RONALD.—What report has the honorable and learned member in support of his statement?

Mr. BRUCE SMITH.—I have a newspaper report of the speeches.

Mr. MALONEY.—A report from a Victorian newspaper?

Mr. BRUCE SMITH.—Yes, and I have also reports of some of the speeches made by the honorable member.

Mr. MALONEY.—I disclaim the whole lot of them.

Mr. BRUCE SMITH.—It seems to me—and I did not at the outset intend to make this suggestion—that the idea of there being a moral aspect to this principle is a subject for humour so far as honorable members opposite are concerned.

Mr. WATSON.—The suggestion that we should give way to a minority is.

Mr. BRUCE SMITH.—If the admission to which I have referred has been made, there can be no question as to the proper course for the Government to follow. The Minister of External Affairs said—"We are here by no fault or desire of our own; we have been forced into office." I should like the people of this country to recognise the absurdity of that statement. The honorable member at the head of this Government was sent for by the Governor-General, not to put him into office, in the constitutional sense, but to invite him to take office. It was a first step which should have led him to a second one—to ascertain whether



he could, according to true constitutional principles, count upon a working majority by which to carry on the affairs of this great country.

Mr. CARPENTER.—What would the honorable and learned member have said if the honorable member for Bland had not taken office? He would have called him a coward.

Mr. BRUCE SMITH.—I should have said that, having the conviction in his mind which he has expressed since he took office, that he could not command a majority, or that he had not a majority in this House, he had done what was constitutionally right in declining His Excellency's offer.

Mr. WATSON.—Will the honorable and learned member quote me correctly? I have a report of the speech here.

Mr. BRUCE SMITH.—So have I; but if the honorable gentleman will lend me his report, I will quote from it the passage to which I refer. It is this:

Unfortunately, at present we have not got a majority in the House, upon the general programme of the party, so far as we know.

The words "so far as we know" are, I admit, omitted from the report which I have, though that passage will help my argument equally well. The Minister of External Affairs has told us that the Government have been "forced into office by no fault or desire of their own." I think, from my reading of constitutional practice and history that it was the duty of the Prime Minister, when he was asked by the Governor-General if he could form an administration, to first of all ascertain, and to know definitely, whether he could count upon a working majority in this House.

Mr. WATSON.—We had a majority on the question of applying the Conciliation and Arbitration Bill to the public servants.

Mr. BRUCE SMITH.—As he no doubt knew then, and, as he has admitted that he knows to-day that he had not a majority in this House, on his general programme, it was his positive duty to inform the Governor-General of the fact. He did wrong in taking office.

Mr. WATSON.—What about our position in connexion with the amendment of the Conciliation and Arbitration Bill?

Mr. BRUCE SMITH.—I hope that the honorable gentleman will not try to get away from the point on which I am speaking. My contention is that he has admitted that he could not command a

majority on his general programme, and that it was, therefore, his duty to decline office. It was contrary to the constitutional principles of all British communities to deliberately undertake to form an Administration when he knew that he had not a majority on his general programme. That fact being admitted, what folly it is for the Minister of External Affairs to exclaim—"We are here by no fault or desire of our own. We have been forced into office!" I charge the members of the Ministry with the full knowledge that they took office without a working majority?

Mr. FISHER.—What is the penalty?

Mr. BRUCE SMITH.—I hope that the honorable gentleman does not think that gaol or fines are the only forms of penalty which should frighten men. There is a tenderer sense of right and wrong than that which is governed by fear of such results. This is how the Prime Minister was reported by the newspapers in which I read an account of his speech—

They had not at present a majority in the House on the general programme of the party.

Mr. WATSON.—"So far as we know."

Mr. BRUCE SMITH.—The words "so far as we know" do not occur in the report which I read, but they do not affect my argument. So far from their having been forced into office, it is ludicrous to so describe the position of the Ministry. The temptation to take office—I do not say on monetary grounds—was so irresistible that they stepped over the constitutional principle, which they must have known as well as I do. They took office voluntarily and deliberately, with their eyes open, and in such a way as to render the statements of the Minister of External Affairs absolute nonsense. I can support my arguments on this subject by recognized constitutional authority, and I ask honorable members who may not have had time to look up the question for this occasion to listen to one or two authorities.

Mr. POYNTER.—Who was responsible for a member of the Labour Party being sent for?

Mr. BRUCE SMITH.—The honorable member must not expect me to answer conundrums. Todd, on *Parliamentary Government*, vol. I., page 19, says:—

In order that the Ministry may be in a position to devise and recommend to Parliament a policy that shall commend itself to the highest intelligence of the country, it is indispensable that they should have sufficient strength in the popular Assembly to enable them to withstand the pressure of temporary political excitement.

Then in vol. II., page 394, he says:—

Ministers of the Crown are constitutionally responsible, not merely for the preparation and conduct of legislative measures through both Houses of Parliament, and for the control of legislation—

I ask honorable members to consider for a moment how the Labour Party, whose members number only a third of this House, could control the legislation which they put before us, if it were not favorably regarded by those who are opposed to them?

Mr. BAMFORD.—Does not Todd give instances of breaches of that rule?

Mr. BRUCE SMITH.—If the honorable member will quote them, I shall make it my business to sit here and listen to him. I credit Todd with consistency, and I am speaking now of general principles, not of special cases—general principles in the nature of deductions from the whole of the precedents upon which he relies. He contends that the Ministry are constitutionally responsible—

Not merely for the preparation and conduct of legislative measures through both Houses of Parliament, and for the control of legislation undertaken by private members, but also for the oversight and direction of the entire mass of public business which is submitted to Parliament. Nothing should be left to the will and caprice of a fluctuating majority in the Legislature.

Let me ask what would be the effect of the control of this Ministry if honorable members opposed to them chose to bring in private measures which Ministers considered inimical to the interests of the country.

Mr. POYNTON.—That would be impossible.

Mr. BRUCE SMITH.—I do not see why it should be impossible for any member opposed to the Ministry—and the Ministerial supporters number only one-third of the whole House—to bring in a measure which the Labour Party would consider inimical to the interests of the country. In vol. 2, page 395, he continues—

Immediately upon the formation of a Ministry, it assumes in addition to the ordinary duties of an executive government, other and more important functions—unknown to the theory of the Constitution—namely, the management, control, and direction of the whole mass of political legislation, by whomsoever originated, in conformity with its own ideas of political science and civil economy; and so long as a Ministry commands the confidence of the House of Commons—

here the House of Representatives—

it should have sufficient strength to prevent the adoption by Parliament of any measure which it may judge inexpedient or unwise.

How could this Ministry, with a following of about twenty-three members, control the

management or regulation of a proposed new law which they thought inimical to the interests of the country, but which was supported, on this side, by more than twenty-three members?

Mr. POYNTON.—How does the honorable and learned member reconcile the fact that the policy of the two parties is so similar?

Mr. BRUCE SMITH.—As Kipling says, "that is another story." I hope that the honorable member will allow his mind to take more relevant courses. He is asking me, when I am in the middle of my speech, about something which will be dealt with at a much later stage. Todd says, further—

In order to enable Ministers to carry on the Government in harmony and agreement with Parliament, without their being subjected to the degradation of becoming the mere tools of a democratic Assembly, it is necessary that they should be sustained by an adequate majority in both Houses, and especially in the House of Commons.

If it is a degradation to be at the mere mercy of a democratic Assembly, is not the present Ministry in that position?

Mr. BATCHELOR.—We do not know yet.

Mr. BRUCE SMITH.—A great many members of the Labour Party seem to think that the only matters to which they have to give attention are the few Bills which they propose to introduce this session. They lose sight of the fact that we have a very active body of members here, who may embody in private legislation ideas of which the Ministry do not approve. I should like to know how the Ministry can, with dignity, or even with common self-respect, maintain their position as the governing committee of this House, if measures of which they disapprove are brought in by members sitting in opposition to them.

Mr. BAMFORD.—What we ask is that we shall be given a proof that we are in the minority.

Mr. BRUCE SMITH.—The best proof is the admission of the honorable member's leader, that they are in a minority on the main body of their programme. Whilst that side of the House takes the socialistic view of things, most honorable members take what I call the individualistic view. Therefore, if a proposed law were introduced by a private member, the Ministry would be impotent to secure either its modification or rejection, although it might be opposed to their policy. Todd, therefore, speaks very properly of the—

Degradation of becoming the mere tools of a democratic Assembly.

That may be an ugly way of defining the position. It means simply that the Ministry

become a dependent committee of the House, and must submit to legislation of which they do not approve.

Mr. FOWLER.—Does not Bagehot state that that is the proper function of a Ministry—to be a committee of the House, amenable to the decisions of the House?

Mr. BRUCE SMITH.—The Ministry should not be a dependent committee of the House. It is, of course, a committee of the House—that is the whole principle underlying our constitutional government—but a committee having the control of the House. The honorable member will recollect, *à propos* of his remark, an instance which I gave in this Chamber a short time ago. When the late Sir Henry Parkes found that a Committee of the New South Wales Parliament would not agree to the Chairman sitting again to reconsider a certain question, he handed in his commission to the Governor, and resigned, because he had not control of the House. The Ministry should be, not an irresponsible committee, but an independent committee, capable of controlling a majority of honorable members. I have been asked what I should have done under the circumstances. That is one of those vague and broad conundrums which a speaker is not called upon to answer; but if the Prime Minister, when called upon to form an Administration, recognised that he could not command a majority in this House, it was his duty to decline the offer of the Governor-General, and to leave it to honorable members to readjust themselves until majority rule was possible. I wish now to ask an important question. What is the "Labour" policy? I shall justify myself in entertaining a doubt about it. I desire to ask whether that policy is one which is put forward in the interests of the whole country.

Mr. CARPENTER.—It has been indorsed by honorable members of the Opposition.

Mr. BRUCE SMITH.—I hope that the honorable member will be patient. What I wanted to know was whether the Labour Ministry were following the policy which they have advocated in Australia for many years past? That is what I want to ask the honorable member, who is a very quiet follower of the present Government. Of course, the object of this Government is obviously to get well into the saddle. I can quite sympathize with that aspiration. Their object is to get well into the saddle; and it must have been noticeable to everybody that the labour programme, which

has been before the country for fifteen years—although certainly not in its present form—was a whole and complete policy, and that the measures which it comprehended were arranged in rotation, presumably, in accordance with their supposed importance. Now, however, we have a double policy—a "first session" policy and a "second session" policy—and it is very easy to see that the whole order and arrangement of the items of the labour programme has been altered in order to keep within this session those measures which are supposed to be approved by the majority of honorable members on this side of the House, and to shift out of their order, into the next session, those items which are now regarded as constituting the initial steps in a great nationalizing policy. If honorable members who are not acquainted with the original labour programme, will refer to it they will see that the first item was "the maintenance of a White Australia." The second was "compulsory arbitration for the settlement of industrial disputes." The third was "Old-age pensions," and the fourth "The nationalization of monopolies." That was the programme which has been recognised by the Labour Party for many years past. I wish honorable members to particularly notice the third and fourth items. Honorable members who have read the Address which was published by the Labour Party of Australia in the press a short time ago, will have noticed that the nationalization of the tobacco industry was linked with old-age pensions as the means whereby the money was to be obtained for the purpose of paying the pensions. Now, what is the result? We already have a White Australia, and the next item was compulsory arbitration. According to the original labour programme, old-age pensions and the nationalization of the tobacco industry should be taken next in order. Do they come next now? No. They have been thrust forward into the next session; other measures have been put in their place for this session, out of the turn given to them in the original programme. Why is this?

Mr. BATCHELOR.—To what measures does the honorable member refer?

Mr. BRUCE SMITH.—I am referring to the original programme of the Labour Party, which mentioned—first, the maintenance of a White Australia; secondly, compulsory arbitration; thirdly, old-age pensions; and fourthly, the nationalization of monopolies.

Mr. BATCHELOR.—That is the order in which they appear in the Government programme.

Mr. BRUCE SMITH.—The Minister is quite wrong, because if that were the order in which they now appeared in the Government programme, the moment the Arbitration Bill was disposed of we should have a Bill brought down to nationalize the tobacco industry, and also an Old-age Pensions Bill.

Mr. FOWLER.—Is it not possible that that arrangement is purely accidental?

Mr. BRUCE SMITH.—I think it is quite possible, but I shall show that there is a little method in this coincidence. The nationalization of the tobacco industry, which is the prelude to the establishment of old-age pensions, is part of the nationalizing portion of the labour programme—one of the most definite parts of the Socialistic portion of the programme of the Government. It is not included amongst the work for this session, although it stands next to arbitration in the original programme of the party. I see a strange coincidence in the method in which the unobjectionable measures are brought forward this session, whilst a proposal which would submit to the first test the nationalization programme of the Government is pushed into next session, in order that the Government may enjoy three or four months of office, and then pass quietly into recess for eight or nine months, during which they would enjoy full unchecked executive power. This is perfectly clear, perfectly methodical, and perfectly understandable from the Ministerial point of view. But it points to this, that since the Labour Party came into office a very distinct change has been made in their policy, as compared with their programme before they were called upon to take charge of the affairs of the country. This is what the Prime Minister said to the May Day celebrations deputation:—

If the Government was given an opportunity it would do as much as possible this session, and attend as well to necessary matters outside this programme for the successful working of the Federal machine.

There is no talk there about bringing the next item of the original labour programme, namely, the nationalization of monopolies, into the programme for the current session.

Mr. FRAZER.—The Prime Minister does not make a policy speech every day.

Mr. BRUCE SMITH.—No; one is enough for my purpose, because by the

speech made by the Prime Minister a few nights ago, we were shown that the third item in the original labour programme was to be held over till the next session, instead of coming immediately after the Arbitration Bill.

Mr. RONALD.—What is wrong about that?

Mr. BRUCE SMITH.—I do not expect to convince the honorable member, or, in fact, any other honorable member on the Government side of the House. One cannot put his head through a brick wall. I do not wish to speak disrespectfully of the honorable member's brain power, but I regard him as being so imbued with party spirit that he is induced to take any outlook which will best suit the party view.

Mr. RONALD.—The honorable and learned member is quite wrong.

Mr. BRUCE SMITH.—Then my remarks may have some effect upon him. What I ask honorable members on this side of the House to believe, is that the whole programme of the Labour Party has been distorted in order to bring unobjectionable measures within the work of this session, and to postpone the socialistic part of their programme until next session. By adopting this method of procedure, the Government hope to enjoy three months of office as a Ministry, for the introduction of legislation, and nine months in recess, as administrators.

Mr. BATCHELOR.—The honorable and learned member has not shown that the items of the labour programme have been taken out of their order.

Mr. BRUCE SMITH.—If what I have said has not convinced the Minister, I must wait to show him privately that my view is the correct one. There is no doubt that the Labour Party and the Ministry are on the horns of a dilemma, because it must be clear to every man who regards the situation from a cool and unbiased stand-point, that if they were to put forward during this session the objectionable part of their programme, which includes the proposal for the nationalization of the tobacco industry—which I predict will be defeated as surely as was the Bonus Bill—the Ministry would sound the death knell of their own party. The question they will have to consider, however, is what effect their change of programme, and their postponement of what their party regard as one of the most important measures in their programme, will have upon their followers outside. This is

the opinion expressed by a newspaper which I am sure every honorable member on the Government side will credit with knowledge and sincerity. I refer to the *New South Wales Worker*. That word "worker" ought to be sufficient to make what I am about to read palatable to every labour member.

Mr. McDONALD.—It makes it very unpalatable to the honorable and learned member.

Mr. BRUCE SMITH.—No, it does not. I do not think that I have shown any very strong class bias in this House.

Mr. BATCHELOR.—Oh!

Mr. BRUCE SMITH.—The Minister may think so—I cannot help that. This is what the *Worker* says—

It is for the new Ministry to convince the people of the Commonwealth that it is absolutely sincere, absolutely honest, absolutely courageous, absolutely determined to embody in the Statute-book the more pressing of its principles, even if it should go down in the attempt. To do other would be to lose supporters and to earn public contempt.

I think I am rational in assuming that the labour programme, which has been before us for years, was arranged in the order of the importance of the measures included in it.

Mr. BATCHELOR.—Hear, hear.

Mr. BRUCE SMITH.—I am glad that the Minister assents to that. Therefore, with the White Australia question out of the way, and with compulsory arbitration disposed of, the next question to be submitted for our consideration should be the nationalization of the tobacco industry and old-age pensions. These items ought to be included within the programme for this present session, and I hold that the Labour Party show a lack of courage in not having brought them forward as part of the business to be immediately submitted to us.

Mr. BATCHELOR.—Nonsense!

Mr. BRUCE SMITH.—These items form part of the policy which has been put forward for years. They have been regarded as the most necessary measures, but now there is a retreat on the part of the Government. They have put these measures into the background of their policy, and have consigned them to the sweet by-and-by of next session instead of including them in the programme for this session, and bearding the lion at the outset. How long do honorable members anticipate that the consideration of the Conciliation and Arbitration Bill will occupy

in this House? Surely it can be disposed of within a month—

Mr. FRAZER.—It has already occupied three months.

Mr. BRUCE SMITH.—That is a very good reason why it should not occupy more than another month. Let us assume that its consideration absorbs that period. The very next item upon the Ministerial programme is the nationalization of the tobacco industry. But we are informed that that matter will not be dealt with until next session. Surely, if the Government remain in office, Parliament will not be prorogued when the Conciliation and Arbitration Bill has been passed into law! Why is the proposal to nationalize the tobacco industry not to be dealt with during the current session?

Mr. THOMAS.—We want to enjoy a little holiday.

Mr. BRUCE SMITH.—I am not now considering the position of the honorable member, but that of the Government. Why have they not the courage of their convictions?

Mr. BATCHELOR.—Does the honorable and learned member expect that a programme which is intended to cover the life of a whole Parliament, should be introduced during the first session?

Mr. BRUCE SMITH.—Not all of it. I do expect, however, that the item which stands next to the Conciliation and Arbitration Bill in the Ministerial programme will be brought forward during the present session. In an interview with the Prime Minister, which was published in the *Sydney Morning Herald*, of the 16th May, I note that he is credited with saying:

The whole party would endeavour now that they had to bear the responsibility of office, to do their best for all.

Why would they do their best for all "now"? Why not always? What justification is there for the Government effecting a change of front from class legislation to legislation for the whole people, merely because they have taken upon themselves the responsibility of office? There is no possibility of mistaking the meaning of these words. Everybody who has followed the journalistic literature of these States must have become heartily sick of reading expressions of opinion by different individuals as to the necessity for looking after the interests of the particular class to which they belong. When I observed that "now that they have undertaken the responsibility

of office," the whole people are to be considered, I naturally asked myself why the fact that the Labour Party are in power should make any difference in its policy. Almost every member of that party has indulged—principally before his constituents—in diatribes regarding the injustice with which his own class is treated. Usually they give the electors to understand that it will be their chief duty to look after the interests of the workers.

Mr. WATKINS.—That is not correct, and the honorable and learned member knows it.

Mr. BRUCE SMITH.—The honorable member has no right to make that statement, because upon all sides we see statements made by the Labour Party—both inside and outside of Parliament—that the time is coming when they will be able to rectify existing abuses, and to do for their own particular class something which they could not previously accomplish. The members of that party never declare that they propose to pass legislation which will benefit everybody. Their cry always is that they intend to ameliorate the conditions of life as applied to their own class. I had become so thoroughly impregnated with that idea that I was pleased to learn from the Prime Minister that "now that the party had to bear the responsibility of office, they would do their best for all." At this stage I should like to say a few words in reference to another very important aspect of the present situation. A great many honorable members seem to think that so long as there is a large majority upon the Opposition side of the House, the country is perfectly safe in the hands of the Labour Party—I mean "safe" from that class of socialistic legislation of which I, in common with many others, do not approve. The Minister of External Affairs said there was a great advantage in having a powerful Opposition to prevent unwise legislation. But I wish to point out—and I do not think sufficient attention has been paid to this phase of the matter—that if the present political crisis passes, and the Ministry continue in office during the current session, it will not be the legislation that is enacted which will be regarded with anxiety, but the exercise of the Executive power of the Commonwealth for a period of, say, nine months. I take it that eight or nine months will elapse between the prorogation and the re-assembling of Parliament. Of course, it may seem a very ordinary matter that Ministers should be

left in their offices to deal with State papers. But every person who reflects upon it will see that it is infinitely more important that men holding the views which Ministers entertain should be prevented from exercising the Executive power of the country than from introducing their own fancy schemes of legislation. In exercising the Executive power of government, they practically have the Ministerial unchecked interpretation of all the laws of the country. Let me take, for the purpose of providing an illustration, the Customs law, which has been administered by two different individuals—the right honorable member for Adelaide, and the honorable member for Hume. Under the administration of the former, we know that the Customs law was interpreted in such a way as to excite the anger and indignation of the whole commercial community in Australia.

Mr. McDONALD.—That is not correct.

Mr. BRUCE SMITH.—What is incorrect?

Mr. McDONALD.—The statement that the administration of the right honorable member for Adelaide excited the anger of the whole community.

Mr. BRUCE SMITH.—I hold that it is.

Mr. FRAZER.—It excited anger only amongst the "crook" ones.

Mr. BRUCE SMITH.—That is just one of those hysterical party utterances which are made without thought. Does the very youthful honorable member opposite, who, by-the-way, was not present in the last Parliament, know that it was admitted in this House that, out of 400 prosecutions, there had not been one case of fraud, with the exception of that which was alleged to have occurred in Queensland?

Mr. McDONALD.—"Alleged"?

Mr. BRUCE SMITH.—Such statements may be all very well for platform purposes, but in this Chamber we ought to look at facts with scientific accuracy. The right honorable member for Adelaide admitted here, that out of 400 prosecutions there was only one in which fraud was thought to have been sheeted home to the persons charged with it. Therefore, what honesty is there in the statement that only the "crooked" members of the mercantile community complained? I happen to know—and I have as good an opportunity of knowing as has any one in Australia—that from Brisbane to Perth, the entire commercial community was justly indignant at the very autocratic way in which the Customs law

was administered by the right honorable member for Adelaide. As evidencing that he was responsible for an unnecessary exercise of Executive power, I have merely to point out that the very same law has since been administered by the honorable member for Hume, with the result that the whole of that anger has now disappeared. Why?

Mr. McDONALD.—I could give the honorable and learned member one or two little instances.

Mr. BRUCE SMITH.—The honorable member for Hume is no political friend of mine, and I am not anxious to sound his praises. I merely wish to use him as an illustration. He saw the justice and the expediency of appointing a committee to investigate cases of suspected fraud, and to select from them, for the purpose of prosecution, only those in which fraud was disclosed. What was the result? I suppose that there is as much fraud committed now as there was previously. But the mercantile community, whose members were formerly dragged in scores before the Police Courts and prosecuted for simple arithmetical mistakes on the part of their clerks, are now aware that if such errors are made by any of their employes, they will be carefully investigated by the committee, and only in those cases in which fraud is clearly apparent will proceedings be taken against them, whether their firms be long-established or otherwise.

Mr. FISHER.—The committee is really a Court.

Mr. BRUCE SMITH.—Yes, but the Minister knows that merchants of twenty-five, thirty, and fifty years' standing will not be dragged before the Police Court because of clerical errors, and compelled to wait there until cases of drunkenness have been disposed of. It is a Court the proceedings of which are not published in the newspapers.

Mr. FISHER.—It is a Court, nevertheless.

Mr. BRUCE SMITH.—It is not an ordinary Court of Justice, or a Criminal Court. The cases which came before it are analyzed without any reflection on the person suspected before any case is selected for a criminal prosecution. I cite this as an illustration of the different methods which may be adopted by different individuals in administering the same Customs law. If that difference can exist, honorable members will realize at once what interpretations might be placed upon our statutes by a Ministry whose views favour a certain class, if it chose to enforce them.

Mr. WATKINS.—I hope that the honorable and learned member is not speaking from experience.

Mr. BRUCE SMITH.—I have not had that experience as a Minister.

Mr. WATKINS.—The honorable and learned member has himself held office in a State Ministry.

Mr. BRUCE SMITH.—Quite so; and I have had some experience of attempts on the part of other people to secure attention to class interests. It was my pleasing duty, as a Minister, to frustrate those efforts in every possible way. If time would permit, I might refer to cases in which, within the knowledge of the honorable member, I took an active part in the effort to put a stop to such practices in the Department that I controlled. When I entered upon my duty as Minister of Works in New South Wales, I found that the papers relating to every proposed expenditure bore the name of the representative of the constituency in which the work was to be carried out. I abolished that practice. I refused, as Minister, to look at the names of members interested. The papers were put before me, by my direction, in a condensed form, so that I was able to deal with them without any knowledge of the constituency in which the work was proposed to be carried out. I established an entirely new set of books, known as the "Ministerial Decision Books," and I never saw any of the original papers in connexion with these proposals, with the result that, at the end of one year, I found that I had approved of a larger expenditure in constituencies represented by members of the Opposition, than in those represented by members of my own party. Whatever my political views may be, I have been second to no man in the desire for purity of administration on the part of any Government of which I have been a member, or which I have attempted to support. But let me return to my main proposition, from which I have momentarily strayed. It is this: that honorable members on this side should concede that, in allowing the Government to remain in office, we are not merely permitting them to remain there, as framers of legislation—because we can check all proposed legislation—but are allowing them an opportunity to get well into the saddle, and ultimately to embark upon the unchecked exercise of the Executive power of this country during a period extending over several months. From my personal knowledge of the members of the

Government, I have very little doubt about their sense of justice. I have very great personal respect for every one of them, but I cannot forget that they are the representatives of a party which does not give them that freedom which a man, as a representative of the Crown, or of the people in the Parliament, ought to possess. I do not make this assertion in any spirit of ill-will, or with any desire to stir up animosity but honorable members of the Labour Party know as well as I do—and the matter has been so well threshed out that it has practically become stereotyped—that they do not exercise that freedom of action, or of political thought, that other honorable members are able to do. I therefore regard their possession of the Executive powers of the country for a period of perhaps nine months as one of the gravest of the dangers which go to make up the serious juncture at which we have arrived.

Mr. FISHER.—Does the honorable and learned member seriously suggest that the Government would be influenced in the exercise of their administrative duties by the members of their party?

Mr. BRUCE SMITH.—I have no desire to suggest anything that might hurt the feelings of any honorable member.

Mr. FISHER.—No, no.

Mr. BRUCE SMITH.—I shall make my meaning quite clear. I have no wish to hide my opinions, and I say that there is a danger of such a thing. We are here to guard against such dangers, and we must do so. I have shown how two members of the same party—men who originally belonged to the same Government—may administer a law in two different ways, one of which excites the indignation of the whole of the commercial classes of Australia, while the other softens the administration, and yet achieves the same results. If two members of the same Ministry can exercise the Executive powers of the country in such a way as to make that difference, what might not be done, with the best intentions, and with the greatest good-will, by a member of the present Government, who has the Labour Party principles deeply embedded in his mind, as contributing towards the welfare of the whole country?

Mr. FISHER.—The insinuation is that our actions while Parliament was in recess would be different from what they would be while it was in session. That is not a fair insinuation.

Mr. BRUCE SMITH.—Now, I maintain that honorable members on this side of the House should seriously consider whether we ought not to sink all microscopic considerations in order to take a big step, and relieve the country of the present Ministry.

Mr. FISHER.—That is right; let the Opposition take that step.

Mr. BRUCE SMITH.—The honorable gentleman may rely upon action being taken.

Mr. FISHER.—Hear, hear.

Mr. BRUCE SMITH.—I do not speak *ex cathedra*, but, as one possessing some knowledge of what action is likely to be taken, I should be very sorry to be a member of a party in this House at the present juncture in the history of Australia that was not prepared to take some decisive step. If honorable members on this side of the House regard the present situation as seriously as I do, they will recognise that there is no more important duty resting upon them than that of, at least, dividing the House, and letting the people of Australia see who are for the Socialist Party and who are not. With regard to the question of the Executive, I should like to give the House one quotation from a work that is very well known in this State. It is a book with a European reputation, written by the late Professor Hearn, and known as *Hearn on the Government of England*. He wrote—

Although in matters of State, Parliament possesses so unlimited a power of criticism, it has not the smallest share of direct authority. It may censure and complain of any proceeding in which the prerogative has been improperly exercised—

He is speaking of the Executive authority—It may remonstrate against any anticipated act of the Crown. It may recommend any line of policy. It may express its opinion that any officer or public body should exercise his or its power in a particular manner. But these powers are merely acts of admonition.

I make this quotation merely with a view to emphasize the fact that although Parliament while in session can criticise proposed legislative measures, yet, as soon as it rises, a party which has come into power, and is considered by those opposed to it to be dangerous to the general welfare of the country, will enter upon an unchecked career extending over a period of months, during which the powers of the Executive will be entirely in its hands. It is then that the real danger begins, for during this period, the Executive will be entirely in the hands of a body of men who have not the confidence of Parliament. I shall now



make some reference to the labour programme. The programme is well known; but I wish to read one or two short passages from a speech made by the Prime Minister at the Lord Mayor of Melbourne's luncheon, inasmuch as they have an important bearing upon the present position. The honorable gentleman said upon that occasion—

He had merely to say on the present political situation that his party had a set of well-defined principles about which there had been no concealment as far as the elections were concerned—

The honorable gentleman was referring to the whole programme. He went on to say—

He, however, could assure those present that there was no necessity for a Ministry in order to retain office to go back one iota on the proposals they had so often indicated. That it might not be practicable to realise all these proposals within the course of the next few months he would not deny. But he had no desire to mislead the people. His party was determined to carry its ideas into practical effect, and, therefore, there was no need to say more at present.

Those words are conclusive, in regard to two points. They show, first of all, that we may expect an attempt to carry out the labour programme in its integrity—that there is to be no departure from it. It may be, as the honorable gentleman said, that the whole programme is not going to be carried out within the next three or four months. That is quite in harmony with the action of the Government in proposing to defer until next session the consideration of the two very debatable questions of old-age pensions and a tobacco monopoly. But there is to be no departure from the Labour Party's programme. The people may take it, from this courageous statement on the part of the Prime Minister, that there is to be no alteration of their policy. In these circumstances, we are quite justified in regarding their policy as one with which we have to deal—as one which they will seek to carry out, if they remain long in power, and have such an opportunity to make political capital as to enable them to dominate the situation at any future day. The Prime Minister was also present at a meeting in connexion with the May Day celebrations in Melbourne. Every one knows that expression was there given to certain very drastic principles.

Mr. CONROY.—Was the Prime Minister present at the May Day celebrations?

Mr. BRUCE SMITH.—Yes.

Mr. FISHER.—The honorable and learned member is in error. He was not present, but representatives of the meeting waited upon him.

Mr. BRUCE SMITH.—Whether he was present at the celebration or not is a matter of no moment, so far as the point which I have put before the House is concerned. He had, at all events, an opportunity to learn what were the principles advocated at the celebration.

Mr. FISHER.—A deputation waited upon him to present the resolutions passed at a public meeting.

Mr. BRUCE SMITH.—All that I say is that the Prime Minister had an opportunity to learn their principles, and to comment upon them. I do not know whether the celebrations were conducted by a league.

Mr. FISHER.—A socialistic league.

Mr. BRUCE SMITH.—I wish that to be clearly understood. The body which waited on the Prime Minister, and presented him with the May Day programme, was a socialistic league.

Mr. FISHER.—They presented the Prime Minister, not with their programme, but with certain resolutions carried at the meeting.

Mr. BRUCE SMITH.—And those resolutions embodied their programme. They informed him that they were—

Opposed to militarism in all its forms, and expressed their determination to overthrow wage-slavery and capitalism, and establish that *bon accord* in which all instruments of industry will be owned and controlled by the whole people.

I believe that the right honorable member for East Sydney said that these proposals meant social revolution—not a revolution of a bloody character, or anything of that kind, but a revolution in the existing state of society. There can be no question as to that.

Mr. BATCHELOR.—Will the honorable and learned member accept responsibility for everything that a free-trade association may say?

Mr. BRUCE SMITH.—The words which I have read were part and parcel of the resolutions presented to the Prime Minister of Australia, whose duty it was at that time, if he disapproved of them, to say to the deputation—"You have embodied in your resolutions certain principles which I regard as destructive of the present state of society, and, therefore, in the exercise of my duty, I tell you plainly that I am out of sympathy with you. As Prime Minister of this country, having the conduct of its affairs, I shall not, even for a moment, be suspected of endorsing your views."

Mr. MAUGER.—The same resolutions were presented to the late Prime Minister when he held office.

Mr. BRUCE SMITH.—That does not affect the question. What did the Prime Minister say in answer to the deputation? He said, in reply, that—

The Government was in hearty sympathy with the general spirit behind the May Day movement.

Mr. FISHER.—The spirit of peace.

Mr. BRUCE SMITH.—Does the honorable gentleman say "Peace"?

Mr. FISHER.—Yes.

Mr. BRUCE SMITH.—The honorable gentleman talks of peace when he refers to a body that is opposed to principles which have been in existence since the coming of Cæsar to England, which have been recognised and acted on in Europe since the earliest stages of its civilization. The Minister speaks of peace, when these men proclaim their pledge to overthrow the foundations of that form of society. I contend that, on the contrary, it means war, and war to the knife. It means a social war, and an internal disturbance such as the Minister of Trade and Customs and his colleagues have never witnessed or contemplated. Does the honorable member imagine that a community of British people would submit to society—and I use the word "society" in its broadest sense—being completely subverted according to principles which have never been successfully embodied in the laws of any community in the world? I defy the honorable member to name a community in which the principles which were expressed by that May Day league have ever been successfully carried into practical effect. I shall show that they have been attempted from Aristotle's day down to the present time. I am well acquainted with the works of men like Karl Marx, Lassale, Fourier, St. Simon, and of other French and German socialistic writers. I know their writings fairly well. I am also acquainted with the experiments which have been made in the United States to establish communities upon the principles they have advocated. I know, too, all about the Paraguay settlement and its history, and about the experiment at Alice River, in Queensland. I say, confidently, that the honorable member cannot name a community which has been started on, or has adopted these principles, and has not come to grief.

Mr. DAVID THOMSON.—The Alice River settlement is still flourishing.

Mr. BRUCE SMITH.—I shall read to the honorable member something about that.

Mr. O'MALLEY.—Did not Brigham Young run his show on these lines?

Mr. DUGALD THOMSON.—No; on individualistic lines.

Mr. BRUCE SMITH.—I should like to show the spirit which is abroad amongst some of the working classes in regard to what they wish to do, and consider themselves justified in doing in the future. They are only little incidents, but they serve as feathers to indicate the direction of the wind. In the course of a conference, in Sydney, between representatives of the employers and the operatives in the iron trade, the chairman remarked that if the men wished the work of constructing locomotives to be kept in New South Wales, they must assist the employers, and, to show how valuable that assistance might be, he added that they were a factor in the Government now. "We are the Government," was the reply of the deputation, through its chairman. That is the confident spirit which is getting abroad throughout the country, and which will grow more and more unless something is done by the other parties in the community to check it. Then a very interesting event occurred at Kalgoorlie. We have been led to believe hitherto that the working classes of this country are perfectly content, as I think they might well be, with preventing Europeans from coming here whenever they were seen to have been what is called the "victims" of contracts requiring them to accept certain rates of wages. The confidence which the success of that measure has engendered is leading to a further demand which throws an interesting light upon the possibilities of the future if such men get control of the affairs of this country. This is what occurred at Kalgoorlie—

In connexion with the matter of aliens and the extent to which foreigners, chiefly Italians and Austrians, are displacing British workers, a meeting of Kalgoorlie ratepayers last night indorsed the request by the municipal council that a Royal Commission should be appointed to investigate the matter.

Mr. MAHON.—A meeting of ratepayers.

Mr. BRUCE SMITH.—Is the honorable member afraid to let me finish my quotation?

Mr. MAHON.—No; I merely wish to emphasize the fact that the meeting was a meeting of ratepayers, not of unpropertied men.

Mr. BRUCE SMITH.—I admit that a great many persons who have a little money are attracted by the doctrines of Socialists. As the honorable member points out, this was a meeting of ratepayers, or persons who own houses or pay rents for the occupation of them; though it does not require much money to be able to rent a house now-a-days. The report continues—

It was resolved—"That the laws governing the admission of immigrants into the Commonwealth should be amended, so as to require proof of fitness, and the intention to settle in the State, and that the State Government should without delay consider the question of prohibiting the employment of aliens in the industries of the State."

Mr. MAHON.—Hear, hear! Some of these aliens cannot speak English, and the lives of other men working with them are jeopardised.

Mr. BRUCE SMITH.—That, of course, is a great danger! It is a strange thing that in the report I have read there is not the slightest reference to the danger of which the honorable member speaks.

Mr. MAHON.—I will produce evidence of it in the official reports of mining inspectors.

Mr. FISHER.—There is no doubt that that is the basis of the whole trouble.

Mr. DUGALD THOMSON.—The report speaks of aliens.

Mr. BRUCE SMITH.—Yes. It was proposed to exclude, not Kanakas, Japanese, Chinese, and Indians, but Austrians and Italians.

Mr. CONROY.—Who may be able to speak as good English as any other person in Australia can speak.

Mr. BRUCE SMITH.—No one can doubt for a moment that the whole purpose of this movement is an economic one. I admit that in the present condition of society the persons who are objected to sometimes compete successfully with our own citizens. Coming here as free men, they sometimes work for lower wages. But it shows the trend of affairs when a large body of men in a mining district, not content with the existing legislation, ask to have it amended so as to require proof of an alien's fitness—I do not know whose opinion is to be taken on the subject—and of his intention to settle in the State. They also ask that the Government shall, without delay, consider the question of prohibiting the employment of aliens in the industries of the State. That is an unconditional prohibition. There is no talk of examining these aliens to see if they know English, so that

the lives of Englishmen or of Australians working with them may not be jeopardized.

Mr. MAHON.—The resolution which the honorable member has read was passed by a meeting of ratepayers, the representatives of property, indorsing the action of a municipal council.

Mr. BRUCE SMITH.—This further resolution was passed at another meeting—

A meeting held at Coolgardie last night, under the auspices of the Political Labour Party, resolved—"That in the opinion of this meeting the influx of aliens is becoming a menace to the best interests of the State, and that some immediate steps should be taken to prevent the continuance of the evil."

Those extracts are mere feathers, but they show the whole tendency of the opinions of a great part of the community. They show a desire to ultimately construct a sort of legislative wall round the country in order to keep Australia for Australian working men. I do not draw attention to this matter for the edification of the members of the Labour Party, because I am sure that my remarks will have little effect upon them: I mention it so that the members of the party opposed to the Government may know the type of legislation which is desired by some—legislation which I have no doubt would be enacted if the Labour Party were permitted to dominate the political situation.

Mr. WATSON.—Is there a party opposed to the Government?

Mr. BRUCE SMITH.—We shall see. We must treat the Ministry as a socialistic one. I shall not labour that point. I wish merely to read a further short passage from a speech made by the Prime Minister when presented with certain resolutions after a May-day demonstration. This is what he said—

The people who had governed Australia in the past had paid too much attention to the interests of certain classes. Because of that, the masses of the people had now to stand up for their rights, and undo a lot of what had been previously done.

It is rather interesting, in a country like Victoria, which has been governed by men like Sir Graham Berry, Richard Heales, Sir John O'Shanassy, and the late Prime Minister, to be told that the masses of the people now have to stand up for their rights, because those rights were not previously considered. Having lived in Victoria for many years, and having a full knowledge of its conditions, I do not hesitate to say that, in no other British community has more been done to remove the inequalities of

the various classes. The pendulum has rather been driven in the other direction, so that there has been built up a body of law which has created something in the nature of class privileges. Honorable members must remember that it is possible to have a democratic toryism as well as an aristocratic toryism, and the moment State interference goes beyond providing the members of a community with equal opportunities, so far as they can be created by artificial means, it begins to create class privileges. When that happens, we have not liberalism or democracy, but democratic toryism. In no country in the world has the term "liberalism" been stretched further than it has been in Victoria. Yet the honorable gentleman at the head of the Government made use of the expression I have just read. The principle which I deduce from the resolution which was presented to him was a determination to overthrow wagedom and capitalists, and to establish that *bon accord* in which all instruments of industry will be owned and controlled by the whole people. The Prime Minister continued—

The Ministry and the Labour Party felt that, while they had their aspirations as to what was possible, and while they would steadily work towards their goal of freeing the people from their industrial shackles—

Can any sane man conceive of any more ludicrous utterance than that—"To take the shackles off the people of Australia." As applied to Victoria and New South Wales, I say that that is a travesty of our language. It is the lowest form of platform appeal that could possibly be made. Where are the shackles on the people of Victoria or of New South Wales at the present time?

Mr. WATSON.—Land monopoly is one of them.

Mr. BRUCE SMITH.—Is not the honorable member's own career, for which I give him every credit, a splendid example of the fact that it is possible for a man to rise from the lowest to the highest rung of the ladder?

Mr. FISHER.—To what "lowest rung" does the honorable and learned member refer?

Mr. BRUCE SMITH.—I am using the term in the popular sense. The Prime Minister has occupied as humble a position as any man in this country.

Mr. WATSON.—Hear, hear.

Mr. BRUCE SMITH.—And I respect him for it. He has demonstrated that he is living in a community in which a man can go from the very bottom rung of the

ladder to the top within a few years. By his own ability, his own skill, and the freedom of the institutions under which he lives, he has been able to rise until he now occupies the first position in the land.

An HONORABLE MEMBER.—There are many others whose conditions prevent them from rising.

Mr. BRUCE SMITH.—I do not say that this is all the Prime Minister's own work. I am quite able to judge between the results of his own efforts and those of his party. I say, however, that we live in a country where the expression "shackles on the people" is ludicrously inapplicable, because the Prime Minister has illustrated the fact that nothing whatever of an artificial character stands in the way of a man's progress from the bottom to the top of the ladder.

Mr. WATSON.—Why is the manhood of Victoria being driven out of the State?

Mr. BRUCE SMITH.—The Prime Minister asks me a conundrum. If I were to tell him my opinion, he might not agree with me. I say that protection has been the cause.

Mr. WATSON.—Land monopoly, I think.

Mr. BAMFORD.—New South Wales is also losing population.

Mr. BRUCE SMITH.—The honorable member has been wrongly informed. During the last ten years, whilst Victoria has been losing population, New South Wales has been gaining.

Mr. WATSON.—That is because she has more land available for settlement than has Victoria.

Mr. BRUCE SMITH.—I could tell the Prime Minister why people are not coming into the Commonwealth to the extent that they should do, and that is because of the Immigration Restriction Act.

Mr. FISHER.—The honorable and learned member stands to his guns.

Mr. BRUCE SMITH.—I do, and I am, I hope, quite good tempered over it. I respect honorable members opposite as much as they esteem me, so far as honesty of purpose is concerned. I wish to make clear the meaning of Socialism, as it is embodied in the programme of the Labour Party. I shall show how it is explained by a man whose utterances the Labour Government practically indorse and support. I refer to Mr. Tom Mann. According to the *Age*, Mr. Tom Mann is supported by the Trades Hall of Melbourne.

Mr. THOMAS.—Hear, hear; and a fine fellow he is, too.

An HONORABLE MEMBER.—He is their paid organizer.

Mr. THOMAS.—Hear, hear.

Mr. BRUCE SMITH.—I shall show honorable members later what the paid organizer of the Victorian labour bodies says, and I want every sensible man who has children and something of his own, and some regard for the future of this country, to think of the programme that we have in prospect. In the meantime, I wish to direct attention to two matters, which have been brought prominently under my notice, as illustrations of the danger of adopting the socialistic policy espoused by the Government and the party behind them, and of placing the executive powers of the Commonwealth in the hands of a body of men with strong class prejudices. I admit that they may be quite sincere, but, nevertheless, they hold strong class prejudices which might work incalculable injury to the community as a whole if the executive powers were wielded by them. Only this afternoon a number of questions were asked of the Minister of External Affairs with regard to that very episode at Coolgardie and Kalgoorlie, to which I have directed attention. I read an extract which showed that at a meeting of ratepayers, and at a meeting held under the auspices of the Labour League of Coolgardie, a distinct resolution had been passed in favour of amending the Immigration Restriction Act, in order to keep Italians and Austrians out of this country unless they were prepared to say what the Act does not require them to say.

Mr. FRAZER.—We only want a more stringent administration of the Act.

Mr. BRUCE SMITH.—I do not need the honorable member's help. I prefer to rely upon the reports of the meetings rather than to accept the honorable member's paraphrasing of them. The reports show that at the meetings referred to resolutions were passed, upon which no other construction can be placed than that an attempt should be made to keep out of the Commonwealth certain Italians and Austrians who were coming into competition with Britishers and Australians.

Mr. FRAZER.—That is if they were brought here under contract.

Mr. BRUCE SMITH.—There is not a word in the reports about contract labour. It is simply represented that the introduction

of these men is inimical to the interests of the Australian workmen. I only wish to refer to the facts for the purpose of showing honorable members on this side of the House, who are hesitating, out of regard for certain minor details which are now standing in the way of a coalition, the danger in which this country would stand if we allowed the present Government to enter upon the exclusive control of the Executive powers for a period of eight or nine months. To-day the Minister of External Affairs was asked a series of questions with regard to the steps which had been taken by the Government to practically please the persons who took part in the meetings at Coolgardie and Kalgoorlie. It appears that already an officer has been instructed to exercise greater supervision than ever with regard to the influx of certain aliens. Amongst other things, the Minister of External Affairs was asked—

1. Has an officer been appointed to carry out the Immigration Restriction Act at Fremantle?

I presume that there was no officer there before.

Mr. WATSON. — There was a Customs officer there who acted as Immigration officer.

Mr. BRUCE SMITH.—And I understand that now a special officer has been appointed for the purpose of exercising supervision over immigrants. The Minister was further asked—

2. Have instructions been issued to him?

3. Will every person landing at Fremantle, either to remain in Western Australia or *en route*, be interrogated as to his intentions to remain or to proceed further?

4. Will the interrogation be to the people of all nations; and, if not, to what particular nations will it be made?

The answer to the last question was "yes"; which means that the interrogation will be addressed to people of all nations. Now, the papers relating to this matter have been laid upon the table, and they reveal the fact that that answer is an official falsehood.

Mr. SPEAKER. — Order! Does the honorable and learned member refer to an answer given in this House?

Mr. BRUCE SMITH.—I do.

Mr. SPEAKER.—Then I must ask the honorable and learned member to withdraw.

Mr. BRUCE SMITH.—With pleasure. I shall read the paper, and honorable members can draw their own inferences. Fortunately, there is no embargo in Parliament upon the inferences or conclusions drawn

7 honorable members. The papers contain the following remarks:—

The Minister directs that a special officer be instructed to visit vessels likely to contain Austrian and Italian immigrants.

That is impartiality! That is the outcome of the two meetings at Kalgoorlie and Coolgardie, one a gathering of ratepayers, and the other a meeting under the auspices of the Labour Party, who have agitated in a manner which is not only unreasonable, but unbrotherly and inhuman, against the people of two European nations, because evidently they are competing with Australian workmen.

Mr. FRAZER.—It is the outcome of an Act which has never been previously properly administered.

Mr. BRUCE SMITH.—This is what the House has to look for if the Labour Ministry are allowed to continue in office, and if we are to have what the Labour Party call "proper" administration. What the word "proper" means is to be a matter of interpretation for the Executive.

Mr. WATSON.—Hear, hear.

Mr. BRUCE SMITH.—That is my very point. I contend that the laws will be interpreted by a body of men who are distinctly biased, though perhaps unconsciously, in favour of a particular class. We have here a case in which two meetings took place in mining towns in Western Australia, and we find that the Ministry are so sympathetic that they have at once appointed a special officer to go out and make inquiries with regard to immigrants of two nationalities.

Mr. WATSON.—There were more than two meetings; the agitation has extended over a period of twelve months.

Mr. BRUCE SMITH.—The minute to which I previously referred, reads as follows:—

The Minister directs that a special officer be instructed to visit vessels likely to contain Austrian and Italian immigrants, and examine all immigrants separately and carefully, particularly as to whether they are under contract to perform manual labour. If he is satisfied that they are under contract they are to be treated as prohibited immigrants.

There is no objection to that.

If he is not so satisfied, but has reasonable ground to suspect that false statements have been made to him in this regard, he should permit the immigrant to land, and instruct him not to leave Fremantle until advised that he may do so.

Here is an illustration of the arbitrary power that is to be placed in the hands of

a special official with regard to immigrants of two nationalities which are named. The officer is not only to ask a question, and abide by the answer, but if he has reasonable ground for suspecting that the answers given to him are not true, he can actually detain the immigrants in a community of free men until instructions are received from the Government. That is a beautiful illustration of the unconscious abuse of Executive power. I cite it to emphasize the danger of allowing the present Government to remain in office after they have passed the milk-and-water policy which they have outlined for the present session. Still another illustration has occurred within the last day or two. In the Melbourne General Post Office there is a gentleman with a record of forty-one years of service. He is universally recognised as one of the ablest officials in Victoria, and, indeed, in the Commonwealth. How has he been treated? The Postmaster-General has practically endeavoured to coerce him into recognising the unions of postal employes and dealing with the organizations to which they belong.

Mr. WATSON.—To comply with the regulations under which he is working.

Mr. BRUCE SMITH.—There is no regulation in existence which requires a Commonwealth official to recognise any organization save that of the employes in the post-office themselves, who may come to him and make their representations.

Mr. WATSON.—Does not the honorable and learned member know that the officer in question came into conflict with the previous Government?

Mr. BRUCE SMITH.—No.

Mr. WATSON.—I can assure the honorable and learned member that it is a fact.

Mr. BRUCE SMITH.—The circumstances which have now arisen furnish an admirable illustration of the class prejudice which will probably be exercised if the present Ministry remain in office. I now propose to deal briefly with the socialistic policy to which the Government are attached in principle, and to which they will endeavour to give effect so soon as they have a sufficient following at their back. From a Sydney newspaper, I learn that—

Mr. Tom Mann, who has been carrying out political organizing work for the Trades Hall, says that the Socialist programme will be well on its way in about ten years. "I know that it would not be right," he says, "to declare that the Labour Party of this State is definitely straight-out Socialist. It is not. It can only be

truthfully described as a socialistic body, by which I mean one that is making more and more and relatively rapid strides in favour of Socialism clean and avowed. The most energetic minority are undoubtedly the avowed Socialists or Collectivists; the others are rapidly travelling in that direction; but that means nothing more than that they endorse both voluntary and State co-operation, and seek to have it universally applied." He says that the party will go in for the nationalization of mines, the control of land, and machinery of production. Every person is to be rewarded according to the services which he or she renders to the community. There will be no need for gaols, except for idlers. A man will be allowed to retain what he gains from actual work—

I suppose that means physical work.

Mr. MALONEY.—It does not say so.

Mr. BRUCE SMITH.—I did not say that it did.

He will be allowed to have his furniture and his bicycle, and, perhaps, his motor car, but whether he will be permitted to have his house will be dependent on the stage of development which Socialism reaches. Ultimately, the municipalities will control house accommodation. Well-behaved people will always have food, clothing, and other necessities, and will be allowed a fair amount of travel.

That is the policy of Socialists, as expounded by Mr. Tom Mann, who is admittedly the political organizer of the Trades Hall in Victoria.

Mr. FOWLER.—That extract represents only a travesty upon the man's utterance.

Mr. BRUCE SMITH.—I propose to read somewhat similar statements from other documents presently. Mr. Storey, M.L.A., in speaking at the picnic of the Mort's Dock employes, which was held in February last, delivered himself as follows:—

Labour members did not go into the House as a third party; they went there to represent a section of the people, who hitherto had no representation, and to voice, and, if possible, give effect to, certain definite views on public policy.

I now come to the most important document of all. Mr. Bromley, the leader of the Labour Party in the Victorian Parliament, is a man whom I have known for fifteen or sixteen years, and with whom I am upon the most friendly terms, although our politics are as widely separated as are the poles. I wish to assure honorable members that there is nothing flippant about Mr. Bromley. He has the most serious and funereal cast of countenance that I have ever met. Both his voice and manner bespeak the most extreme earnestness. In an interview with a representative of the *Age*, which was published a few days ago, Mr. Bromley, upon

being questioned as to the attitude of the Labour Party towards Socialism, said—

It all depends upon the definition you give to Socialism. There are so many people nowadays who condemn everything which the Labour Party advocate, as socialistic, that it is hard to find just where liberalism ends and Socialism begins. I suppose we live in one of the most socialistic countries in the world, but you cannot get a large section of Australians to believe it. To put the position of the State Labour Party briefly, I should say that we are collectivists as opposed to individualists. We believe in State co-operation, or State control of such services as can be run by the community for its own profit and advantage. We have already the railways, the schools, the postal and telegraphic services, in the hands of the State, and these have proved so successful that the Labour Party is anxious to see an extension of the system. Such things as gas and water supply, electric lighting, tramways, and so on, should certainly be nationalized or municipalized, because from this aspect there need be no distinction. Of course, as a party we are strongly in favour of a State bank and a State life and fire insurance office, and the establishment of the Crown as the only landholder. Personally I do not consider myself an extremist in Socialistic principles. I believe firmly in the nationalization of monopolies, for example; but I would never think of advocating the instant and comprehensive taking over of all industries by the State. It is all a matter of evolution. Perhaps fifty years hence the people will be wiser than we are now, and better able to realize the benefits of State control in everything. But at the present day we must go slowly. I should start with the nationalization of all industries which affect the health and well-being of the community—provided, of course, that such industries had developed into monopolies. But even then it would not do for the State to start on the co-operative basis, unless the proposal was a practical one. We should have to proceed on a business footing. But some risks might very well be undertaken, and we might profit by the example of other countries which have tried experiments and succeeded with them. Such examples might easily be extended and improved upon. For instance, one of the first things I would do would be to nationalize the coastal and Inter-State shipping. Ideally, all shipping should be run by the State, but I am afraid we cannot yet hope to take the overseas division in hand."

No doubt that will be very comforting to the P. and O. and the Orient Companies. Mr. Bromley, who declares that he is a moderate Socialist, continues—

But the coastal trade is on a different footing, and I think that the States should assume control of it. We have our State railways on shore; why not our State steamers on the sea? The private shipping companies would have to be bought out, or, if they refused to negotiate, squeezed out of competition.

I ask honorable members to note that the State is to take up what shipping it can, and is to run it at the expense of the tax-

payer, in order to compel recalcitrant ship-owners to sell their interests to the Government. Mr. Bromley proceeds—

The coal mines, also, should be purely State owned. In regard to the land question, I believe there are some who consider that all the alienated area in Victoria should be resumed by the Crown without any compensation being awarded to the owners.

That statement, I presume, applies to the extreme Socialists. Let honorable members observe what the moderate Socialists propose—

As a practical politician I must unreservedly condemn that suggestion. I am most decidedly in favour of the State becoming ultimately the landlord. But to me it is obvious that reasonable compensation should be paid to those whose land has been taken away from them. Therefore I recognise that the process of getting back the lands which have been sold outright by the Crown will be a slow one. The way to effect the change would, in my opinion, be to impose a graduated land tax without any exemptions whatever, beginning with a small impost for the small holder, and increasing progressively as the acreages increased. The proceeds from that tax I would apply to the compulsory repurchase of the large holdings, and the cutting of them up for closer settlement.

The moderate Socialist who is utterly opposed to anything in the form of confiscation, is quite prepared to purchase land at a reasonable price, having first extracted the necessary money from the land owners by means of a progressive land tax. It will be comforting to honorable members to know that he also says—

I do not think, however, that either as individuals or as a party you would find the State Labour Party in favour of the more advanced ideas urged by Socialists on the Continent of Europe. We are not communists, and I do not imagine that the time is ripe for the State to interfere with the family. Perhaps later, when the community is more highly educated, that may come too, but not yet.

Did any man out of Bedlam ever before seriously propose such unqualified nonsense?

AN HONORABLE MEMBER.—What is the date of that interview?

MR. BRUCE SMITH.—It was published three weeks or a month ago. A few months back a small Australian publication came into my hands, entitled, "What is Socialism?" I should like to read one or two passages from it, because on general principles its matter corresponds very closely with the proposals of the Labour Party, though it is a little more elaborated. This publication states—

Socialism is a theory of a system of human society based on the common ownership of the means of production and the carrying on of the

work of production by all for the benefit of all. In other words, Socialism means that the land, the railways, the shipping, the mines, the factories, and all such things as are necessary for the production of the necessities and comforts of life should be public property, just as our public roads, our public parks, and our public libraries are public property to-day, so that all these things should be used by the whole of the people to produce the goods that the whole of the people require.

Further—

By the discoveries of science, the inventions of genius, the application of industry, man has acquired such power over nature that he can now produce wealth of all kinds as plentifully as water. There is no sound reason why poverty and want should exist anywhere on this earth.

It is a beautiful millennial thought—one of those Utopian pictures which writers of fiction portray for the amusement of the people. It is a sort of More's *Utopia*, Butler's *Erewhon*, or Lytton's *Coming Race*, in which there is to be no more trouble or anxiety of any kind.

MR. O'MALLEY.—Hear, hear.

MR. BRUCE SMITH.—I am glad to hear these marks of approval on the part of honorable members opposite, for they stamp them as men equally as impracticable as is the man who writes this sort of rubbish. The article proceeds—

All that is needed is to establish a more equitable method of distributing the wealth already produced in such profusion. That is what Socialism proposes to do. The work of production is organized, socialized; it is necessary to socialize distribution as well.

What is to be done to supplant the present system by Socialism; to substitute fraternal co-operation for the cut-throat competition of to-day? The first thing is to organize the workers into a class-conscious party; that is, a party recognising that as a class the workers are enslaved through the possession of the means of production by another class; recognising, too, that between these two classes there is an antagonism of interest, a perpetual struggle, a constant class war, which must go on until the workers become possessed of political power, and use that power to become masters of the whole material means of production. When that has been achieved, the war of classes will be at an end, because the division of mankind into classes will have disappeared, the emancipation of the working classes will have been accomplished, and Socialism will be here.

I have no doubt that as soon as all this is achieved the day of judgment will come quickly upon us. There is a rule of advocacy in my profession that one good fact in the form of an admission obtained from an opponent is worth many times as much evidence from your own side. Bearing that rule in mind, I propose to quote an extract



from the *Age* newspaper, which is to-day the friend of the Ministry. I shall quote, of course, something which appeared as far back as five days ago, and that is a horse of quite another colour. It is as well that honorable members who come from other States, and who may not have read the article from which I am about to give an extract, should know what the *Age* newspaper, which is to-day espousing the cause of the Labour Party, thought of them about a week ago. In its issue of the 19th instant it wrote—

The real weakness in the leading of the Labour Party is made clear by other signs than that of its fanning the flames of class hatred. The adoption at this hour of the day of the discredited ideals of the early European Socialists is a proof that the organized Labour minority in Australia has lacked the ability to formulate a national policy of its own in reasonable relation to our Australian conditions. For instance, we find nationalization of monopolies as one of the planks in the fighting platform of the Political Labour Council. Everybody knows that the nationalization of monopolies is proposed only as the first step in realizing the pet Socialist project of the nationalization of all the means of production and distribution.

Again—

One conspicuous evil has already resulted from the method in which the Labour minority is coercing the majority, namely, the stirring up of class strife. As long as it can foment war with other classes, it distracts attention from the fact that it is an undemocratic minority.

This is from the *Age* newspaper, which has since thirty or forty years espoused the cause of the Trades Hall and the working classes of Victoria.

Mr. O'MALLEY.—It has never been the Trades Hall newspaper.

Mr. BRUCE SMITH.—I am speaking of a long time before the honorable member showed his face in this State; I am familiar with the principles that it advocated thirty years ago. On the recent date named it went on to say—

We have seen the position often enough in history, where an aggressive aristocracy diverted national attention from trouble at home by promoting war abroad; but it is exceedingly instructive to see a Labour minority carrying out the same unpatriotic policy in another department of political activity.

Mr. O'MALLEY.—It is well written.

Mr. BRUCE SMITH.—It is a fair sample of good English, but the principles which it condemns are revolutionary. I turn now from newspapers and labour leaders to a level-headed writer who has always been the friend and well-wisher of the working classes. I refer to John Stuart

Mill, from whose well-known book, *Representative Government*, I propose to quote the following passage in the chapter on "Infirmities and Dangers of Class Legislation":—

One of the greatest dangers of democracy, as of all other forms of government, lies in the sinister interests of the holders of power; it is the danger of class legislation: of Government intended for (whether really effecting it or not) the immediate benefit of the dominant class to the lasting detriment of the whole. And one of the most important questions demanding consideration in determining the best constitution of a representative Government is how to provide efficacious securities against this evil.

And then, in another chapter on True and False Democracy—Representation of all and of the majority only—he wrote—

The pure idea of democracy, according to its definition, is the government of the whole people by the whole people equally represented. Democracy, as commonly conceived and hitherto practised, is the government of the whole people by a mere majority exclusively represented.

He was assuming that there was a majority, which is not the case in this instance.

The former is synonymous with the equality of all citizens. The latter, strongly confounded with it, is a government of privilege.

I have always contended that class legislation is simply the building up on democratic lines of the very evils of which it took the British people centuries to rid themselves. If true liberty is represented in diagram by a free swing of the pendulum, I would point out that the Labour Party are not satisfied that the pendulum should be free, but are pushing it up on the one side and creating privileges for their own class, which is nothing more nor less than democratic tyranny. What are the prospects? I am not appealing to honorable members opposite, although I face them, but to the members of my party, who, I think, should, without hesitation, move the Government from office, in the best spirit and with the best feeling, crediting them with all sincerity, but debiting them with principles which, in my opinion, would undermine the existing state of society. I now ask what are the prospects? We have, as the *Age* says, not merely the nationalization of the tobacco industry in contemplation, but the nationalization of the industries of the country, with the ultimate view of changing the whole character of the community, and making it a Socialist, and, practically, a communist one. Some people draw a kind of academic distinction between communism and Socialism. I do not recognise any. It is a matter of degree.

Men may refer to the running of the railways, or the carrying out of postal arrangements by the State as a step in that direction. So it is. But when we have nationalized all the industries of the country, and practically enabled the Government to manage the whole of the affairs of the community, we shall have arrived at a state of communism, which is merely the theory that property is common to the people.

Mr. SPENCE.—State co-operation.

Mr. BRUCE SMITH.—That is another name with which honorable members opposite are deceiving themselves. Can the honorable member tell me of any law which compels a man to belong to any one of the great co-operative schemes which at present exist in Great Britain? What is proposed by the Labour Party is not voluntary Socialism, communism, or co-operation. They wish to force the people of this country to adopt their views. If they did, it would be like the lion and the lamb lying down, with one inside the other. We have an attempt on the part of the Labour Party to make every man, woman, and child, whether they wish it or not, a member of a great national co-operation.

Mr. MAHON.—There is a very good model to work upon.

Mr. BRUCE SMITH.—I do not know to which model the honorable member refers. I frequently hear people say that the Author of the Christian religion was a Socialist. My answer is that he was a voluntary Socialist, and that he never advocated the policy of the State coming in and forcing the people to do certain things. The Labour Party require to distinguish between voluntarily entering into any compact of this kind, and the use of compulsion. If there is, for example, a community of twenty persons, there can be no objection to eighteen of them, if they like, entering into a compact to carry on their social and family affairs, according to some common agreement; but, in that case, the other two members of the community would be free. Their liberty would be preserved; and not one of the eighteen would be unwillingly included in the co-operative system, or compelled to join it against his native sense of individualism and independence. To advocate a condition of things, which is to be realized by converting a country like this, or any other civilized community into an enforced compact, is to propose to go back

on history, and on the struggle for liberty which has taken place from the earliest times in English history to the present day. I wish honorable members of my own party to recognise what the prospect is. I desire them to see how absolutely insignificant all smaller personal and party feelings which may be animating some of them really are, when compared with the taking of this great and broad step in the interests of the Australian people. We have immediately in front of us a proposal to nationalize the tobacco industry, and to establish a State bank. Mr. Bromley, the leader of the Labour Party in the Victorian State Parliament, would first proceed to nationalize the shipping industry; land control, in his opinion, should come next, and then State coal mines.

Mr. WATSON.—What did Mr. Robert Reid advocate?

Mr. BRUCE SMITH.—I am not answerable for the views he advocated. If he had been a Socialist, I should have condemned him in the same terms. There is an old adage, *de mortuis nil nisi bonum*, and one does not care to speak of those who have passed away. I can only say that the late Mr. Robert Reid was never regarded by me, or by any political body in the country, as an authority on political economy.

Mr. O'MALLEY.—He was an able man.

Mr. BRUCE SMITH.—He was a good business man, who brought his practical knowledge of a big business undertaking to bear on political affairs. But, as compared with John Stuart Mill or Herbert Spencer, so far as the understanding of the principles of legislation is concerned, he was but as "an infant crying in the night." I hope that no honorable member will quote him to me, because I do not recognise him as an authority.

Mr. SPENCE.—He did not belong to our class.

Mr. BRUCE SMITH.—We must look abroad pretty widely to see what is likely to be the effect upon this community of 4,000,000 people of the realization of these hare-brained schemes. Do honorable members think that those who have money invested in this country will regard indifferently a policy of this sort? Do they suppose that money—which they must admit is an indispensable element of all progress—will flow into the country, or that that now here will stay if its owners have an opportunity to take it away? The members of the Labour Party are much in

the position of the man who killed the goose which laid the golden eggs. It is one of the demerits of the present Government, and of the Labour Party, that not one of them has occupied a responsible position in any business concern in this country.

Mr. WATSON.—Who says that?

Mr. BRUCE SMITH.—I am not speaking of mere positions in a business house, but of positions carrying with them a big weight of responsibility.

Mr. O'MALLEY.—Before I came to Australia I managed a business in the United States where I had 150 men under me. That is more than the honorable and learned member ever controlled.

Mr. HUTCHISON.—I left my business to come here and fight the honorable and learned member.

Mr. BRUCE SMITH.—I do not wish to underrate the business experience of the honorable member for Darwin.

Mr. O'MALLEY.—The honorable and learned member thinks that he owns the earth.

Mr. SPEAKER.—I ask the honorable member for Darwin not to interrupt so much. The honorable and learned member for Parkes is getting on as well as he can.

Mr. O'MALLEY.—I agree with you, Mr. Speaker; but he should not be personal.

Mr. SPEAKER.—The honorable member is out of order in interrupting.

Mr. BRUCE SMITH.—I accept the statement of the honorable member for Darwin, that he was at the head of a big business in the United States, but that raises a query as to why he left it.

Mr. O'MALLEY.—Because I had made enough money to be able to leave it.

Mr. BRUCE SMITH.—Then I am surprised that the honorable member belongs to the Labour Party, unless he thinks that the big division which is to take place will not come in his time.

Mr. O'MALLEY.—We do not advocate a division.

Mr. BRUCE SMITH.—Personally, I always like to hear the honorable member's voice; but it is against the rules to interrupt, and I should be sorry if he were to again incur the displeasure of Mr. Speaker.

Mr. MAHON.—Did the fact that Sir Henry Parkes never held a big business position disqualify him for office?

Mr. BRUCE SMITH.—I did not say that a man's want of business experience disqualifies him for political life.

Mr. MAHON.—Does it disqualify a man for Ministerial office?

Mr. BRUCE SMITH.—No; but it often prevents a full recognition of the economic dangers which threaten commerce and industry.

Mr. WATSON.—We instanced a business man, but the honorable and learned member would not accept him as an economist.

Mr. BRUCE SMITH.—It requires more than practical knowledge to enable a man to comprehend all the economic undercurrents of commerce and industry; neither is theory enough. A man may read books upon political economy until he is black in the face without becoming a political economist, and another man may sit in the business office of a big concern for years without becoming one. It is only by the combination of practical business knowledge, gained through coming into touch with big banking, insurance, shipping, or other commercial concerns, with the learning of men like Mill and Spencer, whose accumulated wisdom has come down from the centuries, that one can obtain a proper apprehension of the working of economic laws. I should like now to say one or two words, always in the best of temper, on the subject of the labour caucus. I referred in the early part of my speech to the very acrimonious tone adopted by the Minister for External Affairs when replying to the very trenchant criticisms of the constitution of the labour organizations outside Parliament, made by the right honorable member for East Sydney and the honorable and learned member for Ballarat. There is, however, no need for acrimony. The facts cannot be got over by the use of heated words, or the display of ill-feeling. The question asked from this side of the chamber is whether, in the face of the rigid organization which exists outside of Parliament, the party in office have that freedom for movement which entitles them to continue to hold the position which they at present occupy? This question has, I take it, occurred to every man in the community. Is the Government a body of free men, who can act as they think the interests of Australia require, or are they bound down by the constitution of a political labour organization outside Parliament to follow a certain programme, beyond which they cannot go?

Mr. POYNTON.—Is not that the position of every Government?

Mr. BRUCE SMITH.—No. If the honorable member will at a later stage of my speech mention the matter again, I shall reply to his interjection in its proper place. It is very necessary that we should know the true position of the Government. I do not answer the question which I have stated, because some of the suppositions which have been expressed from this side of the chamber in regard to the extent of the control of the organizations I spoke of have met with a very frank denial. But we are justified in asking, are we governed by the Ministry or by an organization outside Parliament which dictates to them what they shall or shall not do under given circumstances?

Mr. WATSON.—Did the honorable and learned member read my remarks in this morning's issue of the *Melbourne Age*?

Mr. BRUCE SMITH.—Yes; and they bear me out. I shall quote them. Having given a number of illustrations of the way in which the Government could act under stated circumstances, the honorable gentleman continued—

All these illustrations prove my contention that, while the programme and conditions of candidature are drawn up by the organizations outside Parliament, the members of the Labour Party are free agents as long as their actions do not conflict with their programme.

Mr. THOMAS.—With their principles. That is the same thing as their programme.

Mr. BRUCE SMITH.—The programme is made up outside Parliament.

Mr. POYNTON.—So is the programme of any other political party.

Mr. BRUCE SMITH.—The honorable member is quite wrong. I tell him plainly, although it breaks the continuity of my remarks to answer an irrelevant observation, that the Free-trade Party is bound to nothing but free-trade.

Mr. THOMAS.—And we of the Labour Party are bound to nothing but our programme.

Mr. BRUCE SMITH.—I challenge any one to say that the members of the Free-trade Party of Australia are bound to anything but free-trade.

Mr. POYNTON.—Is there no other question in regard to which they are bound?

Mr. BRUCE SMITH.—Absolutely no other question.

Mr. WATSON.—What about the programme of their leader?

Mr. BRUCE SMITH.—I do not bind myself to accept the programme which has appeared in the newspapers.

Mr. WATSON.—The honorable and learned member would probably vote for that programme, rather than put his leader out of office, should he attain it.

Mr. BRUCE SMITH.—I would vote for a motion of want of confidence, whether moved by the right honorable member for East Sydney, or by the honorable and learned member for Ballarat, in order to put the present Government out of office.

Mr. WATSON.—The honorable and learned member would swallow his convictions and accept the Arbitration Bill merely to put us out of office.

Mr. BRUCE SMITH.—I said at the beginning of my speech that no honorable member is bound to accept the list of measures which has appeared in the newspapers.

Mr. POYNTON.—Does the honorable and learned member for Ballarat know that that is the position?

Mr. BRUCE SMITH.—I do know so. There is nothing in the document binding any member to support every one of those measures.

Mr. THOMAS.—The only subject upon which honorable members opposite would have us think they are unanimous is as to the necessity for defeating this Government.

Mr. BRUCE SMITH.—Honorable members are not content with making observations and receiving pertinent replies, but they drift into a running fire of interjections with which I am wholly unable to deal. I cannot answer more than six interruptions at once. The members of the Labour Party are bound down to a programme which is prepared by a body outside Parliament. To say that they are free is like saying that a man upon whom you have placed leg-irons and handcuffs is free.

Mr. WATSON.—If a man says that he believes in a programme, why should he not bind himself to vote for it?

Mr. BRUCE SMITH.—If a man says that he believes in every measure named in a programme he is bound to vote for it.

Mr. WATSON.—That is our position. We can support as many other measures as we choose to support.

Mr. BRUCE SMITH.—If a man is handcuffed, and has leg-irons on, he is not wholly prevented from action. He can still bite; but he cannot take his shackles off. Every member of the Labour Party, including Ministers, is bound by a programme framed outside Parliament, and not by them.

Mr. WATSON.—We had the same share in framing it as had every other citizen.

Mr. BRUCE SMITH.—I should like to show out of the mouth of a member of the Labour Party, how extraordinary are the restrictions placed upon its members.

Mr. WATSON.—Who is he?

Mr. BRUCE SMITH.—The name is not given.

Mr. WATSON.—Then it is an anonymous statement that the honorable and learned member proposes to quote!

Mr. BRUCE SMITH.—No, it is a report of an interview between the Melbourne correspondent of the *Sydney Morning Herald* and a member of the Labour Party, whose name is not made known, published in that journal. If the statements are incorrect, they can be denied. The *Sydney Morning Herald* is, I think, an impartial newspaper.

Sir WILLIAM LYNE.—Oh!

Mr. BRUCE SMITH.—It does not like the honorable member, but it may have good reasons for that. It does not follow that the newspaper in question is not impartial because it condemns the actions of the honorable member for Hume. This is the statement that appeared in the issue of May 12th last—

One member of the Labour Party, in a chat to-day, expressed himself to this effect, and admitted that he could not see that there was any way out of the difficulty.

That was in regard to the suggestion that there should be a coalition between the Labour Party and the Protectionist Party.

Mr. Deakin could not join any party under conditions such as that, and the member referred to admitted it. He was asked whether there would be any possibility of altering the constitution of the party, to make it more liberal, and his reply to that was equally conclusive. "The constitution can only be altered by the Inter-State conference which drew it up. The Parliamentary party has no power, as such, to alter its constitution. It can only accept things as they are, and make the best of them." This member regretted deeply that there was no power of liberalizing the basis on which the party built up.

Mr. WATSON.—That is not quite correct.

Mr. BRUCE SMITH.—At all events, there is a large element of truth in it. Not only is the programme built up outside Parliament, but the Labour members in Parliament have no power to alter it. So Australia is under the government of a number of men who wear handcuffs and leg shackles.

Mr. WATSON.—We are merely bound to carry into effect principles in which we believe.

Mr. BRUCE SMITH.—Yes; but honorable members are also pledged to carry them out in a certain rotation, and they have shirked that rotation, because, as they know very well, they have postponed the most emphatically socialistic part of their programme until next session. I say that there is a method in the alteration of the rotation, because the Government realize that, if they brought their proposal for nationalizing the tobacco industry before us this session, it would have no more chance of going through than would a scheme for appropriating one of the stars as Commonwealth territory.

Mr. WATSON.—The proposal was passed through the Senate the other day, without much difficulty.

Mr. BRUCE SMITH.—The Prime Minister must not count upon this House in the same way that he is able to rely upon the Senate. I desire to again quote from the *Age* newspaper, as to the labour caucus. I admit that these remarks were published five days ago, and that the attitude of that newspaper to-day may not be the same as it was on that occasion; but, at the same time, there is no reason to suppose that the writer of the leading article from which I intend to read did not know what he was writing about. He says—

The chief mischief which the leaders of the Labour Party are at present working in Australian politics is that of completely misrepresenting labour. We have lately seen the course of Federal legislation abruptly arrested by the Labour Party, not on account of some broad aspiration of the workers, but to give political power to the State employes, who are already by far the most comfortable wage and salary earning class in the community. It is well known that throughout the country there is but little sympathy with the imaginary grievances of the pampered public servant, and yet the organized Labour Party gets the indulgence of these favoured few before every genuine labour interest. At present organized labour is riding rough-shod over unorganized. The *modus operandi* is very simple. The organized minority strongly and unitedly denounces a protest against any part of its programme as class disloyalty—a charge which the majority is honorably sensitive about. Thus it comes to pass that the Labour Party in Australia is just now the most arbitrarily conducted organization in the Commonwealth. There is no question about this, because the Political Labour Council and similar bodies compel every candidate who is selected by the council to sign a certain labour creed known as the fighting platform. This policy is most damaging to the preservation of intellectual honesty amongst the

leaders of the party, and is so destructive of the spirit of Democracy that the cause of labour as a whole must come to a standstill until the central democratic doctrine of personal freedom recovers its rightful place at the very head of the party platform.

That bears out exactly the account given by an unnamed member of the Labour Party to the correspondent of the *Sydney Morning Herald*. I also have here an article headed "The Labour Caucus," published in the *Age* of 25th April. It reads as follows:—

The methods—commendable or otherwise—pursued in the formation of the new Government comprise in some respects a decided innovation. To the student of constitutional history and government, apart from all party feeling or prejudice, they possess considerable interest. Mr. Watson has apparently accepted the Governor-General's commission as an individual unit in his party rather than as a leader who has supreme control over his followers, and can dictate to them his wishes. Instead of "giving his little Senate laws," his little Senate gives him laws, and holds him to them by virtue of its thorough organization and its caucus. The platform of the Labour Party makes this an essential. Proceedings at Parliament House on Saturday showed that in sending for Mr. Watson, and intrusting him with the formation of an Administration, his Excellency was in reality granting his commission to the whole party in both Houses, for which Mr. Watson happened to be the spokesman.

Mr. WATSON.—That is absolutely untrue.

Mr. BRUCE SMITH.—I do not suppose any one on this side would emulate the honorable member for Gwydir in endeavouring to prevent the Prime Minister from making such observations. It is open to the Prime Minister to say that statements are untrue.

Mr. WATSON.—I think that the honorable and learned member might accept my assurance.

Mr. BRUCE SMITH. — Of course ; but I did not know how much of the statement was untrue.

Mr. WATSON.—I say that it is absolutely untrue.

Mr. BRUCE SMITH.—The article proceeds as follows:—

Every one of the thirty-seven members of the party—even to the driveller in discussion—had a voice as to the lines upon which the new Government was to be selected. Above all others in the House the labour members feel that they "live in an age which denies the existence of great men, and denies the desirableness of great men." "Hustings speeches, Parliamentary motions, and reform bills," said Carlyle, "all mean the finding of an able man, and getting him invested with the symbols of ability, so that he may actually have room to guide according to his faculty of doing it." The doctrine of the Labour

Party narrows itself down to finding the right caucus. The individual is nothing, the party everything.

Mr. WATSON.—As I have just stated, that is absolutely incorrect.

Mr. BRUCE SMITH.—I accept the Prime Minister's statement ; but the opinion I have read is entertained by a writer for one of the Australian newspapers which is most favorably disposed to the Labour Party. I should like honorable members to compare that statement of pupillage, or slavery to policy, which is involved by the conditions under which the Labour Party have to accept a programme which is made outside, and which they have no power to alter, with the state of affairs which obtains in England at present, where there are such men as Mr. John Burns and Mr. Bell. John Burns is one of the most heroic, able, and accomplished labour members in the whole world. I propose to read an extract from a letter from the London correspondent of the *Age*, who quotes the words used by John Burns, in regard to the attempt made to coerce him as to the action he should take in the House of Commons. The correspondent says—

There are Australian Labour representatives whose Parliamentary experience should qualify them to sympathize with vigorous complaints which Mr. R. Bell and Mr. John Burns are making against the jealous and suspicious attitude adopted towards them by trade union wire-pullers, because they presume to claim some degree of personal freedom. As a politician and general supporter of working class interests on the platform, and in the House of Commons, Mr. Bell is a man of proved judgment. But he has committed the grave sin of refusing to sign the "Constitution" of the Labour Representation Committee. Apparently it is too uncompromisingly Socialistic for him, and weighted with restrictions. He was allowed some individual discretion when he first entered Parliament, and he wishes to retain it. So, when next he appears before his constituents at Derby, he will find himself bitterly opposed and discredited by the outraged committee. The resistance to his monstrous claim that he should be allowed to think a little for himself will be carried on with all the righteous fury of a family feud. "All Labour members," says Mr. John Burns, whose independence has been similarly criticized, "have not yet reached the position of being the mere delegates of cliques. Any attempt to adopt that method will signally fail, because practically it will not secure the return of men of high character, and the type of men that would be returned would not be worth having." Knowing the capacity for mischief of certain individuals in the Labour movement, "and their desire to ruin everybody and everything they come in contact with," he has "always refused to sign any iron-clad conditions that any hide-bound Executive might desire to impose" upon him. So they've got him on the list.

Mr. WATSON.—That is evidently written by a friend of the working classes.

Mr. BRUCE SMITH.—The correspondent quotes John Burns' words. I did not inspire the letter, which was not written for this particular purpose. It is dated London, 25th March, and was published in the *Age* of April 25th. John Burns stands head and shoulders over any labour member in this country and, among 40,000,000 people, is almost universally acknowledged to be a man of great ability—and great moderation.

Mr. MALONEY.—The honorable and learned member has never heard him.

Mr. BRUCE SMITH.—No; but I have read his speeches.

Mr. MALONEY.—I have heard him.

Mr. BRUCE SMITH.—I have read John Burns' speeches.

Mr. MALONEY.—The honorable and learned member could not have done, because he is not reported properly.

Mr. HUGHES.—What effect have they had upon the honorable and learned member?

Mr. BRUCE SMITH.—They have caused me to admire the man; but I do not admire the Minister. I admire John Burns for his independence, and for his resolution not to sign any hide-bound programme, and I do not admire the Minister, because, as a member of a Ministry, he does sign a hide-bound programme, and is bound by a programme made outside this Parliament.

Mr. HUGHES.—At all events, that programme was framed by ourselves; we did not sign a programme made by other people.

Mr. BRUCE SMITH.—We have heard that before.

Mr. BATCHELOR.—And the honorable and learned member will hear it again.

Mr. BRUCE SMITH.—I now wish to read an extract from *John Stuart Mill* upon the subject of pledges. I would recommend the Minister of External Affairs to read John Stuart Mill upon *Representative Government*, and particularly the article upon pledges given by members. He says:—

Whoever feels the amount of interest in the government of his country which befits a free-man, has some convictions on national affairs which are like his life-blood; which the strength of his belief in their truth, together with the importance he attaches to them, forbid him to make a subject of compromise, or postpone to the judgment of any person.

Mr. WATSON.—Would not party government disappear if that principle were insisted upon?

Mr. BRUCE SMITH.—I am not prepared to enter into an academic discussion with the Prime Minister upon that point.

Mr. WATSON.—The honorable and learned member knows that he is the living embodiment of the application of the contrary principle.

Mr. BRUCE SMITH.—I shall have great pleasure in discussing the matter privately with the Minister. In conclusion, I desire to say one or two words with regard to Socialism. My contention, as a pretty wide reader, is that the whole theory which underlies Socialism has been condemned by all great thinkers. If honorable members will read Aristotle's work on politics, published as long ago as 380 years before the Christian era, they will find that the Socialists are merely attempting to revive doctrines which were exploded centuries ago, and have had to be exploded even during the present century, because men do not take the trouble to read history and profit by it. They are pressing these hare-brained and impracticable schemes, not upon themselves, but upon other people in established communities. I have said before in this House, and I say it again, that if we had in this country any considerable number of people who believed in Socialism as a theory upon which a community could be built up, such people would more completely prove their earnestness by going to some country like Western Australia, and building up a community for themselves in order to demonstrate to the world that we are wrong. They can secure land there, not by the acre, but by the square mile and the degree. Nothing would please me better than to see a body of them discard their parliamentary allowance of £400 a year, forsake their comfortable homes, and go to Western Australia to demonstrate to the world that they can build up a community.

Mr. WATSON.—That is a cheap gibe.

Mr. BRUCE SMITH.—It is a very logical gibe, and one which the Prime Minister cannot answer. The doctrine of Socialism has been denounced by the greatest thinkers of all ages, and has been demonstrated to be impracticable. Aristotle says that if our legislators would only study the history of the Colonies they would learn that these doctrines have long since been exploded, and that wherever men come together and endeavour to hold property in common they invariably come to blows over

trifles. His words have been proved to be accurate by two experiments within our own time and knowledge. In this connexion I shall presently quote from a letter which was written some two months ago by a recent visitor to Paraguay. Of course, as every one is aware, men like Karl Marx, Fourier, and others, have by eloquently depicting the possibilities of a beautiful socialistic future secured hundreds and thousands of disciples in Europe. These have not stood still. They have tried their experiments. The United States is filled with the ghosts of socialistic and communistic experiments. People have gone out there by hundreds and thousands, and, in some cases, have taken up areas of not less than 100 and 150 acres each. They have been careful to take with them all the results of the best civilized society. They possessed themselves of all the best results of individualist society, taking with them ploughs, harrows, machinery, literature, and other civilizing necessities. Thus equipped, they started to found socialistic communities. Those settlements have all disappeared. The persons who tried these wild experiments believed in the same theories that are entertained by the members of the Labour Party.

Mr. WATSON.—Nonsense.

Mr. BRUCE SMITH.—It is all very well for honorable members opposite to say that they do not go to the same extreme. Their theories can lead only to a paralysis of the present state of society. I will undertake to say that there are many men in the Labour Party to-day who are blindly following its teachings, and who have not even taken the trouble to make themselves acquainted with the innumerable socialistic experiments which have failed in America.

Mr. WARSON.—They are all aware of them.

Mr. BRUCE SMITH.—We all know what occurred when the Paraguayan enterprise was started. I remember being informed of the whole scheme. Mr. Lane was filled with fine hopes as to what it was possible to accomplish, if only a number of persons combined upon communistic lines. His disciples left Australia and settled in Paraguay. The head of the movement was suggestively careful to require that every intending settler was possessed of at least £60. A ship was purchased, and the men left Australia full of enthusiasm and hopes with which one sympathized as with a poetic dream. But every person,

familiar with the relentless laws of political economy, knew that the scheme must eventually collapse. The fate of that experiment is well recorded in an account which is given by a recent visitor to the settlement. He says—

I had lived for some years in Paraguay, at no great distance from the colony of New Australia. I had followed the vicissitudes of the colony with interest, and had been in constant touch with the settlers, but had never had any opportunity to visit it. I was glad, therefore, to take advantage of a few days' holiday to make a trip to the settlement. . . . The population of the colony is probably a little over 200 souls. At the time of the "divide," some six years ago, when the settlers abandoned socialistic principles, divided what little property they had, and let every one start on his own account, the population had dwindled down to seventy-five; since then it has again commenced to increase, and is still doing so at a rapid rate, having doubled in five years. The 200 settlers are all Anglo-Saxons, for in this number are not included the natives, of whom there are a large number in the settlement.

Now comes the irony of the situation. The writer adds—

They are good neighbours, and as they are content to work for small wages, they are of material assistance to the settlers.

Mr. SPENCE.—That account does not refer to Mr. Lane's settlement, which is still in existence in another part of Paraguay.

Mr. BRUCE SMITH.—I am aware that Mr. Lane quarrelled with his followers and left the original settlement. What a melancholy chapter in socialistic history that experiment provides. Here was a community, which was filled with poetic expectation regarding the possibilities of establishing an ideal community. Yet six years ago it was compelled to abandon its theories, and to effect a division of its property amongst the settlers, who have actually found in the end that it is profitable to employ native labour, because it is cheap! I hold in my hand another account—of the failure of a somewhat similar socialistic experiment. The article in question states—

It is remarkable how people can still believe in Socialism. Experiment after experiment is tried, and failure after failure is reported. The New Australia movement in Paraguay, which started with such a flourish of trumpets after the shearing strike of 1891, and which struggled along for a few years, came to grief six years ago. The settlers then determined to abandon socialistic principles, divide what little property they had, and go on their own; their number had dwindled down to seventy-five. Since then they have increased, and now number 200 souls, but they are socialistic no longer. The next failure is that of the Alice River settlement, Queensland. This was also formed after the same shearing strike. Over 100 men, all of whom had been on strike, resolved to give Socialism a fair trial. They



procured a grant of land near Barcaldine, Queensland, and every one helped them to start. The Government helped, and the surrounding squatters helped with presents of stock, and offers of work when they wanted it. For a time it flourished, and every man stuck to it. But after that the men gradually got tired of the equal work, equal play, and equal pay, and made tracks and, in the words of the *Capricornian*, "The men gradually drifted to what, in the dialect of the strike, which gave birth to the settlement, was called the old wages slavery. They simply could not stand everything in common. What killed the settlement was not death, nor the hardship of the climate, nor the difficulties of agriculture, but simply Socialism. The system broke down, men could not stand it, and in the end a settlement which started with over 100 men, dwindled to seven." Now, these seven have formed themselves into a limited liability company, after the manner of the purest capitalism. The settlement, as a settlement, has not failed all through the drought; it produced excellent crops by reason of its irrigation plant, and largely supplied Rockhampton with vegetables. However, it has broken down completely as a socialistic settlement.

I again challenge the socialistic party in this House to name any civilized community in which the doctrine of Socialism has been successfully practised. I invite them to point to any socialistic settlement whose numbers have not decreased, little by little, until its members have had to look for work abroad. I have no objection to voluntary Socialism, but I protest against the State handcuffing me by declaring—"You shall not live according to the standard which has been adopted in European countries, but according to our standard." I say that the Labour Party are at perfect liberty to create a little community for themselves, but they have no right to force me to enter it. Its members do not ask for voluntary Socialism. They seek to obtain control of existing industries by an indirect method of confiscation, because, if they levy a progressive tax upon land, such as will return a sufficient sum to enable them to re-purchase large estates, it practically amounts to confiscation. I cannot believe that honorable members upon this side of the House will allow the present prospect to develop into a reality for the next three months, by permitting the Government to carry out a milk-and-water policy, whilst studiously avoiding objectionable socialistic proposals and relegating them to next session. As I have already pointed out, it is a most serious thing to allow the Government to exercise Executive power during the period in which Parliament will be in recess. The examples that I have quoted, show that laws may be tyrannically administered by one man, whilst they may

be administered by another without inflicting injury upon the community. Therefore, I hold that we should not intrust Executive power to men who entertain views which are bound to be destructive of the interests of Australia. If we permit them to remain in office, by neglecting to consolidate ourselves into a formidable Opposition phalanx, we shall be guilty of a grave dereliction of duty. I only hope that wise counsels will prevail, and that every honorable member who does not belong to the Socialist party will readily join with the Opposition in putting an end to this reign of a party with an impracticable policy.

Mr. MALONEY (Melbourne).—I do not propose to deal seriatim with the various assertions made by the honorable and learned member for Parkes in the lengthy speech which he has just delivered. I must state at the outset, however, that he won my sympathy when he spoke of the death of his little girl in a convent, and of the request made to him to sign a declaration as to the circumstances connected with that incident. I may safely say that he signed that document because of an honest belief that he was attesting the truth. That is a fair way of looking at the matter, and we on this side of the House can say that we have just as honestly and as conscientiously signed what we believe to be a platform calculated to uplift humanity. The tirade of abuse which has been showered upon the Labour Party would, if it were justified by the doctrines we profess, cause us to blush. But that is not the case. What do honorable members opposite propose to do? They propose to enter into a coalition with the view of ousting from office a party whose honesty has never been impugned. This seems to be a strange way of carrying on the political affairs of the Commonwealth. The honorable and learned member for Parkes did Mr. Bromie an injustice, unintentionally, no doubt, when by innuendo he suggested a proposal for interference with the family. Let me tell him what is really proposed. We hope to secure for the children of the poor as good an education as the honorable and learned member, with his ample means, can give his own children. I should like to see every little girl sent to a convent or some equally good school.

Mr. CONROY.—Do we not desire to see the children of the poor well educated? The only question is how we are to set to work to bring about that desirable end.

*Mr. Bruce Smith.*

Mr. MALONEY.—I am speaking under somewhat disadvantageous circumstances. It is difficult to follow the honorable and learned member for Parkes, who has had ample time in which to prepare his speech, and who has at his disposal a splendid library, and everything which wealth and the possession of fairly good brains can give. But I shall endeavour, although I have had only a few minutes in which to prepare my notes, to answer some of the statements made by him. Surely our ambition to educate the children of the poor is justifiable, and should be that of every good man. Can any one imagine for a moment that the Great Being of 2,000 years ago, with His twelve disciples, had thirteen persons amongst them. I certainly cannot. Men who find themselves ill-provided with the means with which to start life well, often go to another country, and endeavour there to build up a communistic community. But that is very different from the present position of democratic Socialism. We are endeavouring to improve the lot of the people, and will do so. The honorable and learned member for Parkes, judging by what has fallen from his own lips, is a very wide reader, and he asserts that we have not read nearly as largely as he has done.

Mr. BRUCE SMITH.—I did not say that. I do not wish the honorable member to misinterpret what I said. I remarked that some members of the party had probably not read what Aristotle said on this subject, and I therefore commended it to them.

Mr. MALONEY.—I was under the impression that, at another stage in his speech, the honorable and learned member said that we had not read of much that had happened in the past, and, therefore, could not judge of what would be the result of giving effect to our proposals.

Mr. BRUCE SMITH.—No; I know that the honorable member is just as wide a reader as I am.

Mr. MALONEY.—I am glad that the honorable and learned member did not desire to convey the impression which he made on my mind. He has certainly misinterpreted the Victorian Labour Party's programme, although I feel satisfied that he would not wilfully do so. The leader of that party, Mr. Bromley, has no such intention as that suggested by the honorable and learned member. All that he desires is that the crowding of families into small rooms shall be done away with. Let me

illustrate the point. In a Sunday school in London, a little child was given a card with the direction that she should hang it on the wall of her room; but the little mite replied, "Flease, miss, we have no wall." Anxious to know what the child meant by this assertion, the teacher went to the room occupied by the little one and her people, and found that each of the four corners in the room was occupied by a different family. The family of which the little girl was a member, sat in the centre of it, so that her statement was perfectly true. It is such a condition of affairs as this that we desire to remedy.

Mr. JOHNSON.—It will not be remedied by the aid of a Government tobacco monopoly.

Mr. MALONEY.—We shall not have the assistance of the honorable member in remedying it.

Mr. BRUCE SMITH.—Mr. Bromley said that the time was not ripe for that.

Mr. MALONEY.—The honorable and learned member, in the course of his journeyings to South Australia, will learn something, if he has not already done so, of one of the most successful attempts which has been made to save child-life.

Mr. BRUCE SMITH.—Is it a voluntary, or State-aid system?

Mr. MALONEY.—It is assisted by the State, and without that aid it could not be carried on. There the death-rate of illegitimate children is about twenty-four per thousand. Honorable members may be interested to learn the death-rate amongst illegitimate children in West Girton. There over 700 out of every 1,000 illegitimate children die in the first year of their lives, while under the beautiful system on which society is conducted in England at the present moment the death-rate amongst illegitimate children is 343 per thousand—the second highest of which we know.

Mr. CONROY.—The Government have not put forward any proposal to improve upon that state of affairs.

Mr. O'MALLEY.—Give us time.

Mr. CONROY.—What! Would the Labour Party delay in dealing with so important a matter?

Mr. MALONEY.—We shall endeavour to deal effectively with it, but honorable members like the honorable and learned member for Werriwa would not try to do so.

Mr. CONROY.—We think——

Mr. SPEAKER.—Order!

Mr. MALONEY.—We are trying day by day to effect improvement, and the members of the South Australian Parliament have shown their earnest desire to profit by the example of the town of West Girton, of which I have spoken. I was the first member of the Victorian State Parliament to mark out a seat in opposition to the Gillies-Deakin coalition Government—a coalition which still stinks in the nostrils of the people of Victoria. One of its leaders was supported by a great daily paper published in Melbourne, the influence of which was declared by the honorable member for Delatite in the State Parliament to be so great that with its support, old man though he was, he would fight in any constituency and win. He spoke the truth. The newspaper supported one member of the coalition. While it fought against the late Mr. Gillies, and sought unjustly to down him, it sheltered Mr. Deakin. It never blamed that honorable and learned member for the faults of the coalition, but invariably threw all the opprobrium attaching to them upon the late Mr. Gillies. But what is the position of the protectionists in this House? If I may not go back to the Greeks 300 years B.C., in seeking for an illustration, I may perhaps be permitted to refer to the schoolmaster who, when his city was besieged by a Roman general, used to take the children of the leading families for short walks on the walls. At last this schoolmaster led the children into the lines of the army of Camillus, in the hope of obtaining some reward for his treachery. But Camillus, instead of rewarding him, placed rods in the hands of the children, and told them to beat the master back within the walls of the city. The citizens, struck by the generosity shown by the general, felt that they could not do better than surrender, and trust themselves to his honour. The leader of the Protectionist Party in this House has led that party into the meshes of the right honorable member for East Sydney and his followers. I do not know why he should have done so. His eloquence has roused many an audience to the highest pitch of enthusiasm. On the first occasion that I heard him speak in the Melbourne Town Hall in favour of the suppression of sweating, he made so strong an impression upon his hearers that any one of them would have followed him almost to the death. But when three weeks later I inquired whether he was going to bring in a Bill to put down sweating, he replied,

“What is the use?” That was my first political cold shower. It was my first experience of men who speak like angels on the public platforms, and yet in Parliament act like cats. What is the projected coalition going to do? The words used by the honorable and learned member for Ballarat—I quote from the *Age* of 24th inst.—were as follows:—

I am going to bring about this severance, gentlemen, if I can. It will be very painful—too painful for me. I shall therefore precipitate the event and leave the penalties to others.

What need is there to do anything of the kind? What necessity was there to leave the two doors open? The honorable and learned member said in my hearing in this House that the Labour Government should have a fair and square trial. Where is the fairness or the squareness of his present proposal? I, for one, certainly fail to find any indication of fairness in it. The protectionists were betrayed into the camp of the enemy, but the protectionists who were so betrayed will not, I am certain, be false to their promises and pledges. I have had two contests within three and a half months, but there were a double dissolution to-morrow. I should glory in it, for as one who has perhaps addressed more meetings than has any other honorable member since my return, I know that throughout Victoria the ringing cry would be, “Sweep away the men who would lead our party, as the schoolmaster led the children of the city of which I have spoken, into the camp of the enemy.” Where is the flag of Protection, which has flown so boldly in Victoria? It has been thrown in the mud, and trampled on.

Mr. CONROY.—Is the honorable member helping to hold it aloft again?

Mr. MALONEY.—I shall do so, with the assistance of the honorable and learned member, if he is ever wise enough to give me his help. But never will words of mine accuse that man of fine sentiments—the honorable and learned member for Ballarat—of being influenced by the bribe of office. He is not like the schoolmaster to whom I have referred. He will sulk in the corner like Achilles in the tent, and, if the projected double-headed Ministry ever comes into power, will give it his support. What should there be any such intention on the part of honorable members opposite? I was speaking a night or two ago to Mr. Ashworth, a candidate for re-election to the State Parliament, who could not refrain

from dragging in King Charles' head, and referring to the desirableness of fusing the three parties in this House into two. Do honorable members think that that would make the issues clear and distinct? I do not. There are too many good democrats in this Chamber. The honorable and learned member for Ballarat will not be able to lead half of those who are said to belong to his party. He seems to soar in the clouds. He does not keep his mind on the earth. When Prime Minister, he confessed, at the Lord Mayor of Melbourne's quarterly luncheon, that, when he consented to represent an important constituency, although he knew that he would continue in politics only a year, he did not take his constituents into his confidence on the subject. Neither did he take them into his confidence in regard to the betrayal of the protectionist cause. The very night that he was uttering foolish words in Melbourne, I was addressing 4,000 of his constituents at Ballarat. I addressed then one of the largest meetings ever held in the town, and my remarks were cheered three times three, because of my success in beating the Lord Mayor of Melbourne. My opponent, when defeated, asked, "What will they say in England?" The same question was asked again when the Labour Party came into power, and it was said that stocks would fall, and the prices of shares decrease.

Mr. BROWN.—We were told that capital would leave the country.

Mr. MALONEY.—I find, by reference to to-night's *Herald*, that in only one instance have Australian shares fallen in the London market. The shares of the Bank of Australasia are now selling at £89, whereas a fortnight ago they were as high as £90; but all other stock has risen in value. City of Melbourne 4 per cent. bonds are now £100, as against £99 a fortnight ago; Melbourne Harbor Trust 4 per cent. bonds are now £101, as against £100 on 10th inst.; Melbourne Tramway Trust 4 per cent. debentures are now £105, as against £103 a fortnight ago; Melbourne and Metropolitan Board of Works 4 per cent. debentures are now £100, as against £99 on 10th inst., while McCracken's City Brewery, Melbourne, 4½ per cent. debentures are £55 10s., as against £44 10s. a fortnight ago. It is announced in to-day's newspapers that one of the greatest democrats which America has produced is fighting for the Presidency in the labour interest. He is a man of vast

means, and owns nine of the most powerful newspapers in the world. The right honorable member for East Sydney used an expression about feeding the tiger with milk, which recalled to me the lines of a well-known Limerick, which run like this—

There was a young lady of Riga  
Who went for a ride on a tiger;  
They returned from their ride  
With the lady inside,  
And a smile on the face of the tiger.

I do not think that the graceful shape of the honorable and learned member for Ballarat could encompass the bulky rotundity of the right honorable member for East Sydney; but the latter might be able to engross the slighter and more delicately built frame of the late Prime Minister. If he has not done so physically, he has done so mentally. The bigger brains of the hero from Sydney have demolished the hero from Ballarat, who, if he had had any backbone, might have become almost a dictator in Australia. He has, however, betrayed the cause of protection. Notwithstanding that he was many years in power in Victoria, no great measure for the benefit of humanity was passed by him.

Mr. SALMON.—What about the Victorian Factories Act?

Mr. MALONEY.—Lord help the honorable member for that interjection.

Mr. CONROY.—Is the honorable member for Melbourne opposed to the Factories Act?

Mr. MALONEY.—No; I helped to pass it, and the honorable member for Launceston also did something in that direction as he got wiser. He did not do much at first; but he is improving every day, and I believe that he now supports womanhood suffrage. The right honorable member for East Sydney said on Friday that he could not get the members of his party to act like a lot of performing dogs. Probably some of them are "dry dogs," or do not believe in work, or in a "Yes-No" water policy. Honorable gentlemen will remember that, when the amendment of the honorable member for Wide Bay was under discussion, some of the members of the Opposition supported it, although they were opposed to its principle, merely to get the Ministry of the day out of office. Is it possible that the honorable and learned member for Ballarat will take as his allies and friends men who then so plainly and distinctly opposed him? I wish now to make some remarks to emphasize the need of a White Ocean policy. The P. and

O. Company have hitherto been the greatest offenders against this policy. I fought them in regard to it eleven years ago, and I shall do so again now. Honorable members may think that it is only the members of the Labour Party who desire a White Ocean. When *Made in Germany* was written by Mr. Williams, it was shown that the P. and O. Company were receiving over £400,000 a year in subsidies from England and her Colonies, and that they took German goods, transhipped them at London, and carried them to Australia for 25 and 50 per cent. less than they charged for conveying English goods from England to Australia. Of course that infamy ceased upon the publication of the facts. The company, however, continue to give the poor unfortunate lascars whom they employ a space about twice the size of an ordinary coffin to sleep in. For years the Orient Company carried white crews, just as the German and French companies do; but ultimately the competition of the P. and O. Company compelled them to employ lascars. It has been contended, on behalf of the lascar, that he is not cheaper than the white man, but more biddable; that the Englishman is drunken, and gives trouble. The same thing has been said about the employment of kanakas in Queensland. To show that this practice has been spoken of by other than labour members in terms as strong as we should employ, I draw the attention of honorable members to the following report of a debate in the House of Commons on the proposal of a vote to complete the sum of £772,015 for the expenses of the Post Office Packet Service, published in the *London Times* of 12th May, 1900—

Mr. T. P. O'Connor, M.P. for Liverpool, about the principal port in Great Britain, stated that the mail subsidies paid to the P. and O. Co. by Great Britain, Australia, &c., amounted to £400,000, and, while the House of Commons had unanimously passed a fair wage resolution, no action was taken against the P. and O. Co., who had not paid such wages, although every other Government contractor had had to do so. He called attention to the miserable accommodation provided for the lascar seamen on the P. and O. boats.

Mr. John Dillon, M.P., said that a British sailor should not be subjected to the competition of men who would work for less than half his wages, and live on less than half his food. The Government encouraged the greatest steam-ship company to break the law. It would be considered unjustifiable to import coloured people in thousands to work in British factories. (Hear, hear.) A member of the Cabinet (Lord Selborne, son-in-law of the Prime Minister, Lord Salisbury), was at the same time a director of the P. and O. Co., which was too influential (hear, hear)

*Mr. Maloney.*

and could break the law of the country. Lord Selborne ought not to be at the same time a director of the P. and O. Co. and a member of the Government, which was shielding that company while they were breaking the law.

Mr. Havelock Wilson, M.P. (Middlesbrough), did not object to lascars being employed, but they should be so in the same terms with regard to wages, accommodation, and food as British seamen. There were 40,000 lascars in the British mercantile marine, and the number was increasing, while that of the British was diminishing. The wages and maintenance of two lascars did not equal the cost of one British seaman. While 120 cubic feet of space was recommended by the British Royal Commission of 1891, for each seaman, lascars were allowed only thirty-six feet (barely the dimensions of a decent-sized coffin). The P. and O. Co. employed 5,000 lascars.

Those were the opinions of liberal members. I shall now quote the opinions of some of the Conservative members of the House—

Sir Howard Vincent (Conservative), a prominent Imperialist, said that formerly lascars were employed only in the engine-room, but now they were employed on deck, the proportion in one case being sixty-one lascars; only twenty-nine or less than half were employed in the engine-room. Australian Governments (notably Queensland) had taken a serious view of the matter, and had refused to give contracts to vessels carrying lascars. He did not wish to say anything as to the employment of those in the engine-room, but their employment on deck had proved in several instances a great danger in times of emergency and shipwreck, and these lascars were exceedingly liable to panic.

Honorable members must have read of cases of that kind. I have read of one in which a ship was lost, and of another in which a ship was only narrowly saved because of loss of presence of mind on the part of lascar seamen.

Mr. CONROY.—I am sorry to say that other men have also lost their presence of mind.

Mr. MALONEY.—That is a statement which no one can controvert. According to the report from which I have been reading, Mr. Henry Labouchere, the member for Northampton, said—

The P. and O. Company had broken the law in a criminal manner, employing the men under conditions that fostered disease and shortened life. (Hear, hear.) Mr. Lloyd George (Liberal, Carnarvon, Wales) noticed that while on the American lines and the Castle and Union lines 90 per cent. of the seamen were British, on tramps 30 per cent., on the P. and O. Company's vessels only 25 per cent. were British.

Honorable members may not realize the seriousness of this, but it means that if British supremacy is to be maintained British seamen must be employed. If any one, be it

an officer of a ship, a member of this House, or a citizen of Australia, will say that Britishers are not fit to man British ships, I contend that he lacks, in the highest possible sense, loyalty to the Empire.

Mr. DUGALD THOMSON.—Half the white men employed on British ships are foreigners.

Mr. MALONEY.—That is not the fault of the British seamen, but of the infamous laws that permit British ship-owners to do that which the laws of other nations do not allow in connexion with vessels flying their flags. The Norddeutscher-Lloyd is one of the largest, if not the largest, shipping company in the world, and its steamers hold nearly all the records which have been established in connexion with the Atlantic trade. That company does not receive such a large amount of money by way of subsidy as does the P. and O. Company, and yet the German Government would not permit the Norddeutscher-Lloyd to act in the same manner as the P. and O. Company are allowed to do.

Mr. CONROY.—The money paid to the P. and O. Company is given in return for services rendered.

Mr. MALONEY.—Do not the ships of the Norddeutscher-Lloyd render any service for the money which the company receive?

Mr. CONROY.—For one portion of the subsidy they render no service whatever.

Mr. MALONEY.—The honorable and learned member will find that every ship that carries the flag of the Norddeutscher-Lloyd must render any service that is required of it by the Government. If the Government do not always find employment for them that is their own lookout. Mr. Weir, another Conservative member, asked—

If there were any labour conditions in the contract. If there were not, there ought to be, as when the British flag flew over South Africa he supposed the P. and O. would have at their disposal the labour of the Matabeles, Bechuanas, Swazis, and other native tribes, and these men would work for 4d. a day, and with a little training cut out the lascars.

Surely that should appeal to honorable members, and convince them that we require to employ British seamen in our ships. Admiral Field, another Conservative member, also had something to say. Admirals, as a rule, are hardly likely to entertain keen sympathies for labour, although some of them may be Liberals. Admiral Field said—

In these days of keen competition ship-owners manned their vessels in the cheapest manner, but as a naval man he condemned the

Government in the strongest way because they did not insist, as foreign Governments insisted, as a condition of companies enjoying State subsidies, that they should employ a certain proportion of national seamen. (Hear, hear.) It was a grievous mistake for the Government to shut their eyes to the fact that our mercantile marine was fast decaying—(hear, hear)—that apprentices were few—(hear, hear)—and that 40,000 or 50,000 foreigners had displaced Britain's own sailors. (Hear, hear.) Foreigners and lascars would not fight England's naval battles, and landsmen could not man her fleet, for they were not trained seamen. He would not do anything to weaken his own Government, would not vote against his Government, but he would not vote for them, as he held they had neglected their duty in neglecting to make the employment of British seamen a condition of mail contracts.

These were the words of an Admiral who wishes to uphold British supremacy on the seas. He justly asks how we can expect foreigners and lascars to fight England's battles. His words constitute a formidable indictment against the way in which the affairs of the shipping companies are at present conducted. They might very well have come from the lips of a labour representative. This, however, was not the worst of the scathing criticism which was directed to the system of employing lascars. What does a Minister of the Crown say, even though one of his fellow Ministers was a director of that infamous P. and O. Company? Mr. Ritchie, the Chancellor of the British Exchequer said—

If the law had not been complied with it was not for the want of strong remonstrances. The Government had called attention to the fact that the space supplied to lascar seamen was not the space provided for British seamen, and that the P. and O. Company were not acting in accordance with the Merchant Shipping Act. In this way the P. and O. Company had already been heavily fined.

We did not learn that from the newspapers.

He agreed that such a company should be beyond reproach, and had made his opinions known to them more than once in strong terms, that they ought to give their lascar sailors the space required by the Merchant Shipping Act. He had gone further, and informed them, although the Board of Trade had been unwilling to prosecute, in the hope that its remonstrances might induce them to comply with the English law, the time might come when he would consider it his duty to order a prosecution if the law were not complied with . . . and he hoped that in future they would not have the annual recurrence of these complaints.

Mr. CONROY.—That seems to show that the law was firmly administered.

Mr. MALONEY.—The honorable and learned member would not entertain that opinion if he knew all the circumstances.

The remonstrances were directed to the P. and O. Co., and the fines inflicted on what was really a side issue. So far as I can understand the laws of India permit of the infamy of herding lascars together in insufficient space, and although the vessels of the P. & O. Co. fly the British flag, and are, therefore, to some extent, under the control of the Board of Trade, they are always able to plead that they are subject to the Indian regulations, and thus, to a large extent, evade the British law. More than that, one of their directors is a powerful member of the Cabinet, which makes the position worse. No honorable member, who has had experience in medical matters, will pretend that 36 feet of space, or 6 feet by 3 feet by 2 feet, is sufficient for a human being to live in. Such conditions would only be endured by lascars, who are more kicked than petted if they raise objections, and, who, although they are British subjects, occupy a servile position.

Mr. BRUCE SMITH.—I suppose that the honorable member knows that lascars in the P. & O. steamers do not sleep in their berths, but upon the deck.

Mr. MALONEY.—I am sorry to say that the honorable and learned member is stating what is not correct.

Mr. BRUCE SMITH.—The honorable member cannot have travelled by a P. & O. steamer.

Mr. MALONEY.—I have travelled by P. & O. steamers, and, as a medical man and officer, I have visited the quarters occupied by the lascars.

Mr. BRUCE SMITH.—I have seen the lascars sleeping on deck.

Mr. CARPENTER.—In all weathers?

Mr. MALONEY.—I can understand that while the vessels are in warmer latitudes the lascars may sleep on deck, but I know from my experience that they have also to sleep in the confined space that I have indicated.

Mr. BRUCE SMITH.—A coalition would cure all that.

Mr. MALONEY.—The honorable and learned member's ideas with regard to coalitions are not the same as mine. I had an experience extending over a year and a half of a coalition Government in Victoria, and I can safely say that that State does not want any more coalitions. That State was dragged down and degraded by it, and I hope that we shall not see a coalition Government upon the Treasury benches. If we had a system of electing Ministers,

does the honorable and learned member think that the right honorable member for East Sydney—of whom I am not speaking in any personal sense, because he has been a kind friend to me, and always a courteous gentleman, and I have always endeavoured to reciprocate his kindly words and acts—would be elected as Prime Minister by the people of Australia? Does the honorable member think that the honorable member for Swan, who has no follower from his own State in either House, would be elected as Prime Minister of Australia? I do not think so. Much as I admired the honorable member for Swan as a young explorer, I do not suppose for one moment that he would be selected by the people as the head of the Federal Government. Honorable members may gibe as much as they like at the labour platform, but we are loyal to it, and will fight for it to the end. The honorable and learned member for Parkes found fault with us because we took the items of our programme out of what he regarded as their proper rotation. I am certain that the honorable member would not say that a sinner was any the worse because he broke the ten commandments out of rotation.

Mr. BRUCE SMITH.—That would depend upon his purpose.

Mr. CONROY.—Are the members of the Labour Party breaking any of the commandments?

Mr. MALONEY.—No; but we are asking honorable members to come to grips with us, and to fight matters out. We are prepared to go down with our colours flying. We know that the people are behind us, and that our intentions are good. We may not succeed at once, but we shall endeavour to carry the planks of our platform, which must be good, because they have been adopted by honorable members opposite.

Mr. DUGALD THOMSON.—The present Ministry obtained their policy from the Governor-General's Speech at the opening of this Parliament.

Mr. MALONEY.—The resemblance between the policy of the present Ministry and that of the projected coalition is indeed remarkable. In the forefront of the Government programme is the Conciliation and Arbitration Bill, which occupies a similar position in the policy of the coalition party. Then follow the Federal Capital Sites Bill and the Trade Marks Bill. Both these measures figure in the programme of the coalition party, as does also the question of

ld-age pensions, notwithstanding that some honorable members opposite have sworn an endetta against any such proposal. The sixth item in the Government programme as reference to financial measures. Strange to say, a similar proposal finds a place in the policy of the coalition party. The Ministry propose that the consideration of the Iron Bonus Bill shall be deferred for the present, and that the Navigation Bill shall not be proceeded with, pending an investigation by a Royal Commission. The parties opposite adopt a similar attitude towards those measures. The Tariff is to be left undisturbed for two years, and the introduction of the Inter-State Commission Bill is to be postponed pending further enquiry. Thus the coalition party have adopted eleven planks out of fourteen which are contained in the Ministerial policy. What is the cause of all the present trouble? Why should honorable members not arrive at an agreement to elect Ministers to carry out this policy? I can honestly say that there has been no heart-burning or jealousy amongst members of the Labour Party because some Ministers have been chosen from amongst them. Come what may, we care little. We intend to fight for the planks of our platform, and if we are dispossessed the Ministry which will adopt those planks can count upon our loyal support.

Mr. O'MALLEY (Darwin).—During the course of this debate we have heard a great many speeches which resembled the thunder from Sinai. Indeed, I thought that the waters of Niagara Falls had been let loose until I recollected that I was still in Australia. I have never yet read or heard of such a combination of intellectual giants pitching into the humble democrats of the Labour Party. From the utterances of some honorable members one would imagine that we had committed highway robbery. I must confess that I entertain a great respect for the right honorable member for East Sydney. I regard him as a star of the first magnitude. I believe he was intended to be a luminary and a blessing to the world, but he has gone astray. He ought always to be at the zenith, and not on the margin of the horizon, as his brilliancy will betray him in matters he may himself strive to hide. I feel sure that whatever he may do the people will climb the highest mountains, and descend into the darkest caverns, to admire such a political luminary. Therefore, I am sorry that he went astray about two years ago. He was misled by false

prophets. At that time the newspapers predicted the absolute annihilation of the Labour Party. But that party is founded upon justice. It comes from the Creator; from the manger of Bethlehem; from the twelve apostles. It comes to bestow a benediction upon the universe, and to lift humanity out of the mire. Let no one imagine that because I am politically opposed to the right honorable member for East Sydney that I do not respect him. I look upon him as the Daniel Webster of the Southern Hemisphere. I also entertain the greatest admiration for the honorable and learned member for Ballarat, but I have always recognised that if these two great forces are brought together the lesser must go down. The right honorable member for East Sydney is one of the five greatest platform speakers in the world.

Mr. TUDOR.—Where are the other four?

Mr. O'MALLEY. — In America. I entertain a great opinion of the honorable and learned member for Parkes. He is a brilliant man. I always enjoy listening to his speeches, although I do not agree with them. That, however, merely proves that he does not agree with me. To-night I wish to enter my protest against the waste of time that has been incurred in this debate. The discussion has convinced me that the British system of parliamentary government is not sufficiently modern. The Labour Party have proved that the intellectual domain of the world is open to the many, and not to the few. The present Government have demonstrated that men are not born to fill Ministerial office—that there are hundreds and thousands of men in Australia who are quite capable of stepping on to the Treasury benches. I believe there is no member of the House who is not qualified to satisfactorily discharge the duties of a Minister. The present session of Parliament opened on 2nd March, but what has been accomplished? I recognise that we must go to America for a new system of government.

Mr. BRUCE SMITH.—The American system is not a socialistic one.

Mr. O'MALLEY.—It is one of the most wonderful socialistic systems upon earth. In the course of his address, the honorable and learned member for Parkes emphasized the advantage of a business experience. I claim to have had a thorough business training. So also had my friend, the honorable member for Melbourne, who rose to be an accountant in a bank. Surely that is a business training. In America, too, I have



conducted some big business transactions. It is a great pity that in discussing questions of stupendous magnitude, some honorable members are always ready to reflect upon members of the Labour Party on account of their lack of business experience. It has been said during the course of this debate that the members of the Labour Party are not free agents. I hold that they are absolutely free. Who is freer than I am? We merely sign a pledge that, if we are not nominated at the next election we will stand down and assist the selected candidate. Next month two great conventions will be held in the United States for the purpose of choosing candidates for the Presidency. When the delegates attend those Conventions they will sign a pledge agreeing to be bound by the determination arrived at. Is it not ridiculous for my honorable friends—who are absolutely sworn to the free-trade fallacy—to talk of honorable members breaking a pledge? Why, in Australia I have found that we require plans and specifications to discover the whereabouts of some of these political brethren, simply because they are bound by no pledge. I have no desire to be offensive, because I have the greatest admiration for the Christians opposite. The word "Christian," by the way, is one which is very much misunderstood. I claim that every man who acts justly upon this earth is a Christian.

**AN HONORABLE MEMBER.**—The honorable member acts justly according to his lights.

**Mr. O'MALLEY.**—That is the position. Candidates for a seat in Parliament as members of the Labour Party sign a pledge that if they are not selected they will support the men who are chosen. I remember on one occasion attending a Convention in the United States, at which two publicans were present. They did not sign the pledge, and when we nominated two men for Congress—one who was a teetotaler, and one who was not—they decided to work for the man who was not a teetotaler, and to fight against the man who was.

**Mr. GLYNN.**—Did the teetotaler sign the pledge?

**Mr. O'MALLEY.**—He was not in it. We should have men bound to their principles. Members of the Labour Party enter this House bound to support principles which must tend to uplift humanity. But how are we going to carry out this work? For some days we have been fighting over the present situation. We have been discussing it, and fooling about, and wasting

time to such an extent that we are drawing our pay under false pretences. I almost feel ashamed to draw my allowance.

**Mr. CONROY.**—The Government do not propose to increase the present allowance.

**Mr. O'MALLEY.**—I am ashamed, in the first place, to draw my allowance, because of its small proportions; but I am also ashamed to draw it because I feel that I am not at present earning it. That is due to the action of honorable members opposite.

**Mr. LONSDALE.**—The honorable member promised that we should have an increase of £200 per annum.

**Mr. O'MALLEY.**—I cannot do anything unless I receive support. If the honorable member will support the proposal, I will give him my assistance, and will vote to throw the Labour Ministry out of office if they decline to increase the present allowance to honorable members. I wish to make a candid statement in regard to this question. Let us seek to devise a system under which it will be possible for us to deal in a proper way with the business of Parliament. I propose that we run the House on the butt-gang system, or that we have three shifts. We have first of all the Opposition, then we have the brother who, with his party, occupied the Treasury benches a little while ago, and we have also the Ministerial Labour Party. The life of the present Parliament has still two and a half years to run. Let us, therefore, divide it into three shifts of ten months each. There is no difference in our policies, and, that being so, what are we fighting about? We all admit that every honorable member is an honest man. We recognise that every honorable member is capable, and intellectually fitted to hold a seat in this House, and, that being so, I should not have the slightest objection to the carrying on the work of the Parliament by means of three shifts. Let the present Ministry reign for ten months, let them be followed in turn by the right honorable member for East Sydney and his party, and then let the honorable and learned member for Ballarat and his followers take the third shift. We should in this way be able to assist each other in giving effect to a policy on which we are all agreed.

**Mr. CONROY.**—What about my policy?

**Mr. O'MALLEY.**—I should be prepared to put the honorable and learned member into office after the others had had a show. If we do not agree to some system

that will do away with the jumping of the Treasury benches from time to time, we shall arouse the feeling of the people against the Parliament. We shall rouse that mighty tribunal outside this House, which forms the last Court of Appeal. An appeal may be made from Festus to Cæsar, but we shall appeal from Cæsar to the people who make the Cæsars. Let us, if it is thought desirable, have an elective Ministry. It would be open for the House to elect a Ministry by secret ballot. We should, at all events, enter upon the work before us in a businesslike way, and not seek to throw out a Ministry because of every little Tom, Dick and Harry foolishness, as we do at the present time. Some honorable members have had much to say of individual freedom. What is individual freedom? When I lived amongst the Yuki Indians in Mexico, the great Sagimore ordered a man to be killed when it did not suit him that he should live. If a young buck disagreed with another, he was taken out and shot. Is that what honorable members opposite want? Let me tell the honorable and learned member for Parkes, and the honorable and learned member for Wannon, that I once heard of an old buck belonging to the Wabunsee Indians, in Western America, who thought that he could stop one of the locomotives travelling through his country from the East. He was ignorant of the power of steam. He told his fellow Indians that he would stop that locomotive, but when he went out and butted his head against it, he was knocked into a thousand pieces. The engine went on—and so will the Labour Party. We are going ahead. Every man who runs against the party will be knocked into a thousand pieces, and perhaps buried without either flowers or parson. There never was a party better prepared than we are to bury its enemies. We have a doctor to feel their pulses, a preacher to read the burial service over them, and an undertaker to plant them. We have even a lawyer to draw up their wills. I have the greatest respect for the individual opinions of honorable members opposite, and I need hardly assure them that there is no feeling of bitterness rankling in my bosom. In view of what some honorable members have said in regard to the banking proposals of the Government, I would remind them that, in 1893, when every Inter-State bank having its headquarters in Australia crossed the Jordan, not one bank in Canada suspended payment. Some honorable members may say that the

Bank of New South Wales, which did not close its doors, has its head-quarters in Australia. That is not the case. Its head-quarters are in London.

Mr. CONROY.—No.

Mr. O'MALLEY.—I will give way to the honorable and learned member, and say that every other Inter-State bank whose head-quarters were in Australia crossed the Jordan in that year.

Mr. CONROY.—What about the City Bank, the Royal Bank, and one or two others that did not close their doors?

Mr. O'MALLEY.—The Royal and the City Banks are not Inter-State institutions. Every one of the Inter-State banks of the class I have named crossed the Jordan and went down like McGinty's cart.

Mr. LONSDALE.—The Bank of Australasia did not do so.

Mr. O'MALLEY.—That is an English institution. If it had not been for the action of the Governments of New South Wales and Victoria, who came to their rescue, every one of them would have suspended payment. During the same year hundreds of telegrams appeared from time to time in the American press, telling of banks that had gone to the wall. But how many broke in Canada? I would ask the honorable and learned member for Werriwa to name one Canadian bank which closed its doors in 1893.

Mr. KELLY.—But how would the confiscation of £8,000,000 of the banks' reserves strengthen their position?

Mr. O'MALLEY.—The opposition which is being shown to our banking proposals reminds me of the arguments that were used against the abolition of slavery in the United States. Slave-masters down South declared that if we destroyed that great fabric which came down from the ages we should destroy the Republic. They considered that slavery was a Heaven-blest institution. But the Government propose a banking system which has been a success in one of the most Conservative countries in the world. Had the honorable member for Wentworth lived, as I have done, in the Arctic regions of Canada, he would know that one of the most Conservative Governments in the world holds office there. Sir John McDonald, who, with the exception of the intervals in which McKenzie held office, was Prime Minister practically from 1867 until his death, was a Conservative Scotchman, and we have Scotchmen on the Treasury benches in this House. I

remember speaking to a prominent banker in British Columbia—

Mr. LONSDALE.—Can the honorable member explain the Canadian system?

Mr. O'MALLEY.—I shall not do so now, although I understand it thoroughly. I do not pretend to be familiar with everything in the world, but I do understand this system, because it is founded upon the Rock of Ages, and I shall discuss it fully when we are called upon to deal with legislation on the subject. The bankers in the United States did not agree with the action taken in Canada, and on one occasion a Kansas banker told me that it was a rotten system. That man is to-day humping his bluey on the Rocky Mountains. Under the Canadian system the banks are guaranteed by the Dominion.

Mr. LONSDALE.—To what extent?

Mr. O'MALLEY.—To the extent of the 40 per cent. which they take from the gold reserves. Have honorable members heard of the Irishman who, when the banks were suspending payment in 1893, went to a Victorian institution, and said, "Give me my money. If you can pay it, I do not want it. But if you cannot, I will not leave the bank till I get it." I wish to use that incident as an illustration. There is to-day from £20,000,000 to £22,500,000 worth of gold lying unused in the banks. If any one is using any portion of it, he ought to be criminally prosecuted, for it comprises the gold reserves. We do not want this money when we know that we can get it, but we always require it when we know that we cannot get it. That is the position to-day. These gold reserves are maintained solely in order that they may be forthcoming if it be considered that a bank is in a shaky condition. If we know that a bank is backed by the Commonwealth, we shall never want to call on the reserves. When the Bank of New Zealand was about to close its doors, the State Government came to its assistance, and to-day it is a solid institution. It is not a Government bank, for the Premier of New Zealand, who is one of the great men of the Southern Hemisphere, had not the courage to take it over. But the people know that the Government are behind it, and they are satisfied. When a bank was about to close its doors in one of the western States of America, the Government guaranteed it to the extent of only \$200,000; but that was sufficient to avert the panic. The fact that the bank had that guarantee behind it restored

the confidence of the people. Have we lost confidence in the Commonwealth? If we have, we should leave the country. I would say to those who have lost confidence in Australia, "Leave the country, and may the Lord speed you." I, for one, have every faith in Australia. I believe in the country and its people, and I am not afraid that its affairs will not be wisely controlled. If Watson is not fit to manage them, and if Reid is also unsuitable, let some one else be placed at the helm.

Mr. SPEAKER.—Order! The honorable member must not refer to honorable members in that way.

Mr. O'MALLEY.—I beg pardon. I wish now to refer to the proposal to make the tobacco monopoly a State concern. I should like honorable members from Sydney to leave the train at Wangaratta, and have a chat with the local producers of tobacco. I have heard much about the sacredness of private property. The Government do not propose to rob you. As a matter of fact, we shall lose a bit ourselves.

Mr. SPEAKER.—Will the honorable member address the Chair?

Mr. O'MALLEY.—I will, sir. Let fifty men attempt, against the wish of the owner, to knock down a private building in Melbourne, and there will be fifty others to prevent them doing anything of the kind. The desire of Britishers everywhere is that there shall be universal justice. There is something better in the world than the mere desire that one little class should be stuck up and beautifully fed and dressed, while others, because of the greed of many, are hungry, miserable wretches. The Labour Party intend to uplift humanity. Has it been shown that since the tobacco monopoly was formed any factory has been closed, or any hands dismissed? Not a word has been said about it. Yet if honorable members turn up the issue of the day in which the matter is dealt with, they will find all about it there.

Mr. KELLY.—Why does not the honorable member tell us about it himself?

Mr. O'MALLEY.—I am willing to tell the honorable member privately; I have not the time now. A monopoly of any kind leaves the community in poverty. The monopolist has a licence to study his private greed at the expense of the public welfare. The beef trusts and other trusts in America are illustrations of this. The State is the people. This country was here before white men came to it.

Mr. LONSDALE.—But there were black-fellows here before that.

Mr. O'MALLEY.—I hope that the honorable member for New England will give me his attention. I always listen to his speeches, because I like to hear a man who is sufficiently independent to say what he thinks. A State monopoly belongs to the people. The people are the State, and it is the duty of the Government to preserve the rights of the people.

Mr. CONROY.—To preserve the rights of every citizen!

Mr. O'MALLEY.—Yes; and to guarantee the protection of their interests all round. But humanity is higher than merchandise. The trouble with us is that until lately the country has been governed by the mercenary representatives of Mammon, whose actions belie their pledges, whose declarations are insincere, and whose presence is a profanation of the temple of democracy.

Mr. CONROY.—And yet we have manhood suffrage here!

Mr. O'MALLEY.—Yes; but the man who owns twenty houses in Melbourne has twenty places in which to vote, or, at any rate, he can choose where he will vote.

Mr. CONROY.—It is not so in New South Wales.

Mr. O'MALLEY.—Coming back to the tobacco monopoly, I would point out that at the present time thousands of pounds leave Australia for Virginia. My countrymen are playing a big hand out here.

Mr. KELLY.—Is the honorable member a Tasmanian?

Mr. O'MALLEY.—No; I am an American. But I am sorry that I am not a Tasmanian. I wish that I had been born there. If that important function ever takes place again, I shall try to arrange for it to occur in Tasmania. Hundreds of thousands of pounds leave Australia for America. The growers of tobacco throughout the Commonwealth are robbed. But if the industry becomes a State concern, part of the profit made by the present monopolists will go into the pockets of the growers of tobacco, and the balance will be spent on old-age pensions. Coming now to the proposed coalition, or collusion, whichever it may be, to me it will be a very sad occurrence. I heard of my friend the honorable member for Macquarie wandering down the streets leading a picnic of Sabbath school children.

Mr. TUDOR.—It was in my electorate.

Mr. O'MALLEY.—No doubt he was trying to divert attention from his political doings. He is an honorable member for whom I have the greatest respect. We all love Syd. But this is the position: I do not desire to say anything offensive, because I think that we should be able to debate these questions without becoming personal. Therefore, I ask my honorable friends opposite to banish all resentment, all passion, all personal desire, all hankering after the gilded crumbs of office. Let me advise them to go to the pure, unadulterated fountain of justice, and making a solemn lustration, return divested of all sinister, sordid, and sinful motives. Then let them proceed with consciences clear towards their country and their Creator, to help us to carry on our administration. I look upon the Prime Minister as the James A. Garfield of this Commonwealth. In 1881 I had the pleasure of standing in the city of Washington, and seeing that great man installed as President of the United States. When the Chief Justice had administered to him the oath of office, he left his wife and daughter and two sons to go over to put his arms round his old mother, who had carried sacks of grist to the mill to give him a start in life. I heard the kiss he gave her. It was such a smack that one could hear it from the tepid waters of the Gulf of Mexico to the Arctic snows of the North. It was one of the kisses of the world which that grand old mother Garfield received on that day. We ought to be proud of such a man. Garfield was a man poor in pocket, but rich in principle. So is Watson.

Mr. SPEAKER.—Order.

Mr. O'MALLEY.—I beg your pardon, Mr. Speaker; I mean the Prime Minister. But I am a democrat, and do not like this formality. I say that this coalition is an unnatural one.

Mr. LONSDALE.—Why?

Mr. O'MALLEY.—Because you cannot mix oil and water. There is a great principle at stake. I am a protectionist.

Mr. LONSDALE.—Then the honorable member believes in monopoly.

Mr. O'MALLEY.—I believe that this country must have protection, because we are in debt. We owe money, and we have to pay the interest upon it. May be there will be a coalition; such an unnatural consummation may take place.

Mr. CONROY.—There is a coalition of free-traders and protectionists in the ranks of the Labour Party.

Mr. O'MALLEY.—A coalition is possible. If it takes place it will be as a chastisement of the Australian people for their sins and transgressions. The rod of Providence may be applied to us in that manner. But I say fearlessly and without ill-feeling that if such a thing takes place it will be the triumph of the inutility and impracticability of ultraism, the triumph of a most extraordinary conjunction of irrepressible extremes. It will be the victory of fossildom, of boodledom, and of irresponsible radicalism, the fusion in a league of two widely differing parties, at the cost of principle. It will be the victory of perpetual agitation at the expense of tranquility and peace. Such a thing may lead to the most unhappy and disastrous consequences, and will militate against the future success of the great national principle of protection.

Sir JOHN FORREST (Swan).—I move—

That the debate be now adjourned.

I acknowledge that the hour is early, but I am not well enough to speak to-night, and no other ex-Minister has yet spoken. Of course, if any other honorable member is willing to go on, I shall be content to give way.

Mr. WATSON (Bland—Treasurer).—I hope that the debate will be brought to an end within a reasonable time. We are informed that the right honorable member who leads one section of the Opposition intends to move a motion of censure, which, of course, would be something tangible and definite, but that there is no intention to make the present motion a vehicle for anything of the kind. Therefore the discussion should be closed as soon as possible; I think at least as soon as to-morrow evening. Is the right honorable member in a position to say if many of those on his side wish to speak?

Sir JOHN FORREST.—I regret to say that I do not know anything about the matter.

Mr. WATSON.—I expect the debate to terminate to-morrow evening, and I ask honorable members to assist me in closing it. Under the circumstances, I have no objection to its adjournment now.

Motion agreed to; debate adjourned.

#### PAPER.

Mr. WATSON laid upon the table the following paper:—

Further paper relating to the official recognition of associations of officers of the Postmaster-General's Department in Victoria.

House adjourned at 10.25 p.m.

## Senate.

*Thursday, 26 May, 1904.*

The PRESIDENT took the chair at 2 p.m., and read prayers.

#### SUMMER SESSIONS.

Senator PEARCE (Western Australia).—I wish to ask the Vice-President of the Executive Council, without notice, whether the Government would be favorable to holding the sessions of Parliament in the summer instead of in the winter, and whether he will bring the matter under the notice of the Cabinet with a view to making a change in that respect?

Senator MCGREGOR (South Australia—Vice-President of the Executive Council).—I should like the honorable senator to give notice of his question. A reply will be furnished on another occasion.

#### PAPERS.

Senator MCGREGOR laid upon the table the following papers:—

Reports of Mr. Scriviner and Mr. Chesterman, surveyors, on the proposed Federal Capital sites in the Southern Monaro and Tumut districts.

Ordered to be printed.

Transfers approved by the Governor-General, Appropriation Act 1903-4, dated 23rd May, 1904.

The CLERK laid upon the table the following paper:—

Report by the right honorable Sir John Forrest upon the proposed Federal Capital site at Lyndhurst, with appendices.

Senator MCGREGOR (South Australia—Vice-President of the Executive Council).—I may say with regard to the papers relating to the Federal Capital sites, that they were not laid upon the table previously, as it is only recently that Mr. Chesterman's report was received. The report from Mr. Scriviner is a progress report. The full report will be available in a few days.

#### COMMONWEALTH FLAG.

Senator Lt.-Col. NEILD (New South Wales).—I move—

That there be laid upon the table of the Senate copies of all papers connected with the selection and approval of the present Commonwealth Flag.

I may say at once that there is absolutely nothing behind my motion. But I feel that we are under some little disadvantage.

as it was understood that the papers in question were to be laid before Parliament. The selection of a Commonwealth flag is a very important matter, and it has apparently been left to judges whose qualifications have been seriously questioned. I have no other desire than to have an opportunity of seeing the papers, and to understand what has led to the selection being made without any reference to Parliament. I think that Parliament ought to have been consulted quite as much as outside authorities—indeed, much more so.

Senator HIGGS. — Having made a selection, I believe they put the flag in a box, and have never taken it out again.

Senator Lt.-Col. NEILD.—I do not press for the printing of the papers, because that might cost money; but we ought at least to have an opportunity of seeing how the choice was made. I hope that the motion will not be objected to.

Senator DE LARGIE (Western Australia).—I second the motion.

Question resolved in the affirmative.

#### DEFENCE REGULATIONS.

Senator Lt.-Col. NEILD (New South Wales).—I move—

That this Senate, in terms of section 124, subsection 4, of the Defence Act 1903, hereby disallows the following Regulations issued under the said Act, viz. :—

Part III., Regulation 72, portions objected to—*g*.

Part III., Regulation 83, portion objected to—*c* and *d*.

Part V., Regulation 27, portions objected to—*20*, *21*, *30*, and *44*.

Part V., Regulation 28, portions objected to—*a*, *d*, *a*, and *d*.

Part V., Regulation 38.

Appendix K, clause 7.

Although my motion occupies a little space on the business paper, it will not be found to be a difficult matter to deal with. There is a provision in the last section of the Defence Act enabling either House of the Parliament to disallow any of the regulations made under the Act within a certain number of days. I believe that to-day is about the last on which such a motion can be moved; and in view of the fact that I ask the Senate only to disallow some minor portions of six regulations, I think it will be seen that there is nothing captious in my proposal, and that it is very mild. But while the regulations objected to are not numerous, they deal with an important subject. I suppose that it will be best to move with regard to each regulation separately.

The PRESIDENT.—I suggest that there should be one debate, but I shall put each motion separately.

Senator Sir JOSIAH SYMON.—We should go into Committee on a motion of this kind. That has always been done. It was done with regard to Senator Stewart's motion affecting the Public Service Regulations.

The PRESIDENT.—It is entirely a matter for the Senate. The honorable senator who has charge of the business has moved the motion, and has not proposed that the Senate go into Committee.

Senator PLAYFORD.—It will be far more convenient to go into Committee, seeing that in the Senate we can only speak once, whereas in Committee we can speak as many times as may be necessary.

Senator Lt.-Col. NEILD.—It will be a simple matter to move the motion without entering into particulars, and afterwards some other honorable senator can move that the Senate go into Committee.

Senator Sir JOSIAH SYMON.—Why should not the honorable senator amend his motion?

Senator Lt.-Col. NEILD.—If that be the will of the Committee, I shall be happy to fall in with the suggestion if I can do so.

The PRESIDENT.—I will put the question that Senator Neild have leave to amend his motion accordingly.

Leave granted.

Senator Lt.-Col. NEILD.—I thank the Senate for its courtesy in the matter, and submit the motion in its amended form, as follows :—

That the Senate resolve itself into a Committee of the Whole for the purpose of considering the following Regulations issued under the Defence Act 1903 :—

Then the regulations are enumerated as before. It will be, perhaps, desirable that I should, in the briefest manner possible, indicate the amendments which I shall ask honorable senators to make. I shall do so in a very few words, and shall not argue the proposition. Regulation 72, paragraph *g*, which is the first one objected to, provides seven grounds on which an officer's commission may be cancelled. I think that the first six amply cover the field, and that the seventh, which I propose to strike out, is unnecessary. It affords scope for undesirable practices. As to portion *c* of regulation 83, that is a proposal for seconding officers of the Defence Forces if they sit in the Federal Parliament. Seconding means putting officers on

the military shelf—out of the way. My reason for proposing to interfere with that regulation is that it seems to me that it is an insidious attempt to interfere with the constitutional rights of members of the Defence Forces who sit in Parliament. The next provision to which I object—paragraph d of regulation 83—is an extraordinary one. It provides that if any member of the Defence Forces obtains a civil appointment, he is to be seconded, and is to lose his military position. I cannot but think that the inclusion of that provision is an accident; because it would not permit any civil servant in this country to hold a position in the Defence Forces. Of course, in the case of a man who is a paid officer, the regulation ought to apply, but this applies to citizen soldiers, and would even go so far as to apply to members of rifle clubs. The idea that a member of a rifle club cannot hold a Civil Service appointment seems to me to be extraordinary. As to regulation 27, it contains a provision that if a citizen soldier, who is not under any obligation to attend every parade—indeed, the regulations do not require him to do so—does not attend every parade, he shall be liable to three months' imprisonment. That is sub-section 20 of regulation 27. If he fails to attend at a place of assembly he is liable under a further section that is referred to in my motion to all sorts of pains and penalties—three months' imprisonment or £20 fine. Yet the regulations as a whole do not require his attendance on every occasion. With regard to sub-section 44 of regulation 27, which is mentioned in my motion, I may say that I do not propose to press for its disallowance. There may be reasons for it. On page 54 of the regulations there is an extraordinary proposition, that if a citizen soldier when not on duty commits the offence of drunkenness, he shall be liable to a £20 penalty or three months' imprisonment, a sentence which no magistrate in the country could pass on him.

Senator DAWSON.—Why leave out reference to sub-section 22?

Senator Lt.-Col. NEILD.—If a soldier is in camp or in garrison he is under obligation to do his duty. I do not want to interfere with a soldier once he has undertaken his military duty. He must stand by it then. What I object to is penalizing a man in this unreasonable manner for a technical offence, which may not be an offence at all—for not being present at some parade. In regu-

lation 28 the portions objected to are those that fit in with regulation 27, to which I have made reference. As to regulation 38, printed on page 59 of the regulations, I may point out that it was one of the most deliberately enacted provisions of the Defence Act which this Chamber carried unanimously on the amendment of Senator Higgs, that no men of the Military Forces should be expelled without the right of court-martial.

Senator DAWSON.—Is the honorable senator going to discuss these regulations while the President is in the chair?

Senator Lt.-Col. NEILD.—I am merely stating the facts. The regulation I allude to is one that stands in the way of an officer demanding an inquiry if he is charged with misconduct. The last regulation to which I take exception requires an officer to attend at Head-Quarters for examination for promotion. Honorable senators who come from distant States which cover large areas, and which have scattered defence forces, can realize what this means. An officer may be required to travel for a considerable distance in order to be examined in his capacity for drill, and under this regulation, if for some reason or other, the officer should unhappily fail to please the inspecting or examining officer, he is to be allowed no expenses for what may have been his 300 miles' journey each way, nor is he to be paid his hotel expenses or incidental expenses for attending the examination. Hitherto in New South Wales officers have been grouped for examination purposes, and have been examined locally by one of the Head-Quarters staff or at camps. But this regulation places the obligation on a candidate for promotion to travel to Head-Quarters, and then if he fails to pass the examination he is to get nothing at all for his travelling expenses. It is difficult enough now to obtain the services of suitable men. This regulation will make it almost prohibitive. I hope it will be recognised that these are reasonable matters for the consideration of the Senate. I trust that the Minister also will regard them as reasonable, and allow us to go into Committee to consider them. I say no more now, feeling sure that the Senate will adopt the motion, and that the regulations enumerated will be considered in detail in Committee.

Senator DAWSON (Queensland—Minister of Defence).—I have no objection to the Senate going into Committee; but I do not

make any promise that I shall agree with the propositions which are contained in the proposal of Senator Neild, and which I recognise involve some matters of very great importance.

Question, as amended, resolved in the affirmative.

*In Committee:*

Part III., Regulation 72—

The services of an officer may be dispensed with for any of the following reasons:—

(a) Absence without leave for three months or from continuous training.

(b) Medical unfitness.

(c) Misconduct or incapacity.

(d) Failing to pass the prescribed examinations.

(e) On reaching the limit of age prescribed.

(f) By sentence of Court-Martial.

(g) For any other cause which the Governor-General may deem sufficient.

Senator Lt.-Col. NEILD (New South Wales).—I move—

That paragraph *g* be disallowed.

I think that the words of paragraph *g* are so unnecessarily wide, and so absolutely dangerous, that they may be made an excuse for doing almost anything, while the six preceding paragraphs clearly cover every rational ground for dispensing with an officer's services. He can be got rid of if he neglects his duty, or if he is medically unfit, or if he fails to pass the examinations, or when he reaches the age limit, or by sentence of court-martial. That, I think, is sufficient provision to make in that direction. I object to paragraph *g*, because under it a man may be thrust out of the service without any action known to himself. I rather startled the Committee when we were considering the Defence Bill by stating that secret representations were made to get rid of officers. The Minister knows perfectly well that, at the present time, there are in his office papers connected with a secret attempt to get rid of an officer. This has not met with Ministerial approval so far, and will not, I feel quite sure. But that, perhaps, is because the officer against whom the attempt has been made is in a better position to defend himself than are others. I object strongly to power being given by regulation to afford opportunities for character assassination for any reason, particularly if the reasons are spurious.

Senator DAWSON.—That does not apply under this regulation.

Senator Lt.-Col. NEILD.—I think it applies very clearly. Incapacity, impropriety—everything is provided for in this regulation without the words that I seek to excise.

Senator DAWSON (Queensland—Minister of Defence).—I wish to state briefly the reasons why I think that honorable senators should not agree to this motion. Senator Neild appears to think that paragraph *g* can be used for the purpose of character assassination; that if a man who is in a commanding position has a set on an officer, he will be able to destroy him, and, therefore, ruin his character as a public man.

Senator Lt.-Col. NEILD.—It has been done.

Senator DAWSON.—It has not.

Senator Lt.-Col. NEILD.—Not under this Act, or by this Ministry.

Senator DAWSON.—It has not been done by any Ministry.

Senator FRASER.—I am glad to hear the Minister speak in that way. I have a higher opinion of him now than I had before.

Senator DAWSON.—I thank the honorable senator. I think that the retention of paragraph *g* is absolutely essential. It is provided in the orders that certain offences shall be punished, but certain general conduct of an officer may be improper, and may not come specifically under any paragraph in the regulation except paragraph *g*. His general conduct may be so offensive that it may be necessary in the interest of the force to get rid of them.

Senator Lt.-Col. NEILD.—He can be got rid of by court martial under paragraph *f*.

Senator DAWSON.—The honorable senator seems to forget the exact meaning of paragraph *g*. Surely he has been sufficiently long in Parliament to know that the term "Governor-General" does not mean the General Officer Commanding the Military Forces. Surely he knows that His Excellency will only take action that has been deliberately determined on by the Executive Council, and for no other reason. There is every reason why this power should be maintained, and therefore I ask the Committee not to agree to the motion.

Senator DRAKE (Queensland).—I agree with the Minister of Defence. It would be very inadvisable to cancel this part of the regulation, because it would make a very great difference in the position of an officer who holds a commission. The theory is that the commission is always held from the Crown, and that it may be withdrawn by the Crown at any time. There may often be reasons why a commission should be cancelled, which may not be



covered by paragraphs *a* to *f* of the regulation. I think it is right that paragraph *g* should be retained. I wish the Committee to understand that this is not a mere trivial matter. It will make a very considerable difference in the conditions under which a commission is held.

Senator FRASER (Victoria).—I was very pleased indeed to hear the Minister of Defence speak as he did. I am surprised to learn that a high officer like Senator Neild should try to get rid of discipline. He is the last man who should introduce a proposal of this kind to the Senate. If we have not the power of enforcing this discipline, what is the good of having a Military Force at all? I chiefly rose to say that if the Minister decides with such good common sense in other matters I shall be very glad indeed to support him on those occasions also.

Senator DAWSON.—I am glad to hear that.

Senator Lt.-Col. GOULD (New South Wales).—I think that Senator Drake really gave us an indication that there would be no detriment to the service even if paragraph *g* were omitted from the regulation, because he pointed out, very truly, that the theory is that the commission is held from the Crown, with the reserve power to take it back at any time, for good and sufficient cause.

Senator TRENWITH.—The Crown has to formally take the power.

Senator Lt.-Col. GOULD.—The Crown has that power without the regulation at all, but, of course, it is always understood that it will not be exercised without abundant reasons.

Senator DAWSON.—It must also be understood that all officers serve at pleasure.

Senator Lt.-Col. GOULD.—It has been clearly and distinctly laid down by the Privy Council, in a case which was tried some time ago, that the pleasure of the Crown is never withdrawn unless there are good and sufficient reasons. The Crown always errs on the side of leniency towards the officer. I think that with that reserve power the discipline is safeguarded.

Senator Lt.-Col. NEILD.—What case does the honorable senator refer to?

Senator Lt.-Col. GOULD.—I do not remember, but it was quoted in my own case, though it was not quite applicable. Does not the regulation, without paragraph *g*, cover pretty well the whole ground which it is necessary to cover in order to maintain discipline?

Senator DAWSON.—It does not, for the reason I pointed out—that it may not be possible to prove incapacity for command.

Senator Lt.-Col. GOULD.—If paragraph *g* is retained the other paragraphs can be done away with, because it places everything in the power of the Governor-General, and the question arises at once whether it is wise in the case of our citizen forces to place the Executive Council in the position of being able, behind an officer's back, if it saw fit, advise the Crown to withdraw his commission. Of course, if there was a provision made that in all these cases the officer should be called on to show cause before his commission was withdrawn, there would be the possibility of replying to the contention of Senator Neild. But I am under the impression that, taking into consideration all the provisions which are made, and the reserve power of the Crown, the regulation will be quite sufficient without paragraph *g*.

Senator TRENWITH (Victoria).—It seems to me that the position taken up by the Minister of Defence ought to be supported. This general power should rest with the Executive Council, and we are amply protected from any capricious or improper use of the power in the fact that the Executive Council is responsible for its every act. We have a perfect assurance that there can be no base or improper use made of this power without the possibility of the act coming under the review of Parliament. While there does not appear at first glance to be ample protection against any possible offence in the preceding paragraphs of the regulation, still there may happen circumstances for which we have been unable to provide. A man may be guilty of conduct which altogether unfits him for his position in the military service, and yet such conduct may not be covered by any one of the specific conditions named in paragraphs *a* to *f*. We might trust the Executive Government in a case of that kind. If there should ever occur a time when we could not trust the Executive Government, and they took action which was improper, we should have all the power of Parliament to bring them to book.

Senator Lt.-Col. NEILD (New South Wales).—In bringing these matters before the Senate I am acting in what I believe to be the interests of the Citizen Force. It must be borne in mind that these regulations apply even to membership of rifle clubs. My desire is to see the best possible Citizen

Force that we can have. I told one or two honorable senators before entering the chamber that I did not intend to fight any one of these proposals. I submit them believing that it is the proper thing for me to do, and if the Senate should disagree with me, I, to use a well-known phrase, shall not "barrack" about them. If I am in a minority it will not follow that I am wrong.

Question resolved in the negative.

Part III., Regulation 83—

An officer below the substantive rank of major shall be seconded in his regiment or corps :—

(c) From the date of application to be seconded, if a member of the Commonwealth Parliament.

(d) From the date of appointment or embarkation in the case of an oversea military appointment, a civil appointment, an appointment on the staff of a Civil Governor, or an appointment under a foreign Government.

Senator Lt.-Col. NEILD (New South Wales).—In the first place, I move—

That paragraph c be disallowed.

This regulation deals with the seconding of officers. If a military officer becomes an aide-de-camp to a State Governor he is at once seconded. He does not cease to be an officer of his regiment, but he is put on the shelf—he is out of the way while he is holding the other appointment. An officer of the regiment I command in New South Wales is private secretary to the General Officer Commanding the Military Forces, and he is seconded while he is away on other duties. What I am taking exception to is the proposal that an officer is to be seconded from the date of his application to be seconded if he becomes a member of the Federal Parliament. That refers to officers below the rank of major.

Senator DAWSON.—Then it does not apply to the honorable senator.

Senator Lt.-Col. NEILD.—There is nothing personal in the motion.

Senator DRAKE.—The regulation does not say that an officer shall be seconded.

Senator Lt.-Col. NEILD.—But, while that is not actually expressed, there is great danger of it being alleged when the regulation has been in print long enough.

Senator O'KEEFE.—It is not laid down in the regulation that an officer must apply to be seconded.

Senator Lt.-Col. NEILD.—An officer may be told to apply, and if he does not do so he lays himself open to a charge of disobeying an order. Honorable senators

may think this rather a fine-drawn proposition, but those who have had any experience of military discipline, know that such a contingency is very likely to arise.

Senator DAWSON.—Does the honorable senator think that in submitting such a proposition he is carrying out military discipline?

Senator Lt.-Col. NEILD.—There is no question of discipline involved in my submitting this motion. This is a matter of law-making; and every senator, equally, has a right to question the wisdom of any proposed law.

Senator PLAYFORD.—But who is going to be injured by the regulation?

Senator Lt.-Col. NEILD.—No one that I know of at the present time.

Senator PLAYFORD.—Then what is the good of altering the regulation?

Senator Lt.-Col. NEILD.—It might as well be asked, in the face of a proposal to enact capital punishment for murder, who was going to be murdered? Senator Playford has a reputation for strong common-sense, but it is a reputation he will rapidly lose, if he submits such questions.

Senator PLAYFORD.—I want to know what harm the regulation will do.

Senator Lt.-Col. NEILD.—I thought I had made that point very plain. If this regulation remains, there is great risk that officers below the rank of major, on being elected to either House of the Commonwealth Parliament, may be told, "You had better apply to be seconded." I do not say that an officer could be ordered to apply to be seconded, but he might be told that there was a provision of the kind, and that he had better make application. If an officer did not act on such a suggestion, he might be "marked down" at once, and he would "go down" sooner or later.

Senator TRENWITH.—Is there any authoritative definition of the word "seconded?"

Senator Lt.-Col. NEILD.—I do not think there is.

Senator TRENWITH.—I do not know anything about the matter myself, but it seems to me that the word means more than we understand from Senator Neild.

Senator Lt.-Col. NEILD.—The word has a well-known meaning in military circles. An officer who is seconded is relieved from all duty, and while he is seconded, all his rights of promotion cease. Such an officer cannot go back to his regiment, unless there is a suitable vacancy for him, and he runs great risk of having his military career absolutely closed.

Senator DAWSON.—There is no express definition of "seconded."

Senator Lt.-Col. NEILD.—No; but Senator Gould, and also Senator Drake, know that what I have stated exactly represents the position.

Senator PLAYFORD (South Australia).—I cannot see where any injury can occur. The regulation does not say that an officer shall make application to be seconded, but that if he does, his seconding shall take place from the date of application. If a member of the Legislature, who occupies a military position such as has been indicated, wishes to be seconded he may apply, but he is not compelled to make application. No doubt, if an officer does apply, he places himself in a disadvantageous position as to future promotion; but as I have said, there is nothing to compel him to apply.

Senator DRAKE (Queensland).—I do not think that any disadvantage will arise from continuing the regulation. Senator Neild is fearful that the regulation may lead to the compulsory seconding of officers, but there is nothing to that effect in the regulation, which simply provides what shall take place when an officer desires to be seconded on account of his ceasing to perform active duty. This seconding is a very fair arrangement to junior officers; otherwise, officers on the unattached list, would, as it were, find their position continually improving, to the detriment of others lower in rank who continued on the active list. "Seconded" means, as Senator Neild pointed out, putting an officer "on the shelf," where he is, as it were, frozen hard so far as promotion is concerned, while officers, who remain on the active list, make their way above him, as only seems to be right under the circumstances.

Senator PEARCE.—I understand that a seconded officer may apply for promotion.

Senator DRAKE.—Not while he is seconded, although during that period he retains his present rank. When the disqualification—if I may use the expression—ceases, and there is employment on the active list for him, he rejoins at exactly the same rank he held when seconded. That is a very fair arrangement to junior officers, who, if on the active list, are anxious for their proper promotion. No provision is made that a military officer, who becomes a member of Parliament, shall be removed from the active list, but if he so desires, he can be seconded, retaining his rank. There is

a subsequent regulation providing that where a vacancy occurs, it may be held over for three months, in order to give a seconded officer an opportunity of rejoining.

Senator DAWSON.—I should like the Senate to disagree with the motion. In addition to the excellent arguments which have been put forward by Senator Drake, there is another argument to which I should like to call attention. I have felt for some time, and I see no reason to alter my opinion, that it is not good for the efficiency of the Military Forces that any officer, whether major, or of lower rank, who owes allegiance to the General Officer Commanding, should at the same time, as a member of Parliament, be the critic of that General Officer Commanding. The dual position is not conducive to the best discipline, and cannot lead to the greatest efficiency of the military Forces. For that reason I think the regulation ought to remain as at present.

Senator Lt.-Col. GOULD (New South Wales).—I do not quite follow the argument of the Minister of Defence in regard to the difficulty or impropriety of the relative positions of military officer and member of Parliament. The Constitution clearly lays it down that the mere fact of holding a commission in the volunteer or partially-paid military services shall in no way affect the right to be returned to Parliament.

Senator DAWSON.—Nobody says that it should.

Senator Lt.-Col. GOULD.—The Constitution has put such men in the position of being able to criticize, as it has been described, their commanding officer. Let us see what is proposed by the motion. Under the Constitution the right is not taken away, but an officer is simply told that he shall be seconded—in other words, that he shall be relieved from the active performance of his duty.

Senator DRAKE.—But that is only if an officer is willing to be seconded.

Senator Lt.-Col. GOULD.—I am speaking of the effect of the seconding. An officer is relieved from his military duties for the time being, but he may be just as active and hostile a critic of his commanding officer as if he were still on active service.

Senator DAWSON.—Then he ought to be seconded.

Senator Lt.-Col. GOULD.—But the seconding makes no difference, because the man is left just as capable of criticizing his commanding officers in the most hostile

manner as if he still retained his commission on the active list.

Senator PLAYFORD.—But he will not be behind the scenes and able to get information.

Senator Lt.-Col. GOULD.—I am not so sure about that. A seconded officer would be just as much entitled to copies of the regulations and orders as if he were on active service.

Senator DAWSON.—I do not think the regulation goes far enough; seconding is not strong enough.

Senator Lt.-Col. GOULD. — A man's rights under the Constitution cannot be interfered with; we cannot pass a regulation to say that an officer shall be seconded the moment he takes his seat in Parliament.

Senator DAWSON. — I say that the moment he is sworn in as a member of Parliament, he ought to cease to be a member of the Military Forces.

Senator Lt.-Col. GOULD.—Perhaps a man, in such circumstances, ought to resign, and perhaps he ought not; I say nothing on that point. Men on the active list do not resign on being elected to Parliament; at any rate, I know of none. I was always under the impression that when a man was relieved from military work he was not debarred from promotion in the ordinary and legitimate course. What I mean is that, if, for instance, the senior officer died or retired, a junior officer, who was seconded, was entitled to apply for promotion. Some years ago that was the state of the law, but the regulation now provides differently. Personally, I see no serious objection to the regulation. It deals with a matter which might well be left to the officers themselves. If an officer feels that his parliamentary work will not permit him to properly attend to his military duties, it is well that he should have the opportunity to be seconded. Senator Neild fears that the regulation may be made a means of enforcing an application to be seconded. That, however, is an apprehension which I think may be put on one side. If an officer is so weak a man as to be driven into such a position, it is, perhaps, better that he should leave the service. With all respect to the opinions of Senator Neild, I think it is just as well that the regulation should be allowed to stand.

Senator TRENWITH (Victoria). — There are two reasons why I think the regulation should be permitted to remain. First, the regulation presents itself to

me as having a good deal of reason on its side; and, secondly, the term "seconded" appears to be so ill-understood by honorable senators, we ought not to interfere with it, in view of the fact that it has been adopted by persons who may be assumed to be thoroughly conversant with the subject. I rose more particularly to call attention to what I think is a mistake on the Minister's part in dealing with the question of whether soldiers should be members of Parliament. I respectfully submit that that is not a question which ought to be discussed here, except on a proposal to amend the Constitution.

Senator DAWSON.—This is a proposal to amend regulations.

Senator TRENWITH.—The framers of the Constitution deliberately decided that, in certain conditions, soldiers might be members of Parliament.

Senator DAWSON.—Of course, or there would be no soldiers in Parliament.

Senator TRENWITH.—And it is unwise, except on a proposal to amend the Constitution, to reflect on the Constitution. We have some distinguished soldiers in Parliament, and a remark of the sort made by the Minister may be regarded as a reflection on them.

Senator Lt.-Col. NEILD.—It certainly is a reflection.

Senator TRENWITH.—It is a question open to very great difference of opinion, whether soldiers should be in Parliament. But it is a question that has been decided, and cannot be re-opened except on a proposal to alter the Constitution. It must always do harm, and cannot possibly do good, to say anything in Parliament which is a reflection on the Constitution, unless we are proposing to amend the Constitution.

Senator DAWSON.—I had no intention whatever of casting any reflection on soldiers, or on the right of soldiers to take their seat in Parliament. But I expressed the deliberate opinion that, for the sake of this Chamber, and for the sake of the Military Forces, for the maintenance of which we pay so much, it would be better not to have, as members of Parliament, officers who, when on the active list, are subservient to the General Officer Commanding, but who as members of Parliament may be his critics. I am sorry if it be thought that I cast any reflection, when none is intended. My remarks were entirely apropos to the motion before us, and I

would direct the attention of Senator Trenwith to one of the reasons given for the regulation.

Senator TRENWITH.—I am thoroughly in accord with the regulation; all I questioned was the wisdom of disagreeing with the Constitution.

Senator DAWSON.—I am not disagreeing with the Constitution, though I regret that it does not go as far as I should have liked in this particular direction. We are not discussing anything in the Constitution, but something in a regulation, and a distinct and definite proposal has been laid before us by Senator Neild, who has dealt with the seconding of members of the Commonwealth Parliament. An opinion which a member of the Ministry may express, apropos of the subject before us, is no reflection on the senator who moves the motion, or on the Constitution.

Senator FRASER (Victoria). — I entirely agree with the Minister that it is inconsistent with the discipline of the forces for an officer to remain on the active list, or even to be on the retired list, and, as a member of Parliament, to be a severe and, perhaps, an unreasonable critic of his superior officer.

Senator Lt.-Col. GOULD.—Perhaps he would be a wise critic.

Senator FRASER.—He might be a wise critic, but, unfortunately, the other side is not here, and is unable to reply. If a Government does anything wrong, Parliament is always ready to do justice. Therefore, I say, for the sake of discipline, that it would be better when an officer makes up his mind to become a member of Parliament, that he should retire altogether from the Defence Force.

Senator O'KEEFE (Tasmania).—This discussion has opened up a large subject. I entirely agree with the Minister, whose remarks are quite apropos. No doubt many of us have crystallized our opinions on this subject, in view of occurrences which have taken place in the Senate, and it is not out of place for those who hold decided opinions to give expression to them. I am one who, after carefully thinking over the matter, believes that the two positions of military officer and member of Parliament are, and always will be, entirely inconsistent. Although, as Senator Trenwith says, the Constitution does not debar a soldier, under certain circumstances, from sitting in Parliament—in fact, it expressly sanctions his doing so—still, it would be well if it were understood that, in the in-

terests of discipline, it is inadvisable that any person holding a commission in the forces should remain a member of Parliament. I am quite sure that these remarks will not be taken as a reflection on any members of the Senate in view of recent occurrences, but it is a matter that is worthy of consideration, whether it would not be well to let it be understood that, in our opinion, it is inadvisable for any member of the Military Forces to remain in them after being elected to Parliament, where his duty may compel him to criticise the actions of the General Officer Commanding. There will always be a danger of trouble arising from such a conflict of duty. I should like to see an expression of opinion—not necessarily to-day, but at some future time—to the effect that when once members of the Commonwealth Defence Forces become members of Parliament they should resign their commissions.

Senator PLAYFORD (South Australia). —I can hardly fall in with the views of Senator Trenwith on this question. He has laid it down as an axiom that, because a certain thing is provided for in the Constitution, we ought not to express an opinion about it. I think that we ought to express opinions on matters like this. We may very well turn to the mother country and see what is done there. I do not say that because a man happens to be a member of the Commonwealth Parliament, and is at the same time a member of the Military Forces, either in the lowest capacity or as an officer of high rank, he occupies two inconsistent positions. We have had full privates in our local Parliament, and we have had officers of high rank. But my judgment is that, when military officers take a seat in Parliament they should be placed on the retired list. I do not believe that they should give up their commissions, because a man may be a member of Parliament for only a certain number of years, and may wish to take up military duties again. If he does so he should be permitted to start from the position he occupied when he was elected to Parliament. The best way out of the difficulty is to follow the English practice. But it is provided in the Constitution that members of the Military Forces shall have a right to sit in the Commonwealth Parliament and criticise the military authorities to the fullest extent. Therefore, we cannot exercise any controlling power in that direction. It must be merely a matter of good taste. But I believe that the public will be

of opinion that it will be better and wiser for a gentleman occupying a position in the Defence Forces, on being elected to Parliament, to cease to be on the active list. I believe that public opinion will eventually carry weight in that direction, and that military officers who are elected to Parliament will, under the circumstances, feeling that they occupy an invidious position, voluntarily adopt the practice of the mother country. There need be no alteration of the Constitution. It is an important subject, and one with regard to which it is exceedingly difficult to lay down any hard-and-fast rule. But certainly it is odd that when a man is under the direct command of the General Officer Commanding the Forces General Officer Commanding the Military Forces he should criticise—possibly severely and unfairly, in some circumstances—his actions, or those of his fellow officers, while he himself is on the active list, and is constantly associated with them. In the circumstances, therefore, I think that it would be well for a gentleman occupying two such positions to give up his position on the active list, and that we should adopt the practice of the mother country.

Senator Lt.-Col. NEILD (New South Wales).—It is always very charming and interesting to hear Senator Playford, but unfortunately he is developing a faculty of putting his foot into his mouth whenever he opens it. The honorable senator says that it is desirable that we should follow the English practice. Evidently he has not the faintest idea of what the English practice is, or he would not talk such nonsense. He ought to know when he talks in this manner that officers of the Imperial Army, while on full pay, can sit in Parliament, and say what they like. Officers up to the rank of major can sit in Parliament on full pay, and colonels and generals can sit on half-pay.

Senator PLAYFORD.—They are on the retired list.

Senator Lt.-Col. NEILD.—No, they are not. A major who may be in command of a detachment 800 strong can sit in the House of Commons and express any opinion he likes; and it is only a colonel or a general who is put on the half-pay list. As Senator Trenwith says, the Commonwealth Constitution only provides for militia and volunteer officers sitting in Parliament. Under the Defence Act, which we passed some time ago, a member of a rifle club

would be debarred from sitting in Parliament, according to the opinions which have been expressed in this debate. But in England there is no disability of any kind attaching to any officer.

Senator FRASER.—Except their good taste.

Senator Lt.-Col. NEILD.—Sometimes the honorable senator gives us examples of his good taste.

Senator DAWSON.—There is nothing here about rifle clubs; the members of them are not members of the Defence Forces.

Senator Lt.-Col. NEILD.—My honorable friend surely knows his own Defence Act. A member of a rifle club is a member of the Defence Forces under that Act.

Senator DAWSON.—Not necessarily.

Senator Lt.-Col. NEILD.—I am sure that I am perfectly right. If the Minister will look at page 232 of the regulations, he will find that the Defence Forces are divided into three branches—the Permanent Forces, the Citizen Forces, and the Reserve Forces; and it is provided that the reserve forces shall consist of “members of rifle clubs constituted in the manner prescribed.” But under the statute law of England, volunteers and militiamen of all ranks may sit in Parliament.

Senator O'KEEFE.—We can alter that if it is desirable.

Senator Lt.-Col. NEILD.—There is no disability whatever under the English law with respect to members of the regular forces, the militia, or the volunteer forces beyond, as I have already said, the question of pay to officers of high rank. But even that does not apply to militia or volunteers. Officers of the highest rank in either of those forces may sit in the Commons House without any hesitation whatever, and some of them occasionally use very strong language with reference to military matters. I was reading in a recent issue of the English *Hansard* that Major Seeley, an officer of the Imperial Army, in criticising some of the Imperial regiments recently, advised the War Office to send to Drury Lane Theatre, and borrow properties for the training of their men.

Senator DAWSON.—Does the honorable senator think such conduct advisable?

Senator Lt.-Col. NEILD.—I am stating the facts, not offering a lot of windy opinions. My honorable friend evidently does not like the facts when they do not fit in with his own opinions. Let the Constitution be altered, and we will abide by

it; but so long as it stands as it is, every one concerned is bound to obey it.

Senator PEARCE (Western Australia).—I think, with other honorable senators, that there are very good reasons for this regulation being included. As Senator Fraser has said, every one ought to obey the dictates of good taste in matters of this kind, but we know there may come times, and there may be men in either House who may not be governed by the dictates of good taste, but who may make statements on the floor of Parliament seriously impugning the ability of the General Officer Commanding, and the efficiency of the forces. While we are considering the position of a member of Parliament, in what position do we place the General Officer Commanding, who is responsible for our troops and whose reputation is at stake? A member of Parliament is practically one of the employers of the General Officer Commanding, and he may make charges in a privileged chamber of which the door is shut to the officer whose ability he impugns. The member of Parliament may make statements criticising the ability of the General in the discharge of his duties, but the mouth of the General will be tied, except that the Minister may ask him to reply. Even then, in what position do we place the Commandant? He has to take upon himself the task of replying to parliamentary attacks. It is advisable that the General Officer Commanding the Military Forces should be called upon to reply to attacks made by officers under his command in a privileged chamber? I agree that such attacks may be justifiable in certain circumstances. They are of service to the community if they are made on legitimate lines—that is to say, if the member who makes them does so as a result of knowledge that he acquires in some other way than by reason of his position as an officer. But if his position as an officer gives him access to documents, and to information to which he would not have access were he not an officer, and as a member of Parliament he uses that information—

Senator Lt.-Col. NEILD.—He ought certainly to have his commission cancelled if he reveals official secrets.

Senator PEARCE.—I suppose that this regulation is to prevent the cancellation of a commission in such circumstances. It certainly leaves an officer in a freer position.

Senator FRASER.—There would be a nice row if the commission of an officer who was also a member of Parliament were cancelled.

Senator PEARCE.—I should imagine that a man who would make such statements would kick up a nice row if his commission were cancelled, and he would probably do it in this privileged chamber. I think that if an officer is seconded when he is elected to Parliament he is free to come here and use his military knowledge as applied to military questions and to give the country the benefit of it. But there is this difference—that he does not use his privileges as an officer to obtain information that is not given to him for public use. In that way this is a very necessary regulation. I do not think that it interferes in the slightest degree with any member of the Commonwealth Parliament who wishes to serve his country as a soldier, but it does provide that if a man wishes to serve his country as a soldier and also as a military critic on the floor of Parliament, he should not use one office to assist him in performing the duties of the other. He ought to make a choice between the two positions. The question is an important one, and it is well that it has been raised. We are indebted to the honorable senator who has raised it. It is just as well to define the position, because we have in both Chambers of the Legislature members who have served their country well as military officers. I am in practical sympathy with the regulation, and I shall oppose its excision.

Senator DE LARGIE (Western Australia).—I am afraid that I shall have to oppose my colleagues on this matter, and to assist Senator Neild. I find myself in opposition to opinions which have been expressed on this side of the chamber. I cannot for the life of me see where there is any wrong-doing on the part of a senator simply because when he knows that there is wrong-doing in the Defence Department he uses his knowledge to expose it for the public good.

Senator DOBSON.—He should make use of that knowledge through his commanding officer.

Senator DE LARGIE.—If he attempts to do that the matter will never see the light of day, because militarism has been subject to all sorts of corrupt practices in every country in the world throughout all the ages. If we want to have these corrupt practices put right I do not see why we should stifle the channel through which the information may come to us. It does not matter whether a member of Parliament is in the ranks or outside, or whether he got the information from any one in the

ranks and used it in Parliament. He would be equally within his rights in using it.

Senator DAWSON.—Does the honorable senator believe that the Military Forces ought to be a festering sore?

Senator DE LARGIE.—No; I believe that we should right wrongs no matter who exposes them—whether he be in the ranks or outside them. If there is a wrong to be righted it does not matter who brings the facts to light. I should object to any one being told that he had no right to take part in the defence of his country and at the same time to be a member of this Senate. I hope that the time will come when every able-bodied man in the country will be one of its defenders.

Senator Lt.-Col. NEILD.—What should we do if we had universal service? We could not sit here.

Senator DE LARGIE.—We could not sit here, willing or unwilling, unless we were exempted by law from a citizen's duty to defend his country. That position we may have to face before very long, and therefore I should be very sorry to see the Senate take up an inconsistent attitude on a matter which is very debatable. I am satisfied that Senator Neild is acting quite within his right, even though he is a member of the Defence Forces, in ventilating any grievance in every possible public way, in order to put wrong right.

Senator DAWSON.—I wish to put Senator de Largie right, and to correct a statement made by Senator Neild as to the practice with regard to the Imperial Forces.

Senator Lt.-Col. NEILD.—I referred to the law. The Minister cannot put me right as to the law.

Senator DAWSON.—When Senator Neild made his statement I thought it just as well to get official information. I find that it is a fact, as I thought it was when I made the interjection to which he objected, that no one—

in his relations as an officer with the Government he serves would permit himself to criticise or impugn the service of which he is a member without first applying to be removed from the active list.

Senator Lt.-Col. NEILD.—What is the Minister quoting from?

Senator DAWSON.—From an official document—

This is the procedure which has been adopted in the Imperial service.

Senator Lt.-Col. NEILD.—I submit, sir, that a member of the Senate has no business to quote—

Senator DAWSON.—My honorable friend may have the document to read.

Senator DOBSON (Tasmania).—I am in accord with the regulations as they stand. It appears to me that, although a member of the Defence Forces has the right to sit here, in accordance with the letter of the Constitution, and the right to speak, and, if he likes, to criticise, still not as a question of good taste, but as a question of discipline he ought not to do so. I think that the argument of Senator de Largie is not a very weighty one. He said that if a senator, who belongs to the Military Forces, discovers any wrong-doing, he ought to make it public. But there are other ways open to him to accomplish the object, besides that of coming here and criticising his superior officer. In a matter of wrong-doing, I think that a senator would be justified in coming here and acting in that way; but small criticisms of regulations, of policy, and of the action of a superior officer, be he a junior or not, are, to my mind, subversive of discipline. If any wrong-doing is going on, it can be brought under the notice of the Minister by means of the telephone, and it will be put right. I take it that a commanding officer, whether he be a general, a colonel, or a major, has to look to his captains, lieutenants, and privates for all the loyalty and support which they can give him. If they deliberately keep back from him their knowledge of what is right or wrong in the corps, in order to bring it forward in the Senate, they are not loyal officers, but are lacking that discipline which is the foundation of any defence force. If we had a Senator Colonel in one State, a Senator Private in another State, and a Senator Lieut.-General in another State, we might have half-a-dozen members of Parliament who might make the life of the General Officer Commanding perfectly intolerable. There may be a time when Old England will be at war with some nation, and we may at any moment expect an attack. What a strife there would be among the officers to go to the front in order to do something for their country! Should the half-dozen officer members of Parliament wait from Friday night to Wednesday to come here to criticise the General Officer Commanding, when they had information which might help us to defend



ourselves more thoroughly and more energetically? Their duty would be to go to their superior officers and give them the benefit of their experience, knowledge, and opinions. It is only by that means that we shall get discipline in a corps. There are such things as discipline, good taste, and loyalty. My desire is that our regulations shall encourage and promote loyalty and discipline. When an officer in the Defence Forces takes his seat in this Parliament, he has two courses open to him, I think. He can criticise as he pleases, but in such a case he ought to resign his command.

Senator DAWSON.—Not to resign his command, but to go on the unattached list.

Senator DOBSON.—If he does not do that he can retain his command, and to some extent keep his mouth shut and, at all events, not criticise the General Officer Commanding in such a way as to be subversive of discipline. Suppose that in the near future we hand over the control of the Defence Forces to a Council of Defence, as has been done in the mother country—the Council of Defence ought to have the loyal support of all officers, whereas if they happened to be Members of Parliament they might be everlastingly criticising its actions. If so, they would detract from its dignity and its efficiency. It appears to me that a question of discipline is raised here.

Senator Lt.-Col. NEILD (New South Wales).—The Minister of Defence has been kind enough to hand me the document from which he quoted. Instead of its being in refutation of my statements, I find that it is a memorandum which is signed by Major-General Hutton.

Senator DAWSON.—If I thought that the honorable senator would use the information in this way I should not have given the document to him.

Senator Lt.-Col. NEILD.—I did not know that the honorable gentleman had any objection to my using the information.

Senator DAWSON.—I gave the document to the honorable senator in confidence.

Senator MILLEN.—The real question is whether the facts set up by the Minister are correct.

Senator Lt.-Col. NEILD.—I assert distinctly that there is not one word in the document which challenges in the slightest degree what I have said is the law and practice in England. I took the trouble to ascertain what the practice was in the House of Commons. I went carefully through the *Hansard* reports, and, with the

Parliamentary Hand Book by my side, I traced the position on the active list of every officer who spoke in that House. There is not one word in this document to challenge my assertion that officers of the Volunteer Force, of the Militia, and of the Yeomanry, sit in the House of Commons under an Imperial Statute which I quoted here not many weeks ago. It is of no use, therefore, for Senator Fraser, who, after all, does not know anything about this matter, to contradict my statement.

Senator FRASER.—I hope that I have some common-sense.

Senator Lt.-Col. NEILD.—The honorable senator is so dreadfully emphatic that he indicates that he is making up for lack of knowledge with positiveness of assertion.

Senator FRASER.—I have not made any assertions. I have drawn conclusions.

Senator Lt.-Col. NEILD.—I wish to point out that in their speeches, honorable senators have really been impugning the Constitution, and setting up every variety of hypothesis which could be invented by the intelligence of the family lawyer of last night's debate and others. If the Committee is not going to agree with my proposal, very well. I have only done my duty in bringing it forward.

Question resolved in the negative.

Senator Lt.-Col. NEILD (New South Wales).—I move—

That paragraph *d* be disallowed.

I desire to point out that these regulations have been provisionally adopted, and that by an advertisement in the *Gazette*, anybody and everybody, particularly officers of the forces, have been invited to submit their objections. Senator Playford was the Minister who authorized their publication, and, therefore, it is the wildest unreason for any honorable senator to object to the propriety of a member of this Chamber, who is an officer in the Defence Forces, venturing to cast a doubt on the wisdom of some regulations.

Senator DAWSON.—I have no objection to the disallowance of paragraph *d* of this regulation.

Senator Lt.-Col. NEILD.—In that case I shall not take up any time in making a speech.

Senator PEARCE (Western Australia).—I wish to draw the attention of the Minister of Defence to the last line of this paragraph—

Or an appointment under a foreign Government.

Surely that ought to be a reason for a man ceasing to be a member on the active list. A little while ago we had the Consul for Japan in a State commanding a regiment. In that capacity he would have access to all military knowledge, and at the same time would be sworn to be loyal to a certain extent to a foreign power.

Senator **LT.-COL. NEILD**.—Those words would not affect the Consul for Japan, because they apply to only junior officers.

Senator **PEARCE**.—Supposing that an officer below the rank of a major became consul for a foreign power the words would apply. Surely a man who takes that position should not be allowed to remain on the active list. I hope that the Minister, even although he agree to strike out the rest of the paragraph, will allow the last line to remain as it is.

Senator **DRAKE**.—What objection can there be to allowing it to stand, as it only fixes the date?

Senator **PEARCE**.—The point is that an officer taking any one of these positions can be seconded by the military authorities on the date of his appointment. It might be advisable, perhaps, that the other condition should not be in the regulation, but I do not see why a man should be seconded because he has taken a civil appointment.

Senator **TRENWITH**.—If he is away from duty, why should he bar the promotion of another man?

Senator **PEARCE**.—Surely he can be dealt with in another way? I hope that the question will be put before the Chair in such a way as to afford an opportunity to the Committee to express an opinion on the retention of the last line.

Senator **LT.-COL. NEILD** (New South Wales).—While I largely agree with Senator Pearce on this point, I submit that if there is an objection to a junior officer, who has very little knowledge, acting as a consul, there must be infinitely greater objection to a senior or commanding officer who possesses a great deal of knowledge acting in that capacity; but the regulation does not propose to prohibit senior officers from so acting. I believe that one of the colonels who were on the Committee that finally issued these regulations is a consul. Surely a brigadier who commands four regiments knows a vast deal more than an unfortunate company officer can know? This regulation does not bar the colonel, but it bars the captain, and therefore there is really nothing in the objection from that stand-point.

Senator **FRASER**.—Then it does not go far enough.

Senator **LT.-COL. NEILD**.—Perhaps not. I did not look very much at the question of consuls, but I did see the apparent absurdity of an officer who is made an aide-de-camp to a State Governor being at once seconded, and the Commonwealth losing the benefit of his services, merely because he did a little complimentary work for the State Governor. I did not see why the Commonwealth should lose the benefit of the services of an officer simply because he is a clerk in the post-office, or has some other civil appointment. I am not disposed to move an amendment on the question of the consuls. But if Senator Pearce moves to amend my proposition I shall be quite satisfied. It may be easily seen, however, that an amendment is not necessary for this reason. If we strike out this paragraph, the Minister may very well be left to provide a new one. It is a very large and serious question, whether foreign consuls ought to possess this knowledge.

Senator **DAWSON**.—What about Sir Malcolm McEacharn, the Japanese Consul?

Senator **LT.-COL. NEILD**.—That is a matter of law. An officer in my own regiment is consul for some place or another which, however, has not, I think, any military strength. Several officers are consuls, including a major in the Irish Rifles of New South Wales, who represents Spain, and Brigadier-Colonel Waddell, who is Consul-General for Peru. I hope that civil appointments will not bar a man from serving his country as a militia or volunteer officer.

Senator **PEARCE** (Western Australia).—I suggest that it would be as well to insert a new paragraph.

Senator **LT.-COL. NEILD**.—We cannot do that; we must allow or disallow the entire paragraph.

Senator **PEARCE**.—I suggest to the Minister that after the word "Governor," in the last line but one, a new paragraph be inserted, as follows:—

(c) Any officer from the date of his appointment under a foreign Government.

That would make the regulation apply to officers under the rank of major, and there would be no objection then to leaving the rest of the regulation as at present.

Senator **DAWSON**.—I am quite agreeable to that course.

Senator **PEARCE**.—The question is how to take the opinion of the Committee. There might be a motion by Senator Neild

to strike out all the words down to "Governor," and we could take the vote as an expression of opinion that the regulation be altered in the direction I have indicated.

The CHAIRMAN.—I do not think that could be done.

Senator TRENWITH (Victoria).—If that course is pursued we might have an officer in the service, with all the rights and advantages attached thereto, who had taken an oversea military appointment. The regulation as it stands cannot, in my opinion, do any very serious harm. The regulations were arrived at by persons with military knowledge and specially competent.

Senator PEARCE.—But there is the question of policy as to persons in the employ of foreign Governments.

Senator TRENWITH.—The policy which the honorable senator desires is provided for in the regulations.

Senator PEARCE.—But only as regards officers under the rank of major.

Senator TRENWITH.—That is a matter with which we cannot deal here, because as I understand, we have no power to amend the regulations or make new ones. It is for the Minister to see that regulations are made, and suggestions of honorable senators would probably impress themselves on his mind. As a Senate, we can only disallow, or refuse to disallow. It would be very much better to permit the regulation to stand. First, so far as I can see there is no objection to that regulation, and, secondly, even if I could see any objection, it is highly probable that my limited knowledge of important military considerations might lead me wrong. Under the circumstances I am not going to vote against a decree, decision, or regulation arrived at by persons who must have been eminently competent to arrive at correct conclusions.

Senator Lt.-Col. NEILD (New South Wales).—I ask Senator Trenwith to observe that this is a regulation which provides that an officer is to be seconded if he takes a civil appointment. What is a civil appointment but an appointment in the Public Service—an appointment on the civil staff of a Government. An officer who accepted the position of honorary aide-de-camp, and performed certain little polite duties at functions, would come within the scope of the regulation.

Senator DAWSON.—Senator Pearce's objection is to the other portion of the regulation.

Senator Lt.-Col. NEILD.—I know; but Senator Trenwith is arguing for the whole of the sub-section. I understand that Senator Pearce is willing that these disabilities should be done away with, but he wants to retain the disability with reference to consulships.

Senator PEARCE.—I agree with the regulation, except as to civil appointments.

Senator Lt.-Col. NEILD.—Does the honorable senator object to the regulation in connexion with appointments on the civil staff of a Government. Colonel Hoad, Chief of Staff at Head-Quarters, is honorary aide-de-camp to the State Governor. What harm is there in that appointment?

Senator DRAKE.—He would not be seconded.

Senator TRENWITH.—I do not think it can be said that Colonel Hoad is on the staff of the Governor.

Senator Lt.-Col. NEILD.—At any rate, Colonel Hoad is above the rank of major, and, therefore, the regulation could not apply. But there is a regulation for officers to be appointed as aides-de-camp to State Governors, and these must be junior officers, whom the regulation would bar. The regulations are contradictory.

Senator DRAKE (Queensland).—Senator Neild seems to assume that every military officer who takes a civil appointment must at once resign his military appointment.

Senator Lt.-Col. NEILD.—Certainly, that is the position.

Senator DRAKE.—That is not so. Military officers have, in nearly every case civil appointments of some kind or other; and the regulation clearly refers to such civil appointments as make the performance of military duties impossible. It is intended that an officer, under the circumstances referred to, shall not remain on the unattached list and obtain promotion, but shall be seconded, so that he may not have any advantage over young officers who are performing military duties. Like the other regulations, this deals with the date from which it is to take place, but it cannot have effect in any case unless the man ceases to perform his military duties. Ordinary civil employment does not disqualify.

Senator DAWSON.—It might be as well if we did not settle this rather interesting question just now.

Senator Lt.-Col. NEILD.—It is a small matter.

Senator DAWSON.—It is not a small matter, because the suggestion of Senator Pearce opens up a very big subject.

Senator DRAKE.—About the Consul for Japan.

Senator DAWSON. — Not altogether, though the Consul for Japan may have something to do with the matter. The statements of Senator Neild have to be taken into consideration, and, under the circumstances, I think it would be best to report progress. I move—

That progress be reported.

Senator PLAYFORD (South Australia).—The time, as provided by the Standing Orders, expires to-day, and—

The CHAIRMAN.—I must declare the honorable senator out of order.

Senator Lt.-Col. NEILD.—Does the motion that progress be reported absolutely prohibit any further speech or action?

The CHAIRMAN.—It has always been held that the motion to report progress is similar to a motion to adjourn a debate. There can be no discussion. If the Minister chooses to withdraw his motion he may ask leave to do so.

Senator DAWSON.—I ask leave to withdraw the motion temporarily.

Motion, by leave, withdrawn.

Senator DE LARGIE (Western Australia).—Seeing that the Senate is not competent to make any alterations in the regulations, either in the way of amendment or substitution, the simplest course to adopt would be to strike out the whole of the paragraph, as an indication to the Minister of the necessity for a fresh regulation providing for the circumstances which have been described. Such a course would not bring us to a conclusion too hurriedly, and the Minister would have time to frame an acceptable regulation. This is the last day on which objection can be taken to the regulations, and if we allow this to pass we may involve ourselves in a serious position, seeing that some time may elapse before another opportunity for criticism is offered.

Senator Lt.-Col. NEILD (New South Wales).—The suggestion of Senator de Largie is, I think, a sound one, and if it be acted upon, the Minister, who has heard the discussion, will be able to prepare a new paragraph at any time he chooses. Why not accept my motion, and allow the Minister to draw up a new paragraph, avoiding the difficulties of the present regulations?

Senator PLAYFORD (South Australia).—The best course would, in my opinion, be to allow the paragraph to stand, and for the Minister, who has heard the arguments for and against, to prepare to new one, in accordance with the suggestions of honorable senators. This is the last day of the period during which we may consider these regulations, and if we adjourn we shall be shut out from all discussion on the other points. According to law, we have power to disallow regulations only within a certain period, and if we waited until next week, any resolutions we might pass would be *ultra vires*. These regulations are understood to be only provisional, and as officers and others are criticising them and suggesting amendments, the Minister might reconsider the whole matter, and prepare a new regulation having reference to the suggestions of Senator Pearce and others.

Senator DAWSON.—I have absolutely no objection to the course suggested. I understand the idea of Senator Playford and Senator de Largie to be that we should not take any decision on the present occasion.

Senator PLAYFORD.—My suggestion is that we formally negative the motion, when the Minister will have power to prepare any revised regulation he may think necessary.

Senator DAWSON.—I want a distinct and clear understanding.

Senator DRAKE.—Why strike out the present regulation if the Minister is going to bring in another?

Senator DAWSON.—I am in a quandary. I realize that some of the objections raised to the regulation by Senator Neild, and also the objection raised by Senator Pearce, are very reasonable. The arguments on these two points are in themselves sufficient to negative the regulation; but, before the Senate votes, I want it to be distinctly understood that if the regulation is negated, I shall bring down another.

Senator DRAKE (Queensland).—The Minister can, if he likes, bring down a new regulation next week, and thus negative the present regulation. Why, therefore, strike out the present regulation.

Senator DAWSON.—Then let us negative the motion.

Senator PEARCE.—It might be held that, since we have not negated the regulation to-day, we have no power to do so next week, seeing that the time has expired.

Senator DRAKE.—It will be a fresh regulation next week.

Question resolved in the negative.

Part V., Regulation 38. (Officers under arrest cannot demand a Court-Martial).

Senator Lt.-Col. NEILD (New South Wales).—I feel that by continuing this matter I should not only run the risk of inconveniencing certain honorable senators, but of attention being called to the fact that there was no quorum present. I shall not go on if the Minister of Defence will be good enough to say that if the Senate is found willing to pass motions disallowing the regulations which I propose to attack, he will be willing to bring down fresh regulations.

Senator TRENWITH.—If the Minister promises to consider the matter; not necessarily to bring down fresh regulations.

Senator Lt.-Col. NEILD.—I do not ask the Minister to bring down fresh regulations, but I shall ask him not to object to the consideration of any motion, which I may move, adverse to these regulations, on the ground that the fifteen days within which objection to the regulations must be taken shall have expired.

Senator DAWSON.—I am prepared to agree to that.

Senator Lt.-Col. NEILD.—The Minister having given me that promise I shall not attempt to go on with this matter now.

Senator DAWSON.—I fully realize that it is somewhat of a hardship to Senator Neild that he has not been able in the time at our disposal this afternoon to deal with the regulations to which his motion refers. Many of them are highly controversial. I may say that, as Minister of Defence, I have many of them under consideration, and I am not prepared to give the definite, clear, and distinct answer which I should like to give. I should, therefore, prefer a little delay. It is not alleged that any of the alterations suggested by Senator Neild are particularly urgent.

Senator Lt.-Col. NEILD.—No, they are not.

Senator DAWSON.—In the circumstances, it would, I think, be wise to adjourn the discussion at this stage.

Progress reported.

## SEAT OF GOVERNMENT BILL.

### SECOND READING.

Order of the day for the resumption of the debate read.

The PRESIDENT.—In consequence of a decision arrived at by the Senate yesterday admitting an honorable senator to have

leave to continue his speech on a future day, it appears to me that I must ignore standing order 420, or at all events, decide that that standing order shall not apply to cases of this sort. The standing order provides—

The senator upon whose motion any debate shall be adjourned shall be entitled to pre-audience on the resumption of the debate.

Senator Walker moved the adjournment of the debate, and if he chooses to exercise his right of pre-audience under the standing order, an absurd state of affairs will arise: Senator Dobson will have made one-half of his speech, then another honorable senator will intervene with a speech, and Senator Dobson will afterwards continue the speech which was interrupted. The adoption of such a course does not appear to me to be conducive to the orderly conduct of debate.

Senator DOBSON.—Surely a resolution of the Senate overrides the standing order.

The PRESIDENT.—I think that the proper course to adopt is to arrive at the conclusion that where an honorable senator has obtained leave to continue a speech on a future day, this standing order shall not apply. I shall, therefore, call upon Senator Dobson, and not upon Senator Walker to resume the debate.

Motion (by Senator DAWSON) proposed—

That the order of the day be an order of the day for Wednesday next.

Senator MILLEN (New South Wales).—Before that motion is decided might I suggest the advisability of making the resumption of the debate on the second reading of this Bill an order of the day for the Wednesday after next. I understand that a request has been made for the circulation of certain reports, which contain additional information which will be of assistance to honorable senators in discussing the Bill.

Senator PLAYFORD.—They can all be ready before Wednesday next.

Senator MILLEN.—Even if that be so, what opportunity will honorable senators arriving here on Wednesday have to consider them? If these reports are not a mere sham, and the request for them an excuse to gain delay, we should be given an opportunity to study them. I suggest that the debate might reasonably be adjourned until Wednesday week. If that course is adopted an opportunity will be given to every honorable senator to read the promised reports, and then no honorable senator will be in a position to plead that he is asked to give a vote in ignorance of any information which has been supplied up to

date. We must recognise that the Senate is to some extent marking time, waiting for the political atmosphere to clear. If I can forecast the future at all, something must happen next week. Honorable senators must be aware that, no matter which alternative is arrived at, in all human probability the Senate, if it meets next week, will simply do so in order to adjourn again.

Senator O'KEEFE.—Not if one alternative is arrived at.

Senator MILLEN.—It does not matter which, and, that being so, it is not unreasonable that honorable senators who live 500 miles from here should ask for some consideration from those who may be located in Melbourne. If the debate on the motion for the second reading of this measure is adjourned until Wednesday week as I suggest, there will be other business to occupy the attention of the Senate, if it should be in a position to transact business next week.

Senator PEARCE (Western Australia).—I shall be in Melbourne, and able to attend to the business of the Senate next week, but still I can see that our meeting then is likely to be farcical. On the authority of a Minister of the Crown in another place, we are assured that the reports, to which reference has been made, will not be ready for nearly a fortnight, and it seems to me that we should have an opportunity to read those reports before we are asked to come to a decision in this matter.

Senator PLAYFORD.—Then the Bill should not have been brought forward so soon.

Senator PEARCE.—The honorable senator is aware that it was necessary that the Senate should meet, in order that a statement should be made by the Government. If that course had not been adopted honorable senators would have been in a position to contend that the Government were not treating the Senate courteously.

Senator PLAYFORD.—The Ministerial statement was made the week before.

Senator PEARCE.—After the statement was made, Ministers proceeded with business. I pointed out that the House of Representatives was not in a position to go on with business. A motion of no-confidence in the Government has been darkly hinted at by Senator Millen.

Senator O'KEEFE.—And we may depend that the honorable senator is "in the know."

Senator PEARCE.—The discussion of such a motion will take some time, whilst the matters before the Senate should not take

long to decide. If we meet next week, and go on with the consideration of the Seat of Government Bill, we may then have to adjourn for a fortnight to await business from another place. I suggest to the Government the advisability of agreeing to an adjournment from to-day until Wednesday week, when we can proceed with this Bill, and when it is possible that business will be received from the House of Representatives.

Senator TRENWITH (Victoria).—I do not propose to offer any objection to the proposed adjournment, but I do think that honorable senators should seriously consider whether the Senate ought not to adopt a different course with reference to what may occur in another place. The Federal Parliament is altogether different from other Parliaments of which we have knowledge, and to the usages of which there appears to be a tendency to bind ourselves.

Senator PEARCE.—I do not bring that forward as a reason for the adjournment.

Senator TRENWITH.—I do not now propose to make any exhaustive speech on this very important question; but I do think that honorable senators should consider whether, in view of the new machinery under which we are working, and the altogether altered conditions of this Parliament, the Senate should not act more independently than second Chambers, of which we have had knowledge in the State Parliaments, have been in the habit of doing. We have, to a greater extent than any of those Chambers, the power of effective initiative, and I think it is somewhat deplorable that we should have been meeting, as we have been for so many weeks, without transacting any business.

Senator MULCAHY.—It is no one's fault this time.

Senator TRENWITH.—I am not blaming any one; and, as a matter of fact, I feel that I can refer to the matter now with greater freedom, because I agree with the honorable senator in that respect. I call attention to what I think is an unfortunate position. I think we have powers in the Senate, if we choose to exercise them, to enable us to carry on legislative business efficiently, without respect to what occurs in another place.

Senator MULCAHY (Tasmania).—I quite agree with what has been said by Senator Trenwith. We expect that work should be provided for us, but the circumstances of the present situation are such

that it is really impossible for the present Government to provide work for us. We have no reason to complain in that respect just now. What I think we may expect from the Government, is that, so far as they can do so without sacrificing public interests, they should consider the convenience of honorable senators who come from a distance, and have, to a certain extent, to neglect their private business. No honorable senator has a right to complain of being brought here as long as there is work to be done, but honorable senators coming from a distance have some right to complain if they are brought here when there is really nothing for us to do. It would have been very much wiser if the introduction of the Bill now before us had been delayed until we were in a position to deal with it effectively. A number of new members have been returned to both Houses, and in common with myself, they would, no doubt, like to be in a position to give a considered judgment on so momentous a question.

Senator DE LARGIE.—Is the honorable senator hinting at another trip round the sites?

Senator MULCAHY.—I do not desire anything of the kind. Probably I know as much concerning the proposed sites as many honorable senators who have visited them, but we have a right to expect that, if there is any expert information on any of the sites available, we should be supplied with it. That is likely to be of very much greater value to us than the recommendations of persons who may be politically interested. We are told that certain information is not likely to be available for a fortnight, and in the circumstances we are justified in asking that the consideration of the measure should be deferred until that information is before us.

Senator Lt.-Col. NEILD (New South Wales).—With reference to the remarks which have been made by Senator Trenwith, I desire to say that I propose deliberately to raise the question of the necessity for the Senate ceasing to sit because of happenings elsewhere. I propose to do that on any motion being made to terminate the business of this Chamber because of something happening in another place.

Senator PEARCE.—Because of something which may happen.

Senator Lt.-Col. NEILD.—No; because of something happening. I wish to make myself perfectly clear. It is on the re-

cords of the Senate that in the past, in consequence of notice of a motion having been given elsewhere, the Senate suspended its sittings. If that sort of thing should occur again, I propose to raise the question which Senator Trenwith has raised, that under the Constitution there is no obligation on the States House to cease its sittings because of something happening in another place. It appears to me that there is a sort of double-barrelled proposition before us at the present time. Senator MULLEN suggests an adjournment over next week, because certain reports are not ready but they will, I understand, be ready next week. An adjournment is suggested in another quarter on the ground that it is unlikely we shall be able to go on with business in consequence of events transpiring elsewhere. These propositions conflict to the extent that if the reports asked for are ready, we may choose to go on, notwithstanding happenings elsewhere. If those reports are not ready, happenings elsewhere apart, we should not be able to go on. It occurs to me that an adjournment over next week might not involve any real loss of time, because even if the reports asked for were available there would be no prospect of our having sufficient business to occupy our time until an important measure reaches us from another place. Consequently, if we do not adjourn next week we may have to adjourn for a week later on, and we might, therefore, as well adjourn over next week.

Senator PLAYFORD (South Australia).—It is a matter of perfect indifference to me whether we adjourn over next week or not. I clearly foresee that in the very near future we shall have to adjourn for a week or fortnight, because we shall have no work to do. It is somewhat farcical, however, to put it forward as an argument for adjourning over next week that we have not been supplied with certain reports in connexion with the Federal Capital sites. If that is a good reason, honorable senators who have already spoken on the Bill have been placed at a disadvantage in having to speak without full information. I point out, however, that the information contained in the report compiled by Sir John Forrest has already appeared in the newspapers and that from the beginning of this Parliament, now over three years ago, we have been deluged with papers in connexion with the Federal Capital sites. We have spent thousands of pounds in securing information on the subject, and the reports obtained

have been so numerous as to be confusing in the highest degree. It would now appear that we still have to discover a suitable site. Bombala is apparently out of it; Tumut has not much show; Lyndhurst is evidently in the background; and what new site is to be recommended no one knows.

The PRESIDENT.—I must ask the honorable senator not to debate the general question.

Senator PLAYFORD.—On the other point referred to by Senator Trenwith, so long as we carry on our work under a system of responsible government, we shall not get a Ministry willing to go on with the work of the Government in the Senate when a motion of no-confidence has been tabled in the House of Representatives. No Government will work for other people. Why should they? If there is a risk that they will be turned out of office, why should they come here and carry on the business of the country in the Senate for some people who are in opposition to them, and who are prepared to turn them out of office and take advantage of the work they have done? That cannot be expected under responsible government. I may say that even at the first Federal Convention my own idea was that we should not have responsible government in the Federal Parliament. I think that view was also entertained by the President of the Senate. I know that we seriously considered the matter with Sir Samuel Griffith and others, and there was then an impression in the minds of many that we could not have a proper federation under the ordinary system of responsible government. My own opinion was in favour of an elective Government, and I have not changed my view from that day to this. The best way in which to conduct the business of the Commonwealth would be to have an elective Government, instead of responsible government by parties, under which we have troubles and intrigues right through the piece.

Senator TURLEY (Queensland).—I also must protest against this proposed adjournment. I do not think it is necessary. The arguments advanced so far are not of sufficient weight to induce honorable senators to adjourn the Senate when there is work to be done. One argument is that the reports regarding the Capital sites which have been laid on the table have not been printed. Nobody requires those reports at the second reading stage. The information is required when we get into Committee, to enable honorable senators to decide on the

particular site to be selected. It is not fair to honorable senators who have spoken on the question to adjourn the Senate for a fortnight. It would be far better, as we have got work to do which, in all probability, would take some time, to proceed next week in accordance with the Sessional Orders.

Senator MULCAHY.—Why not to-morrow?

Senator TURLEY.—Because one Minister and some honorable senators have gone away on the understanding that the Senate would adjourn over to-morrow. Another argument used for a further adjournment is that something may happen next week in another place. But the Senate has no knowledge of anything that is going to happen. Every one knows what is hinted at, but until it is necessary for the Senate to adjourn work can be found for us to do. Thursday next is private business day, and in all probability the motions to be brought forward then will occupy at least one-half of the sitting. The Fraudulent Marks Bill is set down on the paper for its second reading. If we devote Wednesday next to the further consideration of the Capital Sites Bill there will be time for other Bills to be brought forward. I understand from the statements of the Government, that other Bills are ready to be introduced; and if they cannot be introduced in the other House they can be introduced here. There is nothing in the argument that, because some honorable senators live three or four hundred miles away from Melbourne, the Senate ought to be adjourned for fourteen days. They should not be considered to be inconvenienced in having to come here to do the work which they were elected to do.

Senator MULCAHY.—That argument has not been raised.

Senator TURLEY.—The argument was used by Senator Millen that it is not fair to bring honorable senators five or six hundred miles, when there is not enough work to keep them engaged. I am pointing out that the Government are ready to introduce measures which will facilitate the work of the session. For these reasons, I think it would be better for us to adhere to the Sessional Orders while there is work for us to do. When there is no work we can adjourn for any time that may be considered desirable.

Senator DE LARGIE (Western Australia).—It is not often that the Western Australian senators ask for any arrangement to suit their convenience. On this occasion I feel impelled to mention



the position in which we find ourselves. Several of us would like to go to our States to conduct business there. But a fortnight will not allow us sufficient time to go to Western Australia or to Queensland, and remain there long enough to do any business. We should like to have the business of the Senate proceeded with next week, so that the Capital Sites Bill can be passed. Then we might possibly have an adjournment, of, perhaps, three or four weeks. That would enable the Western Australians and Queenslanders to go to their own States and spend a little time there. I am not putting forward any claim of a selfish nature, but we have often studied the convenience of the South Australian and New South Wales senators, and if they can see their way to meet our convenience in this matter, we shall reciprocate on another occasion.

Senator O'KEEFE (Tasmania).—I wish to emphasize what Senator de Largie has said. We have sufficient business on the notice-paper to keep the Senate engaged all next week. When that is disposed of, we may be able to discuss the possibility of an adjournment, which would give the Western Australian and Queensland senators a chance of visiting their homes. In my opinion we should certainly proceed with business next Wednesday.

Senator DAWSON (Queensland—Minister of Defence).—There is evidently a little misunderstanding with regard to the motion before the Chamber. Honorable senators appear to be discussing whether the Senate should adjourn for a week or a fortnight, and not whether the second reading debate on a particular Bill should be adjourned.

Senator DRAKE.—The two things hang together.

Senator DAWSON.—I merely point out that a misunderstanding has arisen. Of course, if the Senate adjourned until Wednesday week, that would cover this motion; but I desire to say that I do not like a long adjournment, and intend to resist any proposition to that effect. I am anxious that this Bill should be made an Order of the Day for Wednesday next. We shall have ample business to do. Prophecies as to storms that may overtake the Government, and lead to disaster, do not affect my mind. Even if those suggestions should prove to be well founded, they merely furnish an additional reason why the Senate should meet next week. If anything over which we have no control should happen in another place, which

would necessitate an adjournment, we will consider it.

Question resolved in the affirmative.

### SPECIAL ADJOURNMENT.

Motion (by Senator DAWSON) agreed to—

That the Senate at its rising adjourn until Wednesday next.

### ADJOURNMENT.

#### REPORTS ON CAPITAL SITES.

Senator WALKER (New South Wales).—I desire to ask the Minister of Defence whether he will kindly see that Mr. Chatterman furnishes reports on Tumut and other sites below the level of 1,500 feet, because the Seat of Government Bill does not say that 1,500 feet shall be the minimum?

Senator DAWSON (Queensland—Minister of Defence).—The desire for information about the Federal Capital sites seem to be omnivorous. Honorable senators have tons of information. They have had reports from surveyors, engineers, experts, and there have been trips *ad libitum*. Yet they want more. The more they get the greater their appetite becomes.

Senator MULCAHY.—We cannot have too much information; it is a very important matter.

Senator DAWSON.—So far as I am personally concerned, I will not agree to a solitary penny more being expended in obtaining information on this subject.

Question resolved in the affirmative.

Senate adjourned at 5.1 p.m.

## House of Representatives.

Thursday, 26 May, 1904.

Mr. SPEAKER took the chair at 2.30 p.m. and read prayers.

### VICTORIAN MAIL SERVICES.

Mr. PHILLIPS.—I wish to ask the Postmaster-General, without notice, if he is aware that a large number of mail services in the State of Victoria, and especially in the mallee and north-western districts, have been curtailed through the Railway Department discontinuing the running of a number of trains. Will he endeavour to

range for mails to be carried by the special goods trains which are daily being run on many lines, as the Railway Department at present refuses to carry mails by these special goods trains?

Mr. MAHON.—I am aware that many of the Victorian mail services are being curtailed through the discontinuance of trains in some of the country districts. I do not know how far the powers of the Commonwealth extend in the direction of enabling us to require the Railway Commissioners to carry special mails by the goods trains to which the honorable member refers, but an inquiry into the matter will be instituted at once, and an effort will be made to come to a satisfactory arrangement with the Railways Commissioners.

#### FREMANTLE FORTIFICATIONS AND POST OFFICE.

Mr. CARPENTER.—A short time ago Inspector-General Owen was sent to Fremantle to report as to the best site for a post-office in that town, and also in regard to the question of fortifying the place. Have his reports yet come to hand, and, if so, will the Minister of Home Affairs make them public?

Mr. BATCHELOR.—The reports have been received from Colonel Owen, and the honorable member can see them if he desires to do so.

#### STATISTICAL DEPARTMENT.

Mr. WILKINSON.—I wish to know from the Minister of Home Affairs if it is the intention of the Government to establish in the near future a Commonwealth Statistical Department. If so, will the honorable member tell us approximately how soon action will be taken in that direction?

Mr. BATCHELOR.—I cannot tell the honorable member when the Government propose to take over the Statistical Departments of the States, but detailed estimates have been prepared as to the cost of a Commonwealth Statistical Department, and these estimates will be submitted to the Cabinet very shortly.

#### PAPERS.

MINISTERS laid upon the Table the following papers:—

Transfers approved by the Governor-General under the Audit Act, financial year 1903-4, dated 23rd May, 1904.

Papers relating to the proposed erection of a new post-office at Wolloongabba.

#### LT.-COL. OUTTRIM.

Sir JOHN QUICK asked the Postmaster-General, *upon notice*—

Whether the Deputy Postmaster-General of Victoria has been censured by him for illegal acts, or for indiscretion only, and what is the nature of the illegal acts or indiscretion alleged?

Mr. MAHON.—The answer to the honorable and learned member's question is as follows:—

The Deputy-Postmaster-General of Victoria has not been censured by the Postmaster-General, but his action in certain respects has been criticised, and he has been instructed as to the manner in which some of the duties devolving upon him should be carried out.

#### AUSTRALIAN FLAG.

Mr. CROUCH (Corio).—I move—

That, in the opinion of this House, the Australian Flag, as officially selected, should be flown upon all forts, vessels, saluting places, and public buildings of the Commonwealth upon all occasions when flags are used.

Mr. O'MALLEY.—The honorable member should include the public schools.

Sir JOHN QUICK.—The Commonwealth has no control over the public schools.

Mr. CROUCH.—No doubt honorable members will be surprised to learn that it was necessary to place a notice of this motion upon the business-paper, and that a resolution of this House must be passed to require to be done by the Government something which it is only right and proper should be done. They are aware that, at the request of the King, designs for a Commonwealth Flag were asked for by the first Commonwealth Administration. Prizes, amounting to £75, were offered to successful competitors, and designs were invited from the citizens of the Commonwealth and of the adjoining Colony of New Zealand. Ultimately, the prize-money was divided among five competitors, who, strangely enough, all sent in the same design. The designs submitted were then publicly displayed in the Exhibition Buildings at Melbourne. To the opening of this display not only were members of the then first Commonwealth Parliament invited, but invitations were extended to many of the prominent citizens of Melbourne, and additional prestige was given to the event by asking the wife of the Governor-General, the Countess of Hopetoun, to formally declare it open. After considerable delay, it was announced in the press and in the *Commonwealth Gazette* that a design had been chosen, and, after further delay—as I could not understand why, since

Ministers had selected a flag, it was not being flown from the public offices—I asked two questions upon the subject, which were reported in *Hansard*. The first question was asked on the 21st November, 1901, and was addressed to the then Prime Minister, now his Honour Mr. Justice Barton. His reply was that the matter was still before the Colonial Office. Then, on the 30th July, 1902, I addressed another question to the honorable member for Ballarat, because the flag had not even then been used; and I was told that its use was still unauthorized. But, because of the attention directed to the matter by my questions, a cablegram was sent to the Colonial Office, with the result that shortly afterwards the selected design was gazetted, and a coloured copy of it, together with a full official description, was printed and circulated with the *Commonwealth Gazette*. I was then informed, as will be seen by reference to *Hansard*, that the selection of the design had been made by the Ministry at the request of the Imperial authorities, and that the design accepted and authorized was the official Australian flag. Since then the position has been that the Ministry have had a flag, but have not known what to do with it. Possibly the members of the late Administration were rather sorry that they had anything to do with the matter, because they saw that, if the official Australian flag were used, it would have to be flown from the ships of the fleet paid for and controlled by Australia, while the British flag would be flown from the vessels partly paid for by Australia, but entirely under Imperial control. It seems to me that the fact that this distinction will have to be made has kept the Government from insisting upon the flying of the flag from vessels like the *Cerberus*, the Victorian gunboats, and other vessels of war owned by the Commonwealth, and it has been rarely flown even from our public buildings. When at any military function the Military Forces of the Commonwealth are marched past a saluting base to salute the flag of their country, the Australian flag is always conspicuous by its absence. Whether that is due to the fact that the General Officer Commanding is an Imperial officer, and would not stand under the Australian flag, I am not prepared to say.

Mr. WILLIS.—The Union Jack is there, and is honoured all the same.

Mr. CROUCH.—That is so; but it should be remembered that the Australian

flag bears the Jack, and there is no idea of separation involved in its use. By the Jack in its corner it symbolises the history of the old country, whilst, in addition, we have the States symbolised by distinctive stars, and the Commonwealth itself symbolised by the larger star underneath them. When we have an Australian flag, it is difficult to understand why it should not be used. I have experienced a good deal of difficulty in my efforts to induce the Department to take any step in regard to this matter. Before I gave notice of the motion I am moving to-day, I tried to get the Department to take action. I wrote first of all to the then Prime Minister on the 16th April, 1903, calling his attention to the fact that a flag other than the Australian flag was flown at the recent military encampment, and on the ships of the Auxiliary Squadron during the Easter naval manoeuvres, and that the Australian flag was conspicuous by its absence. I received a reply from the Secretary to the Prime Minister, which I shall read to the House, in order to show the position the Government took up in the matter:—

Dear Sir,

I am desired by the Prime Minister to acknowledge your letter of 16th inst., calling his attention to the fact that a flag other than the Australian flag was flown at the recent military encampment, and on the ships of the Australian Auxiliary Squadron during the recent Easter manoeuvres.

In reply, I am desired by the Prime Minister to say that his attention has not been previously drawn to the fact mentioned by you, into which he will make early inquiry.

With reference to the fact that the Australian flag is not flown on the ships of the Auxiliary Squadron, the Prime Minister desires me to point out that, as these ships still belong to the British Navy, and that only a proportion of the cost of maintenance is borne by the Commonwealth, it is hardly a matter for surprise that the British flag is flown on these ships.

I am, &c.,

T. R. BAVIN.

Although that letter is dated from Sydney, 24th April, 1903, in the *Commonwealth Gazette* of the day after there is published an order directing that the Royal Standard is the proper flag to be flown over all the forts of the Commonwealth and over Commonwealth buildings.

Sir JOHN FORREST.—That is done throughout the Empire.

Mr. CROUCH.—Although the Prime Minister of the day stated in reply to me on the 24th April that the matter to which I directed his attention would be considered, the late Minister of Defence—the right honorable member for Swan—on the

25th April issued an order in the *Commonwealth Gazette* directing that the Royal Standard was the only flag to be hoisted over all the forts in Australia—the only flag to be recognised by the Commonwealth Government in forts maintained entirely by Australian money.

Sir JOHN FORREST.—On certain days?

Mr. CROUCH.—On any and every day. In consequence of the issue of the order, I wrote to the Prime Minister on the 28th April, 1903, as follows:—

Dear Sir,

I am obliged to you for your letter of the 24th inst., promising early inquiry into the non-use of the Australian flag on Australian forts and ships; and would be glad if you would also direct your attention to a *Gazette* announcement, 1903/253, where the Right Honorable the Minister of Defence, only the day after the date of your letter, the 25th April, issued from the Department of Defence an order from His Excellency the Governor-General in Council for the use on sixteen forts therein set out of the Royal Standard and the Union Jack, with full details of their use, and containing the statement that they are to be used in certain cases daily and in other cases on Royal anniversaries and State occasions, the official Australian flag not even being mentioned. As it is possible that the Defence authorities consider the Australian flag a kind of inferior ensign, to be used only upon occasions when it suits the official mood, you will doubtless take into consideration this *Gazette* notice when dealing with the whole question.

No reply was received to that letter, and I wrote again, and on the 18th September, 1903, I was informed by the Secretary to the Prime Minister that the whole matter had been referred to the Defence Department. I knew what that meant. The matter is still before the Defence Department, and remains there in what may be considered a proper grave for the interment of all questions which another Department finds it inconvenient to answer, unless this House is induced to pass some such motion as that which I submit to-day. Seeing that a new Ministry had come into power, I wrote on the 20th of January, 1904, to the then Prime Minister, the honorable and learned member for Ballarat, in these terms:—

Dear Sir,

I wrote your Department on the 24th April last, drawing your attention to the fact that the selected Australian flag now officially approved in London, was rarely, and on many occasions never, flown from the Commonwealth public buildings and ships; and, further, in a letter dated 28th April, 1903, called your attention to the *Commonwealth Gazette* announcement 1903/253, in which the use of that flag on the Australian defences was completely ignored.

On the 18th September last I was informed that you were obtaining a report from the Defence Department on the matter, and were giving the whole subject careful consideration.

I would be obliged if you will inform me if any decisions which we can make public have yet been arrived at by you; and when we can expect the Australian flag to be used in the Commonwealth by the Commonwealth authorities.

Again I was promised further consideration. The Secretary to the Prime Minister writing me as follows on 26th January, 1904:—

I have the honour, by direction of the Prime Minister, to acknowledge the receipt of your letter of the 20th inst., with further reference to the question of the Australian flag being used in the Commonwealth by the Commonwealth authorities, and to inform you that the matter will receive early attention.

It is still receiving early attention, and unless honorable members agree to pass some such motion as I submit, it will be impossible for the Australian flag ever to be used. It appears to me that it was but a farce to have adopted an Australian flag, unless the Government of the Commonwealth intend to use it upon suitable occasions. I must say that the late Government under the honorable and learned member for Ballarat, proposed the use to a certain extent of the Australian flag. In the Navigation Bill which they introduced, and which I understand is now withdrawn, they had inserted a clause by which it was provided that the flag of ships registered in Australia was to be the English ensign, with the southern cross and a large star. That was a proposal to adopt the Australian flag for Australian-owned ships, and if it is to be adopted, for use by Australian ships, it is a pity that it should not also be used in connexion with public services of the Commonwealth. If there is one feature connected with American school life, which I think might be very properly adopted in Australia, it is the institution of the National Flag Day, when the children are taught lessons on patriotism, what the flag of their country stands for, and what certain institutions mean. The late Senator Sir Frederick Sargood did his best to introduce that feature in Victoria by presenting flags to all the State schools. It is a pity that when children attending State schools in Australia ask what is the Australian flag, they should have to be told that, although one has been selected, the Minister of Defence is frightened to use it. Perhaps I should not say frightened; but Ministers have objected to use it, have ignored it, and treated it with contempt.

instead of recognising it as the emblem of the Naval and Military services, and thus conferring upon it the most honorable associations. I trust that the House will agree to the resolution, and that our flag will be accorded the position to which it is entitled.

Mr. WILLIS (Robertson).—I think that the House is very much indebted to the honorable and learned member for Corio for bringing forward this question. Judging from the correspondence in which he has been engaged, it has occupied a good deal of his attention. I think I remember some previous reference to the matter in this House. I suppose that one of the reasons why the Australian national flag has not been flown from our buildings is that a very long time elapsed before the Imperial authorities extended their approval to the design which was adopted by the Commonwealth Government. I think that the Australian flag should be flown upon all Commonwealth buildings, and that we may reasonably ask the Prime Minister to see that in future our flag is accorded the chief place upon all great occasions. It is only proper that it should also be flown from the ships maintained by the people of Australia. The fact that it has not been so displayed in the past is probably due to the circumstance that the officers of the Navy feel that there is nothing like the flag under which they have served in the past. They have, however, a duty to perform to the Commonwealth, and they should discharge their functions under the conditions laid down by the Commonwealth Government. Even though our naval policy may be changed, I think the Prime Minister should take steps to insure that our flag is always accorded a prominent place, and that the youth of Australia are taught to pay it as much respect as has hitherto been accorded to the Union Jack. We have adopted the Union Jack as part of the design of our national flag, and upon the face of it also appears a representation of the Southern Cross, and a six-pointed star, which is intended to indicate the number of States in the Federation. It seems to me that the officials of Downing-street have been too tardy in their recognition of the national spirit which Australians have shown in adopting a flag which is intended to be emblematical of the Federal Union, and I trust that the Government will do their best to correct their errors of omission. I have very much pleasure in supporting the motion, and desire to express my personal

thanks to the honorable and learned

member for Corio for having submitted it. The correspondence which he has quoted shows that he has treated the authorities with every courtesy and respect, that he has thoroughly investigated the matter, and that his proposal is entitled to the fullest consideration.

Mr. FOWLER (Perth).—I agree with the previous speakers as to the desirability of having the Australian flag displayed upon our public buildings upon all suitable occasions. Perhaps one reason why we have not seen the flag displayed to the same extent that some of us would have liked is that its design is not one of which we can feel very proud. Personally, I have looked at the flag time and again, and have felt almost disgusted, because, unless there is a very strong breeze blowing, the distinctive portion of the design is all but invisible; at any rate, its significance is hidden. I do not presume to say what design should have been adopted, but I think that we have been most unfortunate in selecting the commonplace emblem which typifies the Commonwealth in that flag. At some future time, probably not very far distant, the States will be further subdivided, and I should like to know what will then happen to that particular star which is intended to represent the number of the States.

Mr. WILKS.—We could make of it a circular saw.

Mr. FOWLER.—As the honorable member suggests it would become not unlike a circular saw, or a childish representation of the moon. Whilst we may decide that the Commonwealth flag shall be adequately displayed, I think that the Government might very well consider whether the design should not be submitted to experts, with a view to making it distinctly Australian, and of a design which will lend itself to possible, and, in fact, very probable, developments in the near future. I believe in the principle of the referendum as applied to matters upon which the people are able to form an accurate opinion, but I do not think that the people themselves desire to take such a matter as this out of the hands of experts. The method adopted by the late Government, in order to secure the adoption of the design, appeared to me to be almost childish. The flag selected, in an almost similar manner, under the auspices of a Melbourne newspaper, is, to my mind, vastly superior to that which has been

adopted. It is a matter of common knowledge that a number of prizes were offered by the Government for suitable designs for a national flag, and I shall never forget the feeling of amusement with which I inspected the work of the competitors. It showed conclusively that in asking the general public to express their ideas upon a subject concerning which they were not competent to form a sound opinion, an entirely wrong course had been adopted. To my mind the most artistic flag of the whole of the Australian States is that of Western Australia. At the same time I do not urge for one moment that the symbols upon that flag should be given any special prominence in the Commonwealth flag. Next to the Western Australian design, the prettiest and the most distinctive flag from a heraldic stand-point is that of New South Wales. The fact that New South Wales is the mother State, and that when her flag was adopted it was practically the flag of Australia, is quite sufficient in my mind to justify the Government in adopting it as the flag of the Commonwealth. In that emblem we have the Southern Cross depicted in the conventional form, which I take it is a better method of representing it than the Victorian method of reproducing it in its accurate astronomical form. Personally I take special exception to the enormous star which appears in the Commonwealth flag beneath the Union Jack, and which, I have no doubt, causes in the minds of many who see it for the first time a great deal of wonderment regarding the particular portion of the firmament from which the constellation has been copied.

AN HONORABLE MEMBER.—It is a star of the first magnitude.

Mr. FOWLER.—Undoubtedly. It is a star of such magnitude that it dwarfs the Southern Cross—which in itself is composed of stars of considerable dimensions—to very small proportions indeed. In fact, the whole design of the flag is puerile. I trust that the Government will reconsider this matter, and that, as a result of their deliberations, we shall secure a flag the design of which will be at once more handsome and more significant from an Australian stand-point, and which will, at the same time, lend itself to possible developments in the future.

Mr. WATSON (Bland—Treasurer).—I must confess that I have not looked into this matter very carefully, having been busily engaged with other affairs for some little time past. Consequently, I am not

prepared to definitely state the opinion of the Government regarding the whole of the suggestions made by the honorable and learned member for Corio. One difficulty, however, presents itself to my mind, which would prevent the Government from giving effect to his proposal to fly the Commonwealth flag upon all vessels. As it is framed, his motion seems to refer only to vessels of the Commonwealth, but from his speech I gathered that he intended it to apply to vessels of the Australian Auxiliary Squadron.

Mr. CROUCH.—No, I said that we could not fly the flag upon them.

Mr. WATSON.—I beg the honorable and learned member's pardon. I was under the impression that he advanced the opposite contention. Personally, I think there is every reason why the Australian flag should be flown upon all Australian-owned vessels. I quite agree with the views which have been urged by the honorable member for Perth regarding the undesirable character of the design of the present flag. It does seem to me that though it includes the Southern Cross it does not adequately symbolize our national life, and that it is not sufficiently indicative of Australian unity. Before we take any steps in the way of displacing upon our forts a flag of which we are all proud—I refer to the Union Jack—we should secure a design which is more in accord with the views of those who have taken the trouble to carefully examine this question. One thing, however, might be done. I am informed upon a hurried inquiry that so far no instructions have been issued that the Australian flag shall be flown upon all public buildings of the Commonwealth on holiday occasions, or when they are decorated. I think there should be a clear understanding that upon Commonwealth buildings the Australian flag should occupy the pre-eminent position on such occasions.

Sir PHILIP Fysh.—What about the Royal Standard?

Mr. WATSON.—I confess that I am not learned in these intricacies, but I understand that the Royal Standard is used only upon special occasions, when of course it would take precedence over the Australian flag. Upon all ordinary gala days, however, the Australian flag should be given pre-eminence. A copy of the warrant issued by the Lords Commissioners of the Admiralty authorizing the flag—adopted as the merchant flag of the Commonwealth—to be

flown by vessels registered in the Commonwealth, was gazetted on the 8th August last. Copies of the *Gazette* notice were sent to the Premiers of all the States, to the Departments of Trade and Customs, Defence, and Postmaster-General, on the 17th August. If no instructions have been issued for the Commonwealth flag to be flown upon all public buildings under Federal control, I will see that they are issued. It is not an urgent matter, but the Government and Parliament might very well consider the wisdom of substituting a more distinctive design for a national flag than that which has been adopted. I have no objection to the motion but before effect is given to it, the question of whether we should continue to use the present flag, or adopt another which in our opinion is more appropriate, should receive serious consideration.

Sir JOHN FORREST (Swan).—I am inclined to agree with the Prime Minister that the present flag is not a very striking one. When viewed from a distance, one cannot distinguish the distinctive emblems upon it, and the large star does not look like a star, but looks like a sphere. I think that we ought not to deal with this matter with unnecessary haste. I am unable to say at present what Statutes or Royal Warrants relate to the flying of flags in the Commonwealth, or whether we have any law on the subject. There may be an Imperial Statute governing the floating of flags over ports and other military and naval establishments.

Mr. WATSON.—There is a measure relating to the flying of flags on British vessels.

Sir JOHN FORREST.—We all desire that the Australian flag, once selected, shall fly over all Commonwealth buildings; but we should deal cautiously with this proposal.

Mr. FOWLER.—Is there any danger of the Imperial authorities sending the Prime Minister to gaol in this connexion?

Sir JOHN FORREST.—No; but I am sure that the honorable gentleman desires that all our proceedings shall be transacted with due regard for order. I would suggest that the motion be not pressed. If its consideration were postponed for two or three weeks, the Prime Minister would have an opportunity to make enquiries that would be of assistance to us on the resumption of the debate.

Mr. CROUCH.—I wrote on various occasions to the Ministry with which the right honorable member was associated in regard to the question.

Sir JOHN FORREST.—But the matter is now before Parliament, and, therefore, in our own hands. I have no distinct recollection of what was done in reference to it during my term of office as Minister of Defence. It is plainly necessary that we should ascertain what authority we have for the flying of flags before coming to a decision on this matter.

Mr. CROUCH.—We have the authority of our own right.

Sir JOHN FORREST.—The matter is, no doubt, governed by some Statute or Royal Warrant. The Governors of the various States receive instructions as to the flags that are to be flown over public buildings on certain days. On the birthday of the Sovereign, for instance, the Royal Standard is flown, while in connexion with certain other celebrations, the Union Jack sometimes bearing the badges of the States, is hoisted. We should not deal with the matter until a full inquiry has been made, and I would therefore move—

That the debate be now adjourned.

Mr. SPEAKER.—The right honorable member having spoken, cannot submit that motion.

Debate (on motion by Mr. WATKINS) adjourned.

#### COMMONWEALTH COINAGE.

Mr. G. B. EDWARDS (South Sydney).—I move—

That, in the opinion of this House, the Attorney-General should introduce the necessary legislation to give effect to the recommendations contained in the report of a Select Committee on Commonwealth Coinage and Currency, adopted by the House on 19th June, 1903.

I rise to again address myself to this important question, with not only a natural inclination, but a sense of public duty and a desire to comply with my election pledges. In returning to the subject it will be necessary for me to go over much of the ground that I traversed when the report of the Committee was last before the House, inasmuch as since then there has been a general election, with the result that we have many new members whose opinions in reference to this subject are entirely unknown to me. It is my desire that the question should be definitely settled by legislative action, and I feel constrained to put the case as embodied in the report of the Select Committee as clearly as possible before those who were returned at the last elections, and to revive the strong interest

which was shown in the question by honorable members of the last Parliament. I may be pardoned for expressing the belief that the question is of far more importance than that which has engaged our attention during the last two weeks. In many respects that debate has been marked by some of the characteristics of the discussions of the ancient schoolmen on such questions as "How many angels could dance on the point of a pin?" and other matters of that kind, to which the old Aristotelians used to devote their spare time. I trust that the consideration which will be given to this subject will bear as much relation to those discussions as does the Baconian philosophy to that of Aristotle. We come now to a question which is to be considered in the light of the philosophy Bacon brought into being—the science which resolves everything from fact, and judges everything by the fruit it will produce. Whilst we have been engaged during the last week or two in the consideration of a very serious matter, it seems to me that we have been somewhat discursive, and have certainly failed to come to a definite conclusion. I hope that the debate on this motion will be concise, and that as the result of it we shall arrive at a definite decision. When the question was previously under the consideration of the House, the late Treasurer remarked that if a report of a Select Committee was adopted by the House it was usual to give legislative effect to it, and that the adoption of the Coinage Committee's report would necessarily mean the introduction of a Bill. But such are the exigencies of public life that Ministers very frequently do not give effect to the expressed will of the House in reference to matters of this kind. I am supported not only by the manner in which the report was received by the last Parliament, but by what I believe to be a very general belief on the part of the public, that legislative effect should be given to it. Earlier in the session—before the present Ministry took office—I asked the late Prime Minister what despatches or other information bearing on this subject had been received from the Secretary of State for the Colonies, or from any other source. I wished to know whether the Government had communicated with the authorities with a view to carry out the various suggestions contained in the report, and whether they had applied for information, as suggested by the Select Committee, in regard to the minting of the coins that would be neces-

sary under the proposed system, at such places as Birmingham and other cities where they are turned out by the million to the order of various Governments. There may have been some well-grounded Ministerial objection to the production of this information, and the late Prime Minister certainly took up the stand that the time was not ripe for the presentation of the despatches and other information which he admitted had been received. Now we have a new Ministry, and probably in the course of the discussion which may take place, some member of it may see fit to reveal the nature of these despatches and other communications, and so assist us in coming to a conclusion upon the matter. I have alluded to what I believe to be a definite growth of public opinion in the direction of the adoption of a system of decimal coinage, and certainly in favour of coining our own silver and bronze, and retaining the immense seigniorage or profit to be made thereby. I have noticed from time to time, by what I have read in the daily press, as well as in special publications such as banking and insurance magazines, that considerable interest is being taken in this question; and although the Committee could not obtain from bankers and others in their representative capacity any indorsement of its views, I find that many bankers individually are strongly in favour of them. They see the immense saving of time that could be effected by the adoption of the decimal system, and know of no reason why this new nation of ours should not have the advantages which are to be obtained by coining its own money. The late Treasurer told the Committee that the difficulty was to get the ordinary working people to take an interest in the subject; but, contrary to that opinion, I find that the working classes take a much keener interest in it, understand its details better, and appreciate the many advantages to be gained from the system much more highly, than do the better educated classes. That they have taken a real practical interest in it is evidenced by the attitude of the many meetings I have addressed, and by the many letters which I have received from working people and bodies representing them. The electoral division which I represent contains probably one of the largest aggregations of working men in the Commonwealth, and there the question has been received with a good deal of interest, and my action in connexion with it certainly indorsed. I feel sure that at the late



elections I received considerable support because of what I had done in securing the appointment of the Committee which reported in favour of the adoption of a decimal system of coinage. I should like now to refer very briefly to the Committee's report, because, although the matter has been gone into before, there are now many new members present whom I wish to interest in it. I hope that they will read the document, and thus prepare themselves to come to a conscientious conclusion on the whole subject. The Committee was one of the most impartial bodies that was ever got together in any Legislature. When I first moved in the matter, the members of this House were, to a very great extent, unknown to each other. I was not then personally acquainted with more than two of the members of the Committee, and it was with a certain amount of difficulty that I succeeded in getting together the requisite number of men to serve upon it. Those appointed came from different parts of the Commonwealth, and represented diverse interests; and any one who goes to the trouble of examining in detail the somewhat voluminous report and minutes of evidence will see every indication of an honest and conscientious discharge by them of a public duty. The members of the Committee came together with no preconceived ideas. Of course, I myself had a most definite opinion of the advantage of the decimal system of coinage, and of the profit to be gained by coining our own silver and bronze; but the members of the Committee as a whole had, I think I can say, no preconceived notions, and there was no general determination to report in favour of or against the decimal system. The Committee sat for a considerable length of time, and took all the evidence it could. I regret that that evidence is not so voluminous as it might have been. It does not contain the opinions of as many public commercial institutions as I should like to have had; but that was no fault of the members of the Committee. We went to no end of pains in order to accurately gauge the average opinion of institutions representing various commercial and industrial interests, but with very inadequate results. The difficulty was that most of the representatives of banking and other companies were unable to speak in their representative capacity, as the matter had not been formally discussed by the members of their corporations. But our report has led to the consideration of this matter by such bodies,

*Mr. G. B. Edwards.*

and there is a growing conviction on the part of their members in favour of the reform which I am now endeavouring to get honorable members to indorse. The corollary of this reform, the adoption of a decimal system of weights and measures, will introduce itself at every stage of the argument, although we may try to keep it out as not having been included in the reference to the Select Committee. One of the great arguments used against a reform of the coinage is that it has not been proposed to accompany it by a similar reform of our system of weights and measures, many people contending that the two reforms should go together. I shall deal with that question somewhat later. I wish now only to refer to the fact that, in the interval between the adoption of the Committee's report by the last Parliament and to-day, there has been a great advance in the opinions of the English-speaking world on the subject of the adoption of a decimal system of weights and measures. Some two years ago the Parliament of New Zealand passed an Act making the metric system compulsory there after the year 1907, upon the giving of twelve months' notice by the Administration then in power. The Executive can, at any time after the 1st January, 1907, by giving the requisite notice, make the use of the metric system of weights and measures compulsory throughout New Zealand. It was the regret of many of the members of the New Zealand Parliament, when the measure was under consideration, that that Colony had not done what we here were trying to do, and secured a reform of the coinage in the first instance. Then, at the last Conference of the Premiers of the scattered British possessions which assembled in London under the presidency of the Right Honorable Joseph Chamberlain, the question of the adoption of a decimal system of measures was brought forward, and it was resolved that it would be desirable for the representative men composing the Conference to consult their States as to the best system to be adopted. The representative of the Commonwealth complied with that resolution, and this Parliament forwarded to the Secretary of State for the Colonies a resolution strongly favouring the adoption by the Empire of a decimal system of weights and measures. The decision of the Conference was followed up by the Colonial Office issuing letters to various Governors and representatives of the Crown, advising them to inquire

whether the authorities in their States and Colonies would favour the introduction of such a system throughout the Empire. I have had an opportunity of perusing the various replies, and a great deal of other information which I regret to say I have not at my disposal in Victoria, as I was not aware that the question would come up for consideration to-day. These replies received from so many British possessions are distinctly in favour of the decimal system of weights and measures, and, although it was not a part of the inquiry, in many instances they express a very strong desire to see it accompanied by a reform in the direction of the decimalization of money. This bears out the contention of the members of the Select Committee, when the matter was previously before the House, that it is inevitable that something will shortly be done by Great Britain and her numerous dependencies towards adopting the decimal system. The decimalization of British money must come, and there is only one way in which it seems to me it can be decimalized—that is by the method we are asking this Parliament to adopt for the Commonwealth. The Committee having, in an impartial way, taken all the evidence which could be obtained, and having consulted all the authorities to be found in the libraries, and in the archives of the Colonial Governments, came to the conclusion that it was eminently desirable to retain for the Commonwealth all the profit and advantage of coining its own silver and copper coins, and that when this proposal was being put into operation, to reap the considerable advantages to which I shall refer later on, we should make use of the opportunity to adopt the decimal system. The members of the Committee were unanimous in determining that no other system offers such advantages as does the decimal system. As a matter of fact there is no other system in the world. The other so-called systems of money are really not systems at all. They are the growth of accident, never having been thought out or directly adopted as systems. On the other hand the decimal system never originated anywhere by accident. It is a true system, because it was planned by the human mind, before it was put into operation. The members of the Committee were convinced, as have been the majority of people everywhere in the world where the subject has been discussed, that the decimal system is not only the best, but the only system. The Committee were then faced by a difficulty as to which of the many possible decimal

systems they should report in favour of. We had to consider long, and carefully weigh the merits of the different systems in force to-day. The subject has been considered by many Conferences of the nations, but they have all been unable, so far, to arrive at what may be called a “universal” system of money. Any one who gives the consideration to the question, which I and others have given to it, is compelled to admit that no such thing is necessary. Universal money would not give us a single advantage that I can see, except that of assisting slightly commerce in a large way between nations by saving time in effecting translations of money. But for the operations of 999 people out of 1,000 universal money would be of no advantage over any other system. The decimal system, no matter which is adopted, gives a distinct advantage to everybody who handles money, and that is to everybody who lives. When we came to discuss the different decimal systems we had to consider, the United States system of the dollar, divided into 100 cents; the system adopted by the Latin Union, originating in France, of the franc divided into 100 centimes; and also the decimal systems in operation in Germany and elsewhere. We had further to consider the decimal system that had been proposed in Great Britain. There were probably two or three slightly differing systems proposed in Great Britain, and we were forced to recognise the advantage of the definite millesimal division of the sovereign—that is, its division into 1,000 parts. The Committee, after long consideration, were forced to the conclusion that, by reason of our connexion and trade with the home country, the use of the sovereign in all our transactions, its world-wide celebrity and great credit, and the fact that all our records are being kept in pounds sterling, representing sovereigns, they must report in favour of that system which had been demonstrated to be not only the best, but the only system for Great Britain. We all believe that that system will ultimately be adopted by Great Britain. We therefore reported in favour of keeping as the gold standard and base of the Commonwealth coinage the existing British sovereign divided into ten florins. Under the system proposed the shilling would no longer be recognised by name as a shilling, but would become half-a-florin, and the sixpence would become a quarter-florin. When we left the sixpence, and came at last into the region where we had to make changes, we found

that we could not retain, except temporarily, the existing threepenny piece, because it is not a decimal part of any of the preceding coins. We had, therefore, to recommend a smaller coin the tenth of a florin, and another coin, a tenth of that again, which would give us a coin a little less in value than the existing farthing. This scheme for decimalizing British money is one which makes the least change, and creates the least friction. Those who have argued against the proposals of the Committee have said—"You get rid of the penny; we could never stand that. We believe in the decimal system, and that it is the best system to adopt, but we must not get rid of the penny." It is submitted that the penny is in such general use that we have penny stamps, penny fares, a penny box of matches, and a thousand other things which can be bought for a penny. But the people who argue so strenuously against getting rid of the penny, and at the same time say that they are strongly in favour of adopting a decimal system, must admit that they cannot get a decimal system without altering some of the coins in use under the present scheme. If we were to retain the penny or the half-penny as the basis of our system, we should have to alter the sovereign for some other coin, and the florin and the shilling could not remain under a decimal system based on the retention of the penny. So that it will be seen at once that any idea of retaining the penny would involve a much greater alteration than the retention of the sovereign. The sovereign is intimately associated with our history, and in our records and statistics values are expressed in sovereigns. It is well known that it was owing to the desire to ultimately decimalize the sovereign, that the florin was introduced by the British Government, and a resolution was passed a little later in the British House of Commons requesting the Crown to immediately complete that decimal division, by adopting the very coins which this Committee recommended. I think it will be admitted that the recommendation of the Committee presents, not only the simplest and easiest way of obtaining a decimal system, but also the only possible way that will ever be taken into consideration in the old country. Therefore, in order to keep ourselves in line with the inevitable trend of events in the mother land, it will be best for us to adopt the proposed reform. As I have said, the report was adopted in this House

*Mr. G. B. Edwards.*

by a majority of only three. That was : small majority having regard to the importance of the report, but when a matter of this description is taken up by a private member, it has a very small chance of securing the consideration which might be given to it if it were made the subject of a Government measure. It is well known to honorable members who sat in the last Parliament, that when we dealt with private business on Fridays, a number of members left for their homes on Thursday, and consequently private business was always dealt with in a more or less thin house. Judging from a personal canvass of the absentees, however, I believe that a much larger majority than was indicated by the result of the division would have been in favour of the proposals of the Committee in a full House. I think that I may say, without any breach of that respect for private conversation which should prevail, that two, or probably three, of those honorable members who voted against the report have since admitted to me that they were strongly in favour of the Committee's recommendations, and have expressed the view that I should continue to press for the reform. They did not, however, consider that they were justified in further incommoding the Government, which was already staggering under the large amount of work it had to perform. Most of the objections urged at the time were expressed by the late Treasurer, some of whose arguments answered others advanced by him. For instance, the right honorable member said that there was no advantage in a decimal system, and that no saving would be effected in the education bill of the nation. It will be recollected that the Committee pointed out that we might save considerably upon our education bill by adopting a decimal system. The right honorable member denied this, but towards the close of his speech, as reported in *Hansard*, page 900, he appealed for time for consideration and discussion—

in order that the people may be taught that the benefits to be derived from the simplicity of keeping accounts and the lesser schooling required will compensate them for the losses they will have to submit to in the first instance.

The right honorable gentleman thus answered one of his own objections to the scheme. Then, again, after saying that there was no advantage whatever to be derived from the adoption of the decimal system, he remarked—

Let me say that among all the schemes I have seen I think the American is the best and

e simplest. There can be no question as to simplicity. If any change were made I could much prefer the adoption of the United States of America's system to that proposed by the Committee; but we cannot do away with the sovereign.

If it is desired to retain the sovereign, as recommended by the Committee, it will be impossible to adopt the American system. The right honorable member said, further—

In the United States they have five, ten, twenty-five, and fifty cent pieces, while the dollar piece, which has been mentioned, is not very often used. They work out their calculations at so many dollars and so many cents, and the whole system is very simple. It has been well put by some of the witnesses, whose evidence I shall quote for the benefit of honorable members.

What I should like to point out is that all the manifest advantages of the system of the United States would be secured by the adoption of the scheme recommended by the Committee, the only difference being in the name. The right honorable member stated that in the United States they had the dollar, which was divided into 100 cents, and that their system was very simple. If the recommendation of the Committee were adopted, we should have a florin divided into 100 cents. The cent would not be the one-hundredth part of a sovereign, but the one-hundredth part of a florin. The idea was that the florin would ultimately become the dollar of the Commonwealth and of the Pacific. There were very good reasons for taking that ground. The right honorable member admitted that the dollar was not carried in America. It is too unwieldy a coin to be carried about, and the only coin really in use in America is the half-dollar piece. The same remarks apply to Canada. The half-dollar is the nearest equivalent for the florin, which the Committee are proposing to divide into 100 parts. On the other hand, if we turn to the Latin Union system, we have the franc—a coin rather smaller than our shilling—which is used as a standard of value, but which is really too small for that purpose. In the florin we have a happy mean between the too heavy dollar of the United States, and the too small franc of the Latin Union. We should have a coin which could be carried with facility, and one in which we could express values with much more readiness than if the franc were employed as a standard. All the advantages enjoyed under the United States system would be conferred upon us if the system recommended by the Committee were adopted. It

does not matter what coin is made the standard so long as it is a convenient one for carrying, and can also be used as the leading coin of account. If accounts are to be made up in dollars, that coin should be of such a size that it can be conveniently carried about, and I think that the Committee did well to adopt the florin as the standard coin of the new system. As was pointed out by some critics in the press, the system contemplates the division of the florin, and not of the sovereign, into 100 cents. "Why should you say that your system is based on the sovereign?" they ask. It may appear a little inconsistent, but it is plain that the florin is intended to be the central coin of that system. The reason for retaining the sovereign as the standard is to disarm the ridiculous suspicion that, in favouring the coinage of silver, the Committee were endorsing bi-metallism. If we told people that the florin was to be the central coin of the system, they would conclude that we were relinquishing a gold basis, and, consequently, we felt it absolutely necessary not to depart from a gold standard. We have retained the sovereign, but have introduced the florin as the coin of account, well knowing that, though we retain a gold basis, the habits of the people themselves will speedily establish which coin shall be used in expressing values and keeping accounts. Honorable members will recognize that, though the sovereign is the standard of the existing system—or want of system—values in excess of £1 are frequently expressed in shillings. Do we not often see suits of clothes quoted at 45s.—not at £2 5s.; or at 55s.—not at £2 15s.? It is more convenient to the people that values should be expressed in this way. Similarly, we shall find that the public will adopt the florin as the standard coin of the system. We have merely to look to the United States to discover that. In that country to-day the dollar is not the basis of their system—it is the golden ten-dollar that is the standard. But the coin which really represents the gold system is the half-eagle, or 5-dollar piece, which is somewhat akin to our sovereign. This coin stands as the very basis of the system, yet all accounts and daily transactions are reckoned in dollars and their hundredth parts, which are called "cents." I do not think that any objection can be urged to the system proposed, upon the ground that we recommend the use of the cent as expressing the

hundredth part of the florin when we adopt the gold basis of a sovereign, of which the cent is only the one-thousandth part. The system is not interfered with if we call a farthing a "mil." I take up the ground that we should make a cent the hundredth part of a florin, and do away with its thousandth part, knowing full well that the business people of Australia will adopt the florin as those of the United States did the "dollar," and the cent as the hundredth part of the florin. The right honorable member for Balaclava also urged that this reform should be preceded by the adoption of the metric system of weights and measures. It is very curious that arguments, which are advanced against any particular reform frequently take the shape of a proposal for a previous reform. That fact is well illustrated in the present instance, because those who object to the reform of the coinage system do so on the ground that they first wish to reform the metric system. I may mention that a Bill, which is intended to deal with the latter system, has recently been introduced into the House of Lords, and referred to a Select Committee, which is still investigating the question. So far as I can ascertain, the principal objection urged against the reform of the system of weights and measures is that it should be preceded by a reform of the coinage system. So it will be till the end of the chapter. If our efforts to effect necessary reforms are thus to be stayed, we shall never achieve anything. In my judgment, there is not the slightest reason why the introduction of one of these reforms should depend upon the accomplishment of the other. Both are excellent in their way. Of the two, the reform of our weights and measures would probably be more far-reaching, and would exercise the greater effect upon the whole nation. For that reason we should first attack the coinage. It will create the least disturbance, and will be productive of the least friction. The reform of the metric system will involve the loss of millions of pounds to the British public. We shall have to get rid of many of our weights, measures, scales, as well as thousands of tools, to give effect to such an innovation. At the same time the reform will mean a gain of countless millions of pounds to the nation, thus completely outweighing the loss which would be incurred. On the other hand, the reform of the coinage system will involve no loss, but a very substantial gain. In Great Britain itself it would mean no appreciable loss. There is nothing to be

*Mr. G. B. Edwards.*

destroyed, save a few dies. Nothing would require to be done beyond the gradual calling in of coins, and re-coining them under the new system. At this stage I wish to refer to an agitation which has cropped up since this question was previously under discussion. It has been alleged by some of our British statesmen that Great Britain is failing to maintain her commercial supremacy. Many measures are advocated to meet this alleged failure. I hold that the reform which I am advocating, and its corollary—the amendment of our system of weights and measures—will do more than anything that has as yet been proposed to re-establish the supremacy of the mother land in the markets of the world. We are being beaten in many directions, because we are fighting with less perfect weapons—because we are engaged in a battle in which we are using bows and arrows against the repeating rifles of our competitors. We can never hope to successfully compete with other nations whilst we adhere to the present obsolete method of transacting our commerce. I propose to deal merely with the question of our currency. Although the disadvantage under which England labours by reason of that currency is much less than that which is imposed by the present system of weights and measures, it nevertheless ought to be removed to assist her to maintain that supremacy which we, as members of a united Empire are proud to share. We can accomplish more in that direction by a reform of the currency system than can be achieved by the adoption of all the nostrums which are advocated. The advantages to be gained from the reform recommended, not only in competition with foreign countries, but in our own midst, are incalculable. I claim that the Commonwealth can make a profit out of this system of £36,000 per annum. Upon a former occasion I said—and I repeat it now—by its adoption we can secure an advantage of probably not less than £1,000,000 annually in the saving that would be effected in keeping the accounts of private institutions and in the various schools throughout Australia. I have previously pointed out that in America, where children in the State schools have been taught the enumeration of numbers, they pass straight from the tables of units, tens, hundreds, and thousands, which are so familiar to our infants, into problems of money which our own children have for one or two years to delay attacking. Here we have a distinct advantage—an advantage which we

partly denied by the ex-Treasurer, but which has been reiterated over and over again by those best qualified to speak in regard to the position of our educational establishments. At a conference of school teachers recently held in New South Wales, the necessity for various improvements was discussed, and one of the leading and most trusted inspectors in the State said that more good could be done in the direction of this reform than in any other of which he knew. He strongly advocated the two reforms recommended by the Select Committee, and reiterated what has been said by many of the great thinkers of the old country, who hold that by the adoption of the new system at least one year's tuition would be saved in the education of every child in the Commonwealth. I would ask honorable members to consider what saving that would effect in the national education bill? If, instead of devoting a year to acquiring a knowledge of rules that under this system would be no longer necessary, children of school-going age could devote it to some other form of instruction which would better qualify them for the struggle of life; if instead of having to give their attention during that time to useless rules, they could acquire the technical education which is so necessary to enable England to maintain supremacy in the world's markets, how great would be the reform? Honorable members must recognise that the adoption of this system would result not only in the small monetary profit to which I have referred, but in the much larger sum that would be saved by every private institution, every individual, and every struggling school child in the land. It is on this ground more than that of the mere monetary benefit that would accrue to the Commonwealth in its State capacity that I urge the carrying out of the reform. The question naturally resolves itself into two parts. In the first place, we have to determine to what extent the Commonwealth is prepared to take advantage of the power conferred upon it by the Constitution. Many persons outside the Legislature entertain the opinion that we have no power to establish a coinage system of our own. I would point out, however, that we have the fullest power in this direction, and can regulate all questions of currency. We have thus to ask ourselves, firstly, whether we should take advantage of that power in order to obtain the great profits now being reaped by the Imperial authorities from our Australian currency; and, secondly, whether

we should avail ourselves of the opportunity that would be given by the creation of a Commonwealth coinage to secure the very best system that could be devised. As soon as it is determined that the Commonwealth shall adopt its own coinage system, we shall be met with questions as to the class of coins that should be issued, and the relation they should have to each other under the system adopted. I believe that even the opponents of the Select Committee's report have admitted generally that the decimal system is the best and in reality the only system for us to adopt, and if we are going to adopt it, why should we not avail ourselves of the opportunity to do so that the coining of our own metallic currency will give us? The report shows that the desirableness of securing the profits of the coinage of silver in Australia was mooted as far back as 1873. Much correspondence took place between the various Colonial Treasurers and the Imperial authorities with regard to the giving of the necessary power to mint our own silver, and the negotiations were protracted year after year until practically the eve of the proclamation of the Commonwealth. It was then pointed out by the Imperial authorities that the difficulties which had arisen in the course of the correspondence would be resolved by the Commonwealth, which would have power to deal with the question of coinage and to determine what should be the currency. The matter was left at that stage. I believe that the late Treasurer has since had further communications on the subject with the British authorities, and I am rather anxious to learn the nature of them. I fail to see that it was necessary for them to take place. The simple question before us is whether we are prepared now to take action or whether we are going to delay this reform and lose the profits and other advantages which would result from it. It is time for us to consider the question as a practical one. We have to decide whether we should continue to receive nearly £100,000 a year of silver coinage from the Home Government, and allow them to make the first great profit. The Imperial authorities, of course, incur the cost of repairing worn-out coins; but the net profit derived by them is very considerable. The late Treasurer holds that we ought not to adopt the decimal system unless England first takes action in that direction. I have already pointed out that we did not wait for England to take action with regard to the ballot, the Torrens title, adult suffrage, and many other

reforms, and those who support this system fail to see why we should wait for her to adopt the decimal system before we ourselves set to work to bring about so valuable a reform. Whilst the right honorable member for Balaclava believes that there is something in the system, he does not think it would do for the Commonwealth to reap at one stroke all the profit that would be derived from its adoption. In dealing last session with the probable profits to be derived from the system, he said—

At all events, it is said that it would be over £1,000,000. When I first saw that statement I felt that we should be prepared to suffer almost any inconvenience in order to obtain so large a sum of money for the Commonwealth. But when we look carefully into the question honorable members must see that we could not hope to obtain anything like that profit unless it represented the earnings of a considerable number of years. Whether we had a system of decimal coinage, or adhered to the existing system, there would be no difference so far as that matter was concerned. The profit in either case would be exactly the same.

There is no difference between the right honorable member and myself in regard to that point. He admits that a saving is to be made, but we differ in this way: I say that the moment that the Commonwealth is ready to coin its own silver, we should introduce the coins as soon as we can, and gradually ship the whole of the silver now in use back to Great Britain. The right honorable member for Balaclava, however, is not prepared to go as far as that. I would point out that the new coins could be introduced only gradually. It would not be possible to substitute the new coinage for the present coinage within a few months, or even within a year, and it would be only as new coins came into circulation that I would send back to England the coins now in use. The Imperial authorities have received the profit on their coinage, and should be prepared to redeem it, or to pass the coins into circulation in Great Britain. The right honorable member has intimated that he thinks that this should not be done; but, in my opinion, it can fairly and honestly be done. He contends that we should go on getting the small profit to be obtained on coining the £100,000 worth of silver coins now imported each year, until 3 per cent. interest upon an accumulated capital of £1,000,000 would give us an annual return of £30,000. We differ only as to the degree of despatch with which the new coinage should be substituted for the old. We

*Mr. G. B. Edwards.*

have constitutional authority to take advantage of the benefits to be gained by coining our own silver, and we can honestly and justly do so. The Committee agreed that the large profit of £1,000,000 which can be secured should be invested, and held against any possible dislocation of the relative values of silver and gold, so that, no matter what occurred, the Commonwealth currency would be upon a safe basis. I should like to make it clear, because it does not appear to be thoroughly understood by many people, that the profit I mentioned can be obtained, and to do so I shall refer to the report of the Deputy-Master of the Imperial Mint in England, who is the only authority upon the subject. The profits of the Imperial Mint on the coinage of silver amounted in the year 1900 to £974,000. Those figures were quoted when the subject was last under discussion here. The year was an exceptional one, quantities being high, and silver low, and those in charge of the Mint were apparently most effective in coining silver when that metal is at its lowest price. The average annual profit for a considerable number of years past, however, has been £500,000, a large portion of the silver coined being exported to Australia, though we have not shared in the profit. On pages 80 and 82 of the last report of the Deputy-Master and Comptroller of the Imperial Mint, it is set forth that the net profit on silver bullion purchased for coinage during the year was £365,915. It will be seen that that is a big falling off in comparison with the profit gained in the preceding year; but it is due to the large number of coins issued in that year. When we were last dealing with this question, I quoted the figures for the year 1900. The profit on the coinage of bronze for the year was £119,000, and the profit for the year 1902, according to the last report obtainable from the Library, was £118,600. These are official figures, so that there can be no disputing them, and I ask honorable members to bear in mind when I put before them the deductions I have drawn as to the profit made by the coinage of silver and bronze within the Commonwealth. The same report sets forth that in India the revenue exceeded the expenditure by 5,012 rupees, or over £500,000. India is a country which uses a silver currency, and consequently, a very large number of silver coins are used there, which accounts for the immense profit upon the operations

the Mint, though the nominal value of the rupee is higher, in comparison with its intrinsic value, than is that of our florin. The Imperial Mint turned out 83,000,000 odd Imperial pieces last year, and 41,000,000 odd Colonial pieces. They do a lot of minting in England for the Colonies. The value of these coins was £9,090,000. We require in the £2,000,000 worth of silver coins used in Australia about 28,000,000 pieces, because great numbers of threepenny and sixpenny pieces are needed. If honorable members will take the trouble to consult the report from which I am quoting, they will see that the Imperial Mint coined during the last year for which we have information, 125,000,000 coins of all denominations, the cost of the operation, inclusive of interest, rent, taxes, sums paid to the Board of Works, and all other charges which would be debited by a sound commercial concern, but exclusive of the cost of buying silver and gold, being £120,000. That, divided by the total number of pieces issued, makes it evident that the cost of coining the 28,000,000 silver pieces required for the Australian currency would be £26,666, so that the estimate I gave when the matter was last under discussion—£30,000—is not very far beyond the mark. The right honorable member for Balacava is of opinion that we import only some £60,000 worth of silver coins from England each year, but I think that he has made the mistake of taking the average importation for a number of years back. The figures given in the last report of the Deputy-Master of the Imperial Mint are these: In 1901, Western Australia imported £24,650 worth of silver coins; New South Wales £90,000 worth; and Victoria £72,400 worth. In the following year there was a falling off, Western Australia importing only £16,200 worth; New South Wales £40,000 worth; and Victoria £26,000 worth; the total importation of the Commonwealth for 1901 being £187,050 worth, and for 1902 £82,200 worth. It will be seen that the average importation of those two years is much greater than the sum mentioned by the right honorable member for Balacava. In my opinion the estimates obtained from experts in regard to the value of the silver current in Australia are very much under the mark. This conclusion is borne in upon me when I read the value of the silver imported and exported. I do not wish to place the case unfairly before the House, and therefore I have to admit that certain deductions

should be made from the figures just given, inasmuch as a good deal of the silver imported by New South Wales is exported again to supply a currency for the Islands of the Pacific. The florin, which the Committee propose to make the chief coin of our decimal system, is already known as the "dollar of the Pacific," and is current everywhere in the islands which are dotted over thousands of miles of ocean to the north-east of Australia. But, making this allowance, the figures I have quoted show plainly that there is more silver in use in Australia than the experts are prepared to admit. One has only to look to the circumstances of similar countries to show that that must be so. Canada is, perhaps, the safest criterion I can adopt, because, as the United States currency circulates freely there, a smaller number of English coins are required than would otherwise be needed. The English coins in circulation in Canada are made by the Royal Mint, Limited, Birmingham, a sort of chartered company which does the extra work which the Royal Mint finds itself unable to get through. Last year 4,100,000 pieces were coined for the use of the Dominion of Canada, the value of the Canadian coinage amounting in 1901 to £90,000, while in the year 1902 £76,000 worth of silver coins were sent there. It must be remembered that the Dominion gets the profit upon that coinage, less the actual cost.

Mr. BAMFORD.—What is the profit?

Mr. G. B. EDWARDS.—Roughly, about 140 per cent. I shall deal more specifically with that question a little later on. Before leaving the report of the Deputy Master of the Mint, I wish to refer to some facts concerning the branches established in Australia. When the matter was last under discussion there was a tendency to consider that it would be desirable, if the Commonwealth took over the coinage of the whole Australian currency, to concentrate operations; but I have since seen very good reason for altering my opinion that the Western Australian Mint might advantageously be closed, because the figures in the report from which I am quoting show that, although its operations previously resulted in a loss, they are now giving the best profit which is being obtained in Australia. The various mints are kept going by votes of the State Parliaments, in the nature of Treasurers' advances. In some cases £15,000 is advanced, and in other cases £20,000, and as the receipts come in the money is paid back



to the States Treasuries. For many years the States made a loss on these transactions. Then came the time when a slight profit was obtained, economies being effected which actual operations had shown to be necessary, and more skilled workmen being employed. Now the operations of the mints in New South Wales and Victoria are satisfactory in varying degree, while in Western Australia a very handsome profit is obtained. In New South Wales there has been a decrease of £2,815 in the revenue collected. That revenue amounted to £15,396, and the expenditure to £14,900, while a small balance carried forward made the profit to the State nearly £500. In Melbourne, where we used to be able to show rather large figures, we seem to have receded last year. The Deputy-Master of the Mint reports that the revenue amounted to £16,863 as against £16,664 in 1901. The unexpended balance of the Mint annuity for the year was £4,339, and the Mint operations resulted in a profit to the State Treasury of £1,202. For the previous year the profit was greater than that. When we turn to Western Australia we find a most promising state of affairs. This was the last Mint to be established in Australia, and, for the first year or two, it involved the Western Australian Government in a loss. At that time most of the gold used to find its way out of the State, without going through the Mint; but now the greater proportion of it passes through the local Mint, with the result that the Master states that there was a gain of £6,930 to the Western Australian Government on the working of the establishment during the last year. This is very satisfactory in one way, because, in considering any scheme of dealing with our own coinage, we have to remember that it will be necessary for us to make good any losses on the gold coin used in Australia, as well as the loss resulting from the wear and tear of silver coin. Therefore, it is pleasing to see that the Mints are already making a sufficient profit to enable us to defray the cost of rehabilitating all the worn coin of Australia. Another point that cropped up when we were discussing this aspect of the question was the practice of exporting large numbers of sovereigns, which were used for the purpose of settling international balances, and which, immediately they reached the countries to which they were sent—notably the United States—were melted down again. It appeared to me that this was a senseless practice, and that we should, if possible, relieve ourselves

*Mr. G. B. Edwards.*

of the necessity of going to the trouble and expense of turning out sovereigns which were simply to be melted down again. Not only thousands, but millions of sovereigns have been sent away to the United States in the course of a year, and have been melted down again in order to comply with the currency laws of the United States. The Committee strongly recommended that we should do what we could to adopt, for the purposes of export, a 10-oz. bar of gold, not minted, but stamped with a mint mark, guaranteeing the gold as being of a certain standard of fineness. This would result in a great saving of expense, and would also afford those who desired gold for export purposes, an opportunity to send it forward in a convenient shape. The Director of the Mint in the United States points out that—

The gold coinage of the country is now being almost entirely stored, the Treasury holding about 500,000,000 dollars, and the cost of the coinage is therefore an unnecessary expense, inasmuch as when gold is wanted for export it is required in the form of bars.

He adds—

For domestic circulation the public prefer Treasury certificates to gold coin. It is considered, indeed, that with some modification of the existing laws certificates might well be issued against gold bars instead of against gold coin. There, I think, we have an indorsement of the practical suggestion of the Committee with regard to saving money on our present system of gold coinage. I have stated that the quantity of silver coin required for the Commonwealth has been variously estimated at about £2,000,000 worth. I have reason to believe that that is an under estimate; but, for the purpose of calculation, and in order that I may be upon perfectly sure ground, I am assuming that £2,000,000 worth of silver coin will be required for circulation in Australia. I think, however, that I shall be able to show that more than that will be needed. The price of silver, in London, on 22nd May, according to to-day's *Argus*, was 25 11-16 pence per ounce—a rise of 1/2 per oz. since Friday last. It requires 140 of silver to turn out 5s. 6d. worth of coin, or, to use the ratio given in Liverpool's famous letter, every 100 troy of silver should turn out six shillings worth of coins. Hence we have a basis for calculating the approximate cost of the silver that would be required to turn out silver coins of a face value of £2,000,000. The amount of silver required would be 7,272,726 ozs., which, at 25 11-16d. per ounce, would cost £777,777.

12s. 3d. I think that, like the immortal Mantalini, we may "dem" the 12s. 3d. That leaves us a clear difference between the first cost of the silver and the value of the coin, which we may regard as a first profit. Then we have to take into account the cost of producing such a large amount of coin. Honorable members will, perhaps, recollect that, by a rule-of-three sum which I worked out by making a comparison with the British system, I calculated that the cost of minting £2,000,000 worth of silver coin would be £26,000. I have, however, put down the amount at £30,000. This would bring the total outlay up to £807,575. This would leave £46,536 less gross profit than I said would be derived when the House last considered this question. That is owing to the fact that silver was then worth only 2s. 0½d. per ounce. The effect of that slight rise in the price of silver has been to reduce the profit by that amount. In addition to the cost of the silver, and of turning out the coin, we have to make provision for wear and tear. The average life of a silver coin is thirteen years, so that for some years to come we should have nothing to pay on that score. I think it is safer, however, to make provision from the commencement for wear and tear, and I set down an amount of £7,000 as sufficient to rehabilitate both our gold and silver coin. That calculation has been carefully checked, by means of comparison with the various reports of the Master of the Mint, and I am sure would correctly represent the amount of depreciation.

Mr. BAMFORD.—What is the average life of a sovereign?

Mr. G. B. EDWARDS.—The sovereign is not subjected to the same wear and tear as are silver coins. The average life of silver coins is thirteen years, whereas that of the sovereign is calculated at slightly over nineteen years. Of course some sovereigns last for hundreds of years. There are hundreds of thousands of sovereigns in a strong vault in Sydney, where they have been deposited by the banks for the purpose of facilitating the balancing of their exchanges. This coin has remained untouched for years, and may remain there for ever, for all we know. The life of a sovereign is much greater than that of silver coins, because it is not subjected to the same rough usage. The gross profit upon the coinage of £2,000,000 of silver would be £1,185,000. I am prepared to stand by those figures in spite of anything

that the right honorable member for Balclutha may care to say. If the Legislature chooses to derive this profit in dribblets by spreading it over a number of years it can do so; but I think that we should be fully justified in deriving it as fast as we could, by turning out the coin as rapidly as possible, under some arrangement with the Royal Mint, or with some private firm possessing the necessary facilities. I have estimated that £2,000,000 worth of silver coin would be required to meet the necessities of the Commonwealth, but I believe that is a much less amount than we should need—although many of the experts have given a much lower estimate. On page 15, of the report of the Master of the Mint, he gives an answer to some inquiries which were made from India with regard to the quantity of silver required for currency purposes. The Master of the Mint entered into some very abstruse calculations, and came to the conclusion that in England silver coin to the value of 11s. 5d. per head of the population was required to provide a sufficiency of currency to carry on the operations of every-day life. If we multiply 11s. 5d. by 4,000,000—the population of Australia—we shall find it will give us an amount of £2,283,333. I do not think that the ordinary man in the Commonwealth requires less silver for every-day purposes than does the ordinary man in Great Britain. If anything, I should say that the average man here carries more coin than the average man in Great Britain. Therefore, if the Master of the Mint is justified in coming to the conclusion that 11s. 5d. per head is required to meet the necessities of the people of the United Kingdom, we shall want £2,283,333 worth of silver coin to meet the necessities of the Commonwealth. The Master of the Mint works out a similar calculation in regard to the bronze coinage, and estimates that 16.51d. per head of the population is required. Upon that basis, we should require £272,221 worth of copper coinage. We can submit this calculation to another test. In Germany, in order to guard against the over-issue of silver, it has been enacted that no more than 15 marks, roughly 15s., per head of the population shall be issued in the form of silver coins. If we adopted 15s. per head as the basis of calculation we should require £3,000,000 worth of silver coin in Australia. I do not think that we are likely to fall into any trouble owing to the over-issue of silver in Australia. We should scarcely be inclined to play "ducks and

drakes" with the operations of such an institution as the Mint. If, however, it should be considered that there is any danger of an attempt of this kind we could provide that silver coins should never be issued from the Mint except in exchange for gold. In this way we could institute a certain automatic check against the over-issue of silver. If silver could be issued only in exchange for gold, no profit could be derived by the Government from the issue of silver coin over and above that required for the legitimate uses of the people. If the people can obtain silver in excess of their requirements, the thing will regulate itself by the banks refusing to purchase it. They will buy only, when from the needs of their business, they can see that more silver currency is required. I do not think there need be any apprehension that we shall make use of our power to manufacture silver coin *ad lib.* We can purchase silver for 2s. an ounce, and if we could mint silver coin without restriction, there would be no need for the introduction of many of the schemes which are proposed by honorable members opposite. There would be no necessity, for example, to take over the gold reserves from the banks—a scheme to which I do not object, provided that it is safeguarded by proper regulations—if we could turn out silver *ad lib.* at 2s. an ounce, and obtain 5s. 6d. an ounce for it. There need be no fear that the Commonwealth will do anything more than issue silver currency as it may be required for specific purposes of trade within our midst. But we have a right to appropriate this million pounds odd, fund it, and pay the interest upon it into the Commonwealth Treasury. The ex-Treasurer took exception to that proposal. He thought that we should not treat any portion of that sum as revenue, but should apply the whole of it towards the extinction of our national debt. His view is very much better than my own, and, therefore, I am only too willing to adopt it. At the same time, it would be a legitimate transaction to use the interest derived upon the profit secured from the adoption of the system as current revenue. But if the Treasurer prefers it, I am perfectly prepared to agree to any suggestion which will have the effect of reducing, in however small a degree, our national debt. I earnestly impress upon honorable members that the proposed reform is a most desirable and practical one. Nothing can be urged against it, either on the score of honesty or of the letter of

Mr. G. B. Edwards.

the law as it is contained in the Constitution. I am satisfied that this reform will be brought about in England within a comparatively brief period. Whatever difficulties there may be in the way of effecting it at the present moment will increase rather than diminish with the lapse of time. If we intend to attack the question at all, the sooner we do so the better, because our difficulties will never be less than they are now. There is no reason why the Commonwealth should not secure the advantage which is offered by the adoption of this scheme, and apply the proceeds to the reduction of our national debt, or fund them for some other useful purpose. To those who urge that we can obtain all this financial benefit by getting the silver coined for us without adopting the decimal system, I would put the question, "Is it wise, when we are adopting a new system, to embrace other than the best possible one?" If we are going to initiate any reform, before doing so, we should decide what is best under the circumstances. Having made our choice, it should be a system to which we can adhere. No nation which has adopted the decimal system has ever thought of discarding it. It is the natural system. Many people appear to think that there is some mysterious quality about the number "10," which makes it the only radix of a system of numbers. But I would point out that we can perform arithmetic with "12," or practically any radix we choose. There is no mysterious virtue about the number "10," but a system of decimal currency exists throughout the civilized world, with the exception of Great Britain, its dependencies, and Turkey; and I do not envy Great Britain, her associate, in opposition to this reform. It is a great reform which offers us a legitimate profit, and I have every confidence in submitting this motion to honorable members.

Debate (on motion by Mr. BACHELOR) adjourned.

#### MAIL COMMUNICATION WITH KING ISLAND.

Mr. O'MALLEY (Darwin).—I move—

That, in view of the enormous increase of the population of King Island and the magnitude of its agricultural and commercial importance as an island lying midway between the States of Victoria and Tasmania, in the opinion of this House the Postmaster-General should make arrangements with the Union Steamship Company for its steamer plying between Melbourne and

Strahan, Tasmania, to call at King Island and to stay there long enough to deliver the mails at Currie Harbor or Sea Elephant Bay.

As this motion is not of a contentious nature, and has little relation to politics, I think that it may very well be agreed to without much debate. The facts of the case are that King Island lies about midway between Melbourne and Strahan, and is situated in the middle of Bass Straits. It has become a very important place, and possesses a population of 600 or 700. These people have no communication with the mainland or Tasmania, save that which is afforded by a sort of antiquated tub, which plies between Launceston and the Island. Settlers there never know when this vessel will arrive, and when it will depart. Yet the steamer *Kawatiri*, belonging to the Union Steamship Company, travels from Melbourne to Strahan weekly, and passes within six miles of Sea Elephant Bay. I desire the Postmaster-General to endeavour to arrive at some business arrangement with that company, which will enable its vessels to remain long enough at Sea Elephant Bay, or Wickham, to land the mails. If the winds were unfavorable at one place, the mails could be landed at the other. They could then be carried on horseback to Currie Harbor, which is the chief centre on the island. This island has an important pastoral interest, and contains good fattening country. Indeed, some of the finest cattle come from there. The settlers are all pioneers, really hard workers, and substantial citizens of the Commonwealth. For a small additional expenditure on the part of the Postal authorities, these people would be enabled to send their produce to Melbourne, and to obtain a regular mail service. During the recent election campaign, I was unable to reach King Island, and none of the candidates could address the electors there.

Mr. McWILLIAMS. — The ballot-papers did not arrive there in time for polling day.

Mr. O'MALLEY.—That is quite correct. The polling had to be postponed until the day after that which was originally fixed for the election, because the boat, which at present runs there, did not reach the island in time.

Mr. CROUCH.—What expense will be involved by the adoption of this motion?

Mr. O'MALLEY.—It will not be much, because a steamer belonging to the Union Company passes within six miles of the island twice a week. By steering another

course, that distance would in reality not require to be covered.

Mr. CONROY.—Is there any mining conducted upon the island?

Mr. O'MALLEY.—It is becoming a very important mining place.

Mr. HUME COOK.—It seems to be the "hub of the universe."

Mr. O'MALLEY.—I claim that the population settled upon the island should be given every possible encouragement. The motion, which I have submitted, really takes the form of a suggestion. It is not mandatory.

An HONORABLE MEMBER.—Is there a harbor at King Island?

Mr. O'MALLEY.—There is a harbor at Currie, but the steamers will not go there. All I ask is that an arrangement shall be made with the Union Company under which its vessel will enter Sea Elephant Bay, and land the mails in a boat.

An HONORABLE MEMBER.—Can that be done?

Mr. O'MALLEY.—I am informed so by a captain who has been there. Personally, I have not visited the locality. I would not risk my life in the *Yambacoon*. I trust that the Postmaster-General will see his way to communicate with the Union Steam Ship Company, and ascertain what can be done.

Sir JOHN FORREST.—How many people are settled upon the island?

Mr. O'MALLEY.—About 600.

Sir JOHN FORREST.—How often do they receive their mails?

Mr. O'MALLEY.—Once a week. The island is only six miles out of the ordinary route followed by steamers trading regularly between Melbourne and Strahan, and can be clearly seen from her decks.

Mr. CONROY.—Would the steamer be able to land mails and passengers there?

Mr. O'MALLEY.—She could land them at Sea Elephant Bay, or at Wickham. The port to be selected would depend upon the quarter from which the wind was blowing. If the steamer could not land passengers at one point she would be able to do so at the other. There is a landing place on this side of the island, which one might say is in the very track of the *Kawatiri*, that runs between Strahan and Melbourne. That vessel is never overladen, and, even if she were delayed an hour or two as the result of the granting of this convenience, it would be immaterial.

Sir JOHN FORREST.—Does she carry passengers?

Mr. O'MALLEY.—Yes; but, as a rule, they are not landed at Strahan on Saturdays before 9 p.m., and a delay of a couple of hours would be nothing, as compared with the advantage that the people of King Island would receive from the granting of this accommodation. The island has become, within the last two years, a most important centre of civilization. At present the mails are carried by a small steamer, which, I would not be surprised to learn, was one of the rowing boats attached to Noah's Ark, but, having been fitted with a steam engine, is now employed in this service. One never knows how long she will take to reach her destination. It is my desire that passengers and mails for King Island should be carried by the *Kawatiri*, and this arrangement would not involve any large increase on the cost of the present service.

Mr. MAHON.—Does the honorable member say that it would cost very little more than does the present service?

Mr. O'MALLEY.—It would not largely exceed the present cost.

Mr. MAHON.—What does the honorable member believe would be the increased cost?

Mr. O'MALLEY.—I do not wish to make any calculations at the present stage, but we shall have an opportunity later on to discuss it. I trust that the Postmaster-General will accept the motion, and I am sure that he will have ample opportunity to give effect to it.

Mr. McWILLIAMS (Franklin).—I am sure that the Postmaster-General will give the motion his careful consideration, for it cannot be denied that the residents of King Island are far removed from many of the ordinary privileges of civilization. The island is the largest in the straits, and its population, which consists of men who have made their homes and settled there, is undoubtedly a very deserving one. The land is fairly good. For grazing purposes it is all that could be desired, and as a matter of fact the settlers are now supplying the Launceston market with some of the finest fat stock that has ever been yarded there. This motion does not contemplate any interference with the direct mail and passenger service between Melbourne and Tasmania. The *Kawatiri* takes the northern course, and in voyaging between Melbourne and Strahan passes so close to the island that it can be plainly seen from her decks. Admittedly, neither of the harbors of King

Island is first-class, but as there is one on each side of it, the steamer would generally be able to get a lee, and it would rarely happen that she would be unable to land passengers and mails. Honorable members would be surprised to learn the irregularity of the Straits mail service. If the Union Steam-ship Company would deliver a mail once a week, alternating with the present service, the islanders would secure a bi-weekly mail, and I am sure that the expenditure which this would involve would be comparatively small. I can assure the House that the honorable member for Darwin has not made one statement as to the condition of the residents on the island that is not absolutely correct. We have there some 600 or 700 people, and their only means of communication with the mainland or Tasmania is the small steamer from Launceston, which certainly cannot be described as a high-class vessel.

Mr. BAMFORD.—Do they at present possess a weekly mail service?

Mr. McWILLIAMS.—Sometimes they do not have anything like a weekly mail. I would also remind the Minister that King Island should be the distributing centre for the whole of the islands in the Straits. The mails for the other islands would be despatched from that point.

Mr. MAHON.—What is the population of the other islands?

Mr. McWILLIAMS.—The total population is, I think, considerably over 1,000.

Mr. MAHON.—If there is a population of 700 on King Island, there must, therefore, be only about 300 persons on the other islands.

Mr. McWILLIAMS.—I do not think that there are more. I feel satisfied that the Postmaster-General will be prepared to make inquiries, and to ascertain whether a reasonable service, at something like a moderate cost, cannot be secured for the islanders. If his inquiries show that it can, I trust that he will see that it is supplied. The House would readily agree to the slightly increased expenditure that would be necessary in order to extend the present mail facilities.

Mr. PAGE (Maranoa).—It is most remarkable that a thousand people living on islands within a few hours' sail of Melbourne should be cut off from mail and telegraphic communication with the rest of the world for so long a time as the honorable member for Darwin has mentioned. There must have been something rotten in the state of Denmark prior to the

establishment of Federation, or the Tasmanian and Victorian Governments would surely have arranged for a weekly mail. The islanders have my entire sympathy, because in the district which I represent there are many who know what it is to be practically shut off from the rest of the world. In many parts of my electorate the residents do not receive a mail once a month. It seems almost incredible that in this year of grace there should be no regular mail communication with King Island. The honorable member for Darwin has made out a good case, and the Postmaster-General, who has fought more strenuously than has any other honorable member for reasonable mail facilities for his own constituents, must surely sympathize with the motion.

Mr. McCAY.—But he was not Postmaster-General when he fought in that way.

Mr. PAGE.—That, of course, alters the position. We have it on the authority of two of the representatives of Tasmania that a steamer trading between Victoria and Tasmania passes King Island twice a week, and there should be no difficulty, therefore, in arranging for a better mail service at a reasonable cost. If new expenditure were incurred in this direction I am sure that no objection would be offered. I trust that the Postmaster-General will see his way clear to give the residents of these islands, who are living where perhaps many of us would not care to go, better mail facilities than they at present possess.

Mr. MAHON (Coolgardie—Postmaster-General).—Like the honorable member for Maranoa, I sympathize with those who, like these islanders, are situated in remote or inaccessible parts of the Commonwealth. I also agree with him that it is remarkable that apparently no attempt has previously been made to secure reasonable postal accommodation for the residents of King Island. It is certainly singular that the Tasmanian Government, when the Postal Department was under its control, did not supply the facilities which honorable members from that State have so eloquently advocated this afternoon.

Mr. McWILLIAMS.—I have fought for them for years past.

Mr. MAHON.—The honorable member should have told us of the causes responsible for his failure. I am sure that the House would have welcomed a more ample explanation of his inability to secure these postal facilities.

Mr. O'MALLEY.—A large population has only lately settled on the island.

Mr. MAHON.—I presume that the island has been populated for many years, and I have not heard of any reason for a sudden influx of population.

Mr. O'MALLEY.—There has been of late a very large increase.

Mr. MAHON.—If correct that constitutes a very good argument for the proposal. I am entirely in sympathy with the motion, but I am not at present prepared to accept it as a direction to the Department to immediately make the suggested arrangements. It seems to me that the explanation of the position in which the people of these islands find themselves is that they have no suitable harbor accommodation on their coast line. That being so, shipping companies are naturally reluctant to allow their vessels to touch there. The honorable member for Darwin, and the honorable member for Franklin, have formed a rather economical estimate of the expenditure which would be required to establish the service for which they ask, and I fear that they will be somewhat surprised when they learn that the Union Steamship Company of New Zealand, with which I have already communicated on the subject, require no less than £500 per annum for a fortnightly service.

Mr. CONROY.—Having regard to the risk, that seems to be a comparatively small sum.

Mr. MAHON.—I have before me a letter from the manager of the Union Steamship Company, dated 24th inst., in which it is stated that—

We cannot arrange to call at the island each week, but we will be prepared to make a call each fortnight for £500 per annum.

Then they go on to explain what is apparently the real difficulty—

Such call would require to be made either off Currie Harbor, on the west side of the island, or off Sea Elephant Harbor, on the east side of the island, according to the direction of the wind, and it would be necessary for the mails to be landed by a boat from the shore at either place—to be in waiting on arrival of the steamer.

They are apparently not prepared to send their steamers close in to land, so that the Department would have to incur the additional cost of providing a boatman and boat to take the mails to and from the steamer. The letter continues—

Should the boat not be in readiness to receive the mails on the arrival of the steamer, the master to be at liberty to proceed on his voyage after waiting for an hour. I understand that, while a steamer—say the *Kawatiri*—could approach

within about two miles of the shore at Sea Elephant Bay, she could not safely anchor within about six miles of Currie Harbor, on the west side of the island.

Mr. WATKINS.—It is always the way when there is no competition.

Mr. O'MALLEY.—Hear, hear; we shall have to put a Government steamer on.

Mr. MAHON.—I am not prepared to say how far the position is due to the absence of competition. An earlier communication from the Union Steamship Company, dated 20th April last, says—

The difficulty we foresee is in arranging for landing at the island, as the depth of water at Currie Harbor is too limited to allow our steamers to enter, and Sea Elephant Bay is exposed to easterly weather. It is possible, however, that if an arrangement can be made with some parties on shore to send a boat off to meet the Strahan steamer, communication with the island may be provided for. Further inquiries are being made.

The information in my possession is not so full as I should like it to be, and, therefore, I shall be glad if the honorable member will withdraw his motion, to enable the Department to obtain ampler details.

Mr. CHAPMAN.—That is what the Department is always professing itself desirous of doing, though it never does much.

Mr. MAHON.—I do not suppose that the Department of the Postmaster-General is less successful in the transaction of its business than are some of the other Departments. There is a certain amount of circumlocution in connexion with the operations of every Department. No doubt the honorable member found, when Minister of Defence, that he was not able to accomplish all that, before accepting office, he wished to have done.

Mr. CHAPMAN.—We shall see whether the honorable member will carry out the pledges which he has made.

Mr. MAHON.—I undertake to carry them out, so far as it is in my power to do so. The honorable member for Darwin must see that the estimate of cost is greatly in excess of what he thought it would be. Taking everything into account, I think he will do well to withdraw the motion.

Sir WILLIAM LYNE (Hume).—I know something about this matter, and can endorse what has been said by the honorable member for Darwin. Some three or four years ago I made inquiries on the subject myself; and having friends living upon King Island, I tried to ascertain why a better steamship service could not be given to the place. The Tasmanian Government was applied to, but in all these matters it is

rather slow. It must not be forgotten that at the time there was no steamer running directly between Melbourne and Strahan. The service would have had to be done by steamers running from Launceston, and would have cost a great deal more than the service which could be provided by the use of the steamer now running between the two places I have mentioned. The estimate of cost submitted by the Union Company is absurd. The work should be done very much more cheaply, because their vessels ply close to King Island.

Mr. O'MALLEY.—Within a few miles of it.

Sir WILLIAM LYNE.—Yes. The population of the island has increased very largely during the last ten years, and there is now a considerable traffic between it and Launceston. The steamer which plies between Melbourne and Strahan would not have to go much out of its way to call at the island, and would be detained only a few hours. I do not agree that it would be necessary to keep a boat upon the shore, because a boat could easily be sent from the steamer.

Mr. O'MALLEY.—£20 is charged now for every time the steamer stops.

Mr. MAHON.—£40.

Sir WILLIAM LYNE.—That is ridiculous. I cannot see that it would do any harm to pass the motion. It requires a slight amendment, because it is now too absolute, since it says that the Postmaster-General "should make arrangements." In my opinion, it can be so amended as to strengthen the hands of the Postmaster-General, and at the same time leave him entirely free in making arrangements.

Mr. MAHON.—Why name any steamship company?

Sir WILLIAM LYNE.—The Union Steamship Company is named because it is the only company which has a steamer plying between Melbourne and Strahan. Of course, if any other company were prepared to send a steamer to King Island, the Postmaster-General should be at liberty to make arrangements with it.

Mr. MAHON.—It is not necessary to pass a resolution to enable me to make arrangements.

Sir WILLIAM LYNE.—The passing of a resolution would help the honorable member.

Mr. MAHON.—I am already considering the matter.

Sir WILLIAM LYNE.—I think it is better to pass a resolution than to merely discuss the motion and then drop it. I move—

That after the word "should," line 6, the words "make arrangements with the Union Steamship Company for its steamer plying between Melbourne and Strahan, Tasmania, to call at King Island, and to stay there long enough to deliver" be omitted, with a view to insert in lieu thereof the words "endeavour to make better arrangements for the landing of."

Mr. G. B. EDWARDS (South Sydney).—The honorable member for Darwin would do well to accept the amendment, because it gives him what he asks for.

Mr. O'MALLEY.—I accept it.

Mr. G. B. EDWARDS.—If carried as amended, the motion will express the general consensus of honorable members as to the desirability of providing the mail service asked for. Unquestionably it can and should be provided. We have already agreed to subsidise a wealthy steam-ship proprietary in order to obtain better communication with the New Hebrides and other islands which lie outside the Commonwealth, whereas King Island is part of the Commonwealth. The residents there are, by force of circumstances, excluded from the ordinary means of communication enjoyed by those in other places, and, seeing that they now number 600 or 700 persons, we should do all we can to improve their means of communication with the mainland, and with Tasmania. I have been on King Island, and, while I cannot describe it as one of the finest places in Australia, it is quite possible that, with better communication, it would be largely resorted to by tourists. Many of us have already intimated that we are agreeable to the policy of bringing the various parts of the Commonwealth as much in touch as is possible. No doubt when the Navigation Bill comes under consideration, the Postmaster-General will be ready to relax certain of its provisions in order that there shall be no interference with the communication between Western Australia and the eastern States. I do not say that that will be wrong; in my opinion it has a good deal to recommend it. Similarly, we should not overlook the claims of an important island lying so near the mainland as does King Island. The other branch of the Legislature, some time ago, instituted an inquiry as to the best means of improving the communication between the mainland and the island State of Tas-

mania. There is a great deal to be said for that. The steam-ship company which now does so large a part of the trade between Tasmania and the mainland could easily make a visit to King Island a side trip for one of its vessels. I do not say that it is necessary to have a vessel calling there frequently, but, as the residents of the island consume a large quantity of goods, and, therefore, pay a considerable amount of taxation to the Commonwealth, they should be considered in this matter. I do not think any great expense would be involved in providing the inhabitants of King Island with means of access to the other States. If such facilities were afforded, they would tend to the development of the island, and probably result in its becoming a popular health resort. Although King Island is not what I should call the most charming place in Australia, there is no doubt that it is one of the healthiest. I spent the most miserable day of my existence there. I was on board a weather-bound ship, and, therefore, saw the place under the worst possible circumstances. I had to help the sailors to carry sheep down to the ship, because we had run out of food. I think that if we can do anything to bring the inhabitants into more direct contact with the people of the mainland we shall be justified in incurring a small expenditure with that object. If King Island were divided from the great centres of population by a desert, similar to those which exist in the interior of Australia, instead of by sea, it would be considered necessary to provide it with postal facilities, even though the cost involved might be considerable. Therefore, I do not think that the inhabitants of the Island should be placed at any disadvantage. Ships already trade along routes which pass very near it, and they would require to make only a slight detour in order to call there. They would not need to go out of their way for the purpose of conveying mails only, because the Island yields a certain amount of produce, which has to be sent to the mainland, and the inhabitants require stores, which have to be brought to them from the mainland or Tasmania. Therefore, a certain amount of trade would be carried on by any vessels which called there, and we should only require to pay such a sum as would compensate the owners for the expense of maintaining a regular service for the conveyance of mails. I have great pleasure in supporting the motion.



Mr. STORRER (Bass).—I shall support the motion, but I should be very sorry indeed if the provision of the proposed facilities involved an outlay of such a large sum as has been mentioned. There are a number of people living upon the islands in Bass Straits who do not enjoy the same conveniences as do the inhabitants of King Island, and they are entitled to at least equal consideration. It has been complained that the ballot-boxes and ballot-papers intended for King Island during the recent elections, arrived too late for use by the electors there. The people living on other islands in Bass Straits had no special facilities for recording their votes. Their only recourse was to go to Georgetown, on the mainland, and vote there as best they could. It was arranged that certain papers were to be sent to these islands to enable the electors to vote by post, but these did not arrive in time, and the electors were disfranchised. No harm can be done by passing the motion; on the contrary, it may do some good, and I think that we should certainly afford all reasonable facilities to the inhabitants of King Island.

Amendment agreed to.

Question, as amended, resolved in the affirmative.

*Resolved—*

That, in view of the enormous increase of the population of King Island and the magnitude of its agricultural and commercial importance (the island lying midway between the States of Victoria and Tasmania), in the opinion of this House the Postmaster-General should endeavour to make better arrangements for the landing of the mails at Currie Harbor or Sea Elephant Bay.

#### TRAVELLING ALLOWANCES OF MILITARY COMMANDANTS.

Mr. MALONEY (Melbourne).—I move—

That a return be laid upon the table of the House, showing—

1. What sum per diem is drawn by Major-General Hutton as travelling allowance when he is absent from Melbourne.

2. How many days Major-General Hutton was absent on his recent visit to Tasmania.

3. What sum was paid to, or applied for by, Major-General Hutton as travelling expenses in respect of the visit in question to Tasmania.

4. How many days Major-General Hutton was absent from Melbourne on his Easter visit to New South Wales.

5. What sum was paid to, or applied for by, Major-General Hutton as travelling expenses in respect of the visit in question to New South Wales.

6. What was the total sum paid to, or applied for by, Major-General Hutton as travelling expenses in 1902.

7. The same information for 1903.

8. The same information for 1904.

9. The sums paid or applied for as travelling expenses of Major-General Hutton's aide-de-camp for each of the years 1902, 1903, and 1904.

10. The sum paid or applied for as travelling expenses for Major-General Hutton's private secretary for each of the years 1902, 1903, and 1904.

11. Whether Major-General Hutton travelled with an orderly.

12. If so, what was the sum annually paid for his travelling expenses.

I do not propose to detain the House at any great length. In the first place, an inquiry is pending, which might render it a matter of delicacy for me to discuss the subject at length; and, secondly, I know that honorable members are anxious to proceed with other business. I think it is only right that the community should know exactly the sum of money paid to the General Officer Commanding. I find, by reference to the official papers, that Major-General Hutton receives a salary of £2,500, including all allowances, except travelling allowances. I know that, in connexion with certain forces, three different kinds of allowances are provided for under the head of travelling expenses, living expenses, and route expenses, the latter term being somewhat difficult to define. I find that Von Moltke, who led the victorious legions of Germany against France, and who had the command of about a million men, received a salary of only £1,500, and although the salaries paid in Australia must be upon a relatively higher scale, we should guard against any undue extravagance. The citizens of Australia are entitled to know the exact amount which is paid to the General Officer Commanding out of the funds of the Commonwealth.

Mr. POYNTON (Grey).—I have no objection to the motion, but I think we should enlarge its scope in order to cover the expenses paid to the State Commandants. I am under the impression that the aggregate amount expended in the form of travelling expenses to the military commandants represents a very considerable sum. I move—

That the following words be added:—"and Similar information regarding the travelling expenses of each of the six State Commandants for 1902 and 1903."

Mr. WATSON (Bland—Treasurer).—I do not see much objection, on principle, to the House desiring and obtaining information of this description, especially as within a comparatively short time the Estimates will be presented. I expect, however, that the amendment will lead to a considerable increase in the cost of preparing the return.

Mr. PAGE.—The public should know what they are paying.

Sir JOHN FORREST.—They do now.

Mr. PAGE.—They do not.

Mr. WATSON.—No one knows the actual amount spent in the form of travelling expenses, because the payments are made out of the vote for Contingencies.

Sir JOHN FORREST.—The public know the rate per diem that is allowed.

Mr. WATSON.—I have no objection to the motion, but I hope that the preparation of the return will not involve any great expense.

Sir JOHN FORREST (Swan).—There is no objection to any return being asked for in connexion with the public expenditure, so long as the information sought is required for the enlightenment of the public, but it appears to me that the motion is somewhat longer than is really necessary, and that there is something underlying it. If that be so, I do not approve of it. The travelling expenses of public officers of the Commonwealth are fixed by regulations which have been approved by the Public Service Commissioner and the Executive of the day. Those allowances are not of a haphazard character. They are absolutely fixed. Officers of the Commonwealth are allowed two things. In the first place they are granted the actual cost of their transport, whether it be by coach, rail, or otherwise. Then they are allowed a certain sum per day, which, as a rule, is regulated by the amount of their salaries. From the day they leave their place of residence until they return they receive this allowance, which is intended to cover everything. Their only other reimbursement is for out-of-pocket expenses, such as might be involved in the despatch of official telegrams. In the case of Major-General Sir Edward Hutton, his allowance was decided whilst I occupied Ministerial office, and therefore I have some knowledge of the matter. Originally he was granted his actual expenses. That arrangement continued for some time. It did not prove a very satisfactory one, because it was felt that it was undesirable to have numerous small accounts submitted to the Department, in some of which the expenditure was vouched for, whilst in others it was not. Eventually an agreement was arrived at which was based upon the Major-General's expenditure for more than a year. Under that arrangement the Commonwealth agreed to allow that officer £2 per day as travelling expenses whenever he was absent from Melbourne on duty. The amount covers

all his expenses, with the exception of transport by railway. He has a pass over all railways. He is required to pay all his expenses out of the £2 per day to which I have referred. It is impossible for him to travel without an orderly. It would not be possible for any honorable member, if he occupied Major-General Sir Edward Hutton's position, to do without an orderly.

Mr. PAGE.—I have had to hump my saddle through Queensland.

Sir JOHN FORREST.—Probably the honorable member had not as many uniforms as has the Major-General?

Mr. CROUCH.—Who pays for the orderly?

Sir JOHN FORREST.—The orderly is a soldier.

Mr. CROUCH.—He is supposed to be doing garrison work.

Sir JOHN FORREST.—General Officers are always allowed orderlies.

Mr. CROUCH.—I think they should pay for them.

Mr. PAGE.—All officers in the Imperial Service are allowed a soldier groom and a soldier servant.

Sir JOHN FORREST.—All the expenses I have enumerated are covered by the allowance to Major-General Sir Edward Hutton of £2 per day. I do not know that it is of any interest to the public to learn how many days were occupied by that officer in travelling to Tasmania and back. Surely, it is not implied that he charged for more days than he was absent! In my opinion, the more frequently he is away from Headquarters, the better it is for the forces of the Commonwealth. I would remind honorable members that the duties of the General Officer Commanding are by no means confined to Victoria, but extend to the whole of the Commonwealth. Of course, the longer he remains in Melbourne, with his family, the more comfortable he is. On the other hand, it is necessary that he should travel, in order to efficiently perform the duties of his office. Instead of having a General Officer Commanding, I understand that it is suggested by some people that we should appoint an Inspector-General, who would be required to do a great deal of travelling. The question as to how many days Major-General Sir Edward Hutton was occupied in Tasmania is absolutely silly, unless he has done something which he ought not to have done. The answer to the third question raised by the honorable member is that the Major-General, on his visit to that

State, was allowed travelling expenses at the rate of £2 per day. I scarcely think that we are in a position to judge whether he was absent for too long or too short a period. The total sum paid to him, as travelling expenses, during 1902-3 might possibly be of interest to some persons, but the other matters upon which the honorable member for Melbourne desires information appear to suggest that the General Officer Commanding charged for more days than he was entitled to.

Mr. MALONEY.—Evil be to him who evil thinks.

Sir JOHN FORREST.—I cannot help thinking that some one has supplied the honorable member with these questions for some purpose of his own, and perhaps with a desire to trap the Major-General. I do not like this system of espionage upon a public officer.

Mr. BROWN.—If there is anything wrong it ought to be cleared up.

Sir JOHN FORREST.—There is nothing to clear up.

Mr. MALONEY.—The right honorable member may try to hide it as much as he chooses, but the truth will prevail.

Sir JOHN FORREST.—I do not desire to conceal anything. I am merely expressing my opinion, and I have some knowledge of these matters. The questions raised by the honorable member seem to reflect upon the Major-General, and in my judgment it is wrong to put queries which even insinuate a double meaning. I repeat that it is necessary for Major-General Sir Edward Hutton to travel in order to faithfully perform his duty. No one can urge that he endeavours to spare himself, because he is ever ready to do his work. I do not like to see the slightest semblance of a reflection cast upon an officer who is lent to us for a short period by the Imperial Government. These questions impress me with the idea that there is something behind them, and beyond the information which is sought. If that is the case, let it be clearly stated.

Mr. KELLY (Wentworth).—I quite agree with the remarks of the right honorable member for Swan. It seems to me that this motion could have been concentrated under two or three heads, and that then the information required by the honorable member for Melbourne could have been asked for in the ordinary way, at a convenient time, in the form of questions. I should be the last to endeavour to curtail information supplied to any honorable

member. But I do think, with the right honorable member for Swan, that in this motion there is implied an indirect attack on the General Officer Commanding the Commonwealth Forces. I find, in support of my contention, that this motion might have been narrowed down considerably. Looking at paragraph 2, for instance, we find that it is desired by the honorable member to know "How many days Major-General Hutton was absent on his recent visit to Tasmania"? I am quite convinced that three minutes' conversation on the telephone with the shipping company would have extracted that valuable information. Therefore, I do not think it was necessary to ask for it in this form. As regards the other questions, they mainly concern details of the expenses of Major-General Hutton when he has been travelling. Surely, with regard to those questions, the matter is equally simple. The honorable member might simply have asked what travelling allowances the General Officer Commanding received from the Government. That would cover almost the whole of his questions. Lower down, we find that the same information is wanted for years back. I do not know whether that is necessary for the honorable member's purposes. Of course, if it is, I would not attempt to suggest anything that would frustrate the obtaining of the information. I would defer to his request absolutely. But, at the same time, it appears to me that the information could have been obtained from the Estimates. The allowance paid to the General Officer Commanding would give the honorable member the result at once. Looking further down, we find that the honorable member wants to know the amount paid to the Major-General's aide-de-camp, and also whether he travels with a private secretary and an orderly. As the right honorable member for Swan very rightly said, it is absolutely necessary for the General Officer Commanding to travel with some servant, if only to look after his baggage. I should say that it is also necessary for him to travel with his secretary, because, under our dual system of military control, he has a great amount of secretarial work to do. In this connexion, I should like to remind the House that some Ministers of the Commonwealth—very rightly, I think—have taken secretaries with them when they have travelled. I am not speaking of the members of the present Ministry, because I do not actually know what they do

But certainly there have been Ministers who have travelled with secretaries as well as with servants.

Mr. PAGE.—Not the ex-Minister of Defence.

Mr. KELLY.—I am not mentioning any particular branch of the service, but I think all the Departments are affected in this respect. I think that it would be invidious to mention one; but when a Minister finds it necessary to travel with a secretary and with a servant, we may very well concede the same advantages to a distinguished officer who has to discharge the enormous duties devolving on the General Officer Commanding. I urge that all the information which the honorable member for Melbourne asks for in this series of questions could have been obtained in the ordinary way at question time. I hope that the honorable member will not suppose that I am objecting to his obtaining the information. If he attempted to obtain it at question time, and it were refused, I should then be inclined to support a motion of this kind.

Mr. MALONEY.—I could not obtain it by means of questions.

Mr. KELLY.—I do not think the honorable member could in this detailed form, but I think that if he narrowed down his motion, and put the questions under two or three heads, or four or five, at the outside, they would have been allowed. Of course I am not an authority on these matters, and have never pretended to be one. But it seems to me that the only way in which to get information of this kind, if an honorable member does not want to leave a sting in the minds of those against whom his questions are directed, is to ask them at question time in the ordinary way.

Mr. PAGE.—One cannot get information in that way. Ministers often smother it up.

Mr. KELLY.—In that case such a motion might be justified. As the case stands I regret that I must oppose the motion.

Mr. PAGE (Maranoa).—In speaking to this motion, I may say that I am one of those who are regarded by a number of honorable members as having a particular "down" upon Major-General Hutton. I have no particular "down" upon him personally. But I have a "down" on Imperial militarism. As far as the travelling allowances of Major-General Hutton are concerned, I do not think the Commonwealth pays him too much. I might tell the honorable member for Melbourne that I have given to the

travelling expenses of all the officers, the commandants and their staffs, and Major-General Hutton and his staff, a great deal of scrutiny. I do not think we are paying them too much in these allowances. The right honorable member for Swan has put it very plausibly when he states that the more Major-General Hutton is away from Melbourne the more and the better he is earning the salary which we pay to him. But there is a fault in the regulations in regard to travelling expenses. I have spoken to the ex-Minister of Defence, the honorable member for Eden-Monaro, about it. I allude to the great difference in the amount paid in travelling allowances to different officers of the service. Every one of us knows that, in travelling and staying at hotels, a man like Major-General Hutton is not charged any more than a private individual or a lieutenant. The charge is exactly the same, unless, of course, the General has a special suite of rooms, for which, naturally, he would pay correspondingly. But people, in travelling, do not very often go in for privileges of that kind. I cannot see for the life of me why a colonel who is travelling should get £2 a day for his expenses, whilst a lieutenant, who is travelling with him, and has to spend exactly the same amount for his conveniences, gets 10s. 6d., or, at the most, 15s. a day.

Sir JOHN FORREST.—The General has to have a horse.

Mr. PAGE.—So has his orderly. How can an orderly go with a General on foot if the General is on horseback? One of the paragraphs in the motion of the honorable member for Melbourne is: "How many days Major-General Hutton was absent on his recent visit to Tasmania?" There is also another paragraph which deals with the travelling expenses in respect of Major-General's Hutton's visit to Tasmania. I do not know why the honorable member for Melbourne has picked out Tasmania any more than any other place; but I believe that, when Major-General Hutton was over in Tasmania, he had to perform one of the most difficult tasks as regards military discipline that any General Officer Commanding ever had to perform in any country. It seems to me that he got out of the difficulty very well indeed, under the circumstances. If what happened in Tasmania had happened in some of the countries of Europe, a penalty much more serious than the disbanding of a corps would have been the consequence.

Mr. STORRER.—What could have been done?

Mr. PAGE.—The men would have been in prison to-day in consequence of their action. It was not simply that they did not turn up to duty; it was practically rebellion, and the honorable member for Bass must know what the penalty for rebellion is.

Mr. CHAPMAN.—It was a military strike.

Mr. PAGE.—I can tell the honorable member about an incident that happened at Woolwich while I was soldiering. Some drivers in the artillery were discontented at having to drive out on a wet day. We got orders to do route marching every day in the week, except Saturday, because the General Officer Commanding was under the impression that our battery was not efficient. The drivers refused to turn out. What happened? Every one of them was sent to gaol, with a long term of imprisonment.

Mr. STORRER.—They were regulars.

Mr. PAGE.—But the oath taken by both regulars and volunteers is the same, and if a volunteer breaks it he is just as liable to imprisonment as is a member of the regular forces. I am unable to say what object the honorable member has in view, so far as his inquiry in reference to the visit paid to Tasmania by the General Officer Commanding is concerned; but he is quite within his rights in asking that the return be furnished. The honorable member for Wentworth suggested that the honorable member might have secured the information he desires as to the length of Major-General Hutton's stay in Tasmania, by telephoning to the Steamship Company; but it seems to me that it would be *infra dig* for an honorable member to resort to any such source of information. Why should he spy round the shipping offices?

Mr. HUTCHISON.—Had he done so he would have acted practically as a private detective.

Mr. PAGE.—Quite so. Under our Standing Orders the honorable member is entitled to secure this information, and no exception can be taken to his action. Complaint is made of the action of the General Officer Commanding in taking his orderly with him. But every officer in the British Army is allowed two men—one to act as groom, and the other as a valet. He takes those men with him wherever he goes on duty, and the British Government bear his living as well as his travelling expenses while he is so engaged. It may well be said that

we are becoming very niggardly if we refuse to allow the General Officer Commanding to have even one servant in attendance on him when he is travelling from place to place in the performance of his duties. I was surprised at the interjection made some minutes ago by the honorable member for Corio. As a military man, he must know that even the officers of volunteer regiments are each allowed a batman to polish their swords, and keep their buttons burnished. Surely the honorable and learned member would allow the General Officer Commanding at least the privileges that are accorded to a lieutenant in a volunteer force? Last year I moved for a return showing the expenses incurred by Major-General Hutton and his staff in connexion with his northern tour—inclusive of the trip to New Guinea—and was astounded by the information that I obtained. The amount paid to Major-General Hutton was exceedingly small, and I had to admit that I had discovered a mare's nest.

Mr. WILLIS.—What did the trip cost?

Mr. PAGE.—It did not cost £500, and I was under the impression that it had involved an outlay approximating to £5,000. When the return was furnished, I at once saw that I was on the wrong track, and allowed the matter to rest. My opinion of Major-General Hutton is such that I feel satisfied that he would not take £1 from the Commonwealth if he was not justly entitled to receive it. In this respect, I also believe that my honorable friend, the member for Melbourne, is on the wrong track. As to the appointment of a private secretary, I would ask honorable members whether they do not consider that the General Officer Commanding, who has to control the Military Forces of the Commonwealth in no less than six States, is entitled to the services of such an officer. Could he be expected to personally attend to all his voluminous official correspondence, and to take notes of the many interviews which he has to hold? Whenever he visits Queensland, he invariably has long interviews with officers and others, and whether we believe in his system or not, we must all admit that his heart is in the work. His intentions are undoubtedly good; and I believe that in ability he is second to none. The fact remains, however, that just as honorable members opposite consider that members of the Labour Party would administer the affairs of the Commonwealth in a curious manner, so many persons entertain the opinion that the

General Officer Commanding has a peculiar way of giving effect to his views and schemes. We must, nevertheless, give him credit for honesty of purpose, although, perhaps, the honorable member for Robertson may not do so.

Mr. WILLIS.—I have not said anything.

Mr. PAGE.—But the honorable member thinks a lot. So far as the Major-General's private secretary is concerned, I do not think that greater efficiency would be secured by the abolition of that office. Had I required the information which the honorable member for Melbourne seeks, I should have inquired from the Minister of Defence whether it was available to me as a private member. The Minister would, doubtless, have fenced a little—

Mr. CHAPMAN.—He certainly would not have done that.

Mr. PAGE.—I believe that he would have done so; but I should have parried, and eventually obtained the information. When I first asked for information relating to Major-General Hutton's northern tour of inspection, I was informed that it was not available. I persisted, however, in visiting the offices of the Defence Department day after day, with the result that I secured the information piece by piece, until by the time the Estimates were ready for our consideration I was in possession of all the facts. As soon as I discovered that everything was fair and above board, I was satisfied. I would point out to the honorable member for Melbourne that the travelling expenses are fixed by regulation, and cannot be exceeded. The accounts are audited by the Audit Department, and vouchers have to be forthcoming in respect of every claim for allowances. If an honorable member queried any item of expenditure the late Treasurer invariably went to great trouble to ascertain whether there was any ground for objecting to it. I am sure that the present Treasurer will take up a similar position, and, although the honorable member for Melbourne is not exceeding his privileges in asking for this return, I am satisfied that when it is furnished he will find, as I did in connexion with my request for the return relating to the northern tour of inspection, that he has been "barking up the wrong tree."

Mr. BROWN (Canobolas).—The objection raised by the right honorable member for Swan to the passing of this motion has given me considerable surprise. The honorable member for Melbourne apparently desires to secure certain information,

for which he is entitled to ask, and it would seem that he can secure it in no other way. I do not know whether the honorable member for Maranoa has succeeded in securing information of this kind by personal application to the Department, but he will admit that we all do not possess his degree of persistency. The Defence Department expenditure is very heavy, and the Estimates are so drawn up that it is often impossible to secure specific information in regard to any particular item. The honorable member for Swan has placed a certain interpretation on the action of the honorable member for Melbourne in submitting this motion. If there is anything in his remarks which amount to an imputation against the General, it is to the interest of the officer concerned that the information desired by the honorable member for Melbourne should be made public. Personally, I do not entertain any suspicion of wrongdoing on the part of the General, or of the members of his Head-Quarters Staff, nor do I think that such a suspicion has crossed the minds of any considerable number of honorable members. But after the suggestion made by the right honorable member for Swan, who was himself for a time Minister of Defence, the motion should be passed, so that the House may be put into possession of all information, and it may be seen what justification there is for the imputation. Therefore, I shall support the motion.

Mr. CHAPMAN (Eden-Monaro).—I see no reason why the information asked for should not be given, though it is difficult to understand why the honorable member for Melbourne has moved a motion, instead of placing a question upon the notice-paper, because every honorable member is well within his rights in asking for information such as this. I shall support the motion. If I thought that the honorable member for Melbourne imputed misconduct to the Major-General Commanding, I should have to consider the matter more fully; but I see nothing in the motion which leads me to believe that he has any such intention. General Hutton is too well known for any member of the House to harbor the suspicion that he would be guilty of wrongdoing in connexion with the expenditure of the public money intrusted to him. The honorable member for Maranoa spoke of the difference between the travelling expenses of officers who might all have to stay at the same hotel; but I would point out that the military travelling allowances are

provided for by regulation. They bear a certain relation to the salaries paid, and are as far as possible identical with the scale of travelling allowances sanctioned by the Public Service Board. That seems to me as good an arrangement as can be made. In reply to the cavilling at the amount of money spent by the Military Department generally for travelling expenses, I would ask the House to remember that that branch of the service has of late been in a state of flux, or change, and a considerable amount of travelling has had to be done in connexion with the re-arrangement of positions which has been necessary. The Major-General Commanding receives for his expenses a fixed sum. We, who know something about military matters, know that, although the right honorable member for Swan did not, perhaps, clearly express his opinion, what he intended to convey was that it is a cheering sign to have at the head of our Military Forces an energetic man like General Hutton, who is always flitting about the various States of the Commonwealth. It cannot be very pleasurable to General Hutton to rush from State to State, as he does, in all weathers and at all times, and no one would accuse him of travelling in order to save money out of his allowance. I take it that it is very necessary that he should move round as he does. Whatever accusations may be levelled against him, he cannot be charged with not being energetic enough. Something has been said about his action in Tasmania. It is hardly in order to refer to the subject on the motion under discussion, but I should like to say that I look upon the action taken in that case as the turning point in the history of Commonwealth Defence administration. What occurred in Tasmania was in the nature of a military strike. Most of us strongly favour the building up of a citizen soldiery. But we must have discipline even where citizen soldiers are concerned, and it is a good thing that on the occasion to which I refer we had a commanding officer who was not afraid to act. Persons who have forgotten more about military matters than I ever knew, have spoken very highly about General Hutton's action on that occasion. He knew that whenever large bodies of citizens are concerned, attempts are made to bring political influence to bear, and it is a cheering thing to remember that he was not afraid to make the recommendation which he did. He knew that

*Mr. Chapman.*

he would have to face hostile criticism, and that he might be blamed in this or the other House, but, nevertheless, he did his duty. I myself have on many occasions felt bound to differ from General Hutton, and to express my views plainly in this Chamber; but I owe it to myself and to the country, whenever a public officer with whom I am acquainted or have come into contact is unjustly censured, to say frankly what I know about the facts of the case. With regard to what has been said about carrying servants and private secretaries about the country—as we all know, officers of high standing are accustomed to take with them certain attendants. In my opinion there should be a line drawn between servants and messengers. It is quite a different thing for the General to take a servant and for the Prime Minister to take a messenger about with him. But I hold that if a high military officer claims a right to take with him a private secretary and an orderly, it is for the Minister in charge of the Defence Department to say when the bounds are overstepped. Members of Parliament cannot go into these details. I take it that the honorable member for Melbourne wishes to elicit information, so that when the Estimates come before us for discussion, he will be able to say whether the lump sum asked for is too much. I hold a strong opinion in regard to travelling expenses. I believe that in many ways a saving could be made in this expenditure; but, as I have pointed out, a good deal of it has been unavoidable, because of the changes which have been in process. Now that these changes have been made, and men are settled in positions where they will probably remain for some considerable time, the travelling expenditure of the Department should be reduced.

Mr. HUTCHISON (Hindmarsh). — I do not for a moment suppose that Major-General Hutton has drawn sixpence more than the amount to which he is entitled for travelling expenses, and I do not think that the honorable member for Melbourne suggests that he has.

Mr. MALONEY.—I do not suggest it, nor do I think it.

Mr. HUTCHISON.—The right honorable member for Swan and the honorable member for Wentworth would be among the first to resent any dictation in regard to notices of motion. Every honorable member has a right to place upon the business-paper any notice of motion. If it is not in order, he

will be told so by the proper authority; but if it is in order, no other honorable member has a right to object to it on the ground of form. The taxpayers are entitled to know what any and every department of Government costs. I myself am anxious to obtain the information for which the honorable member for Melbourne asks, because I wish to know how the travelling allowances granted to military officers compare with those given to travelling letter-sorters, who receive 2s. 8d. per day. The right honorable member for Swan spoke of an officer getting £2 a day. I do not say whether that is too much or too little, though to me it appears a very generous amount. What I am anxious to see is that justice is done to lower paid officials, such as the travelling letter-sorters to whom I have referred. In many small towns there are only one or two hotels, where every person stopping has to put up. I have gone round the country with Royal Commissions, and have found that we were charged no more than ordinary visitors. If a Railway Commissioner is stopping in the same town as a letter-sorter, although the one may be getting £1 or £2 a day as travelling allowance, and the other 2s. 8d., they may both have to stay at the same hotel and pay the same charges. I shall support the motion.

Mr. MALONEY (Melbourne).—I assure honorable members that I have nothing to hide in connexion with the motion. I desire to procure certain information, and I have taken a course which a great deal of experience in the Victorian Legislature makes me think necessary. At the present time no one knows what the Military Commandant of Victoria receives in travelling expenses. Although I had a pledge from the late Treasurer of the Commonwealth, when he was Premier of Victoria, that he would give me similar State information, I never got it. The general who commands 250,000 Switzers in time of war gets only £2 per day. Personally, I have nothing against Major-General Hutton. I do not know this gentleman, and I have yet to learn to take a dislike to a human being whom I have never met. I should like, through the press if possible, to assure this gentleman that I have no animus against him. I hold that, in my position as a member of this House, I have a right to demand this information so that the public, who have to provide these large sums, may know exactly how much is spent in this direction. I

thank honorable members for the courteous way in which the debate has been conducted.

Amendment agreed to.

Question, as amended, resolved in the affirmative.

# MINISTERIAL STATEMENT: PAPER.

Debate resumed from 25th May (*vide* page 1584), on motion by Mr. WATSON—

That the letter from the Secretary of State for the Colonies regarding the use of the title of "Honorable" by members of the first Parliament of the Commonwealth of Australia be printed.

Sir JOHN FORREST (Swan).—With the exception of my leader, the honorable and learned member for Ballarat, no member of the party to which I belong has spoken during this debate. As the debate appears to be coming to a close, and, seeing that I am now free from all Ministerial obligations, I do not feel justified in remaining silent in regard to so important a matter as the transfer of the administration from the party with which I am associated to what is known in this House as the Labour Party. I should like to say, at the beginning, in view of the misstatements or misrepresentations as to the political leanings or proclivities of members of this House, that I am now, and always have been during my political life, a protectionist. It ought not to be necessary for me to make such an avowal, but the circumstances render it necessary. I do not know whether the misrepresentation is intentional, and I am quite willing to admit for the sake of argument that it is quite unintentional. I have called myself, though no one else has so called me, a moderate protectionist; and during the twenty-one years in which I have been engaged in legislative work in Western Australia and in the Commonwealth Parliament, I have never changed my views. Since the inauguration of the Commonwealth I have, as honorable members know, served under two leaders, both representing what is called the Protectionist Party—first Sir Edmund Barton, and, more recently, the honorable and learned member for Ballarat, Mr. Deakin. Three years have passed away, and, being now relieved of Ministerial responsibility, I am quite free to say that I have always been a very open and candid colleague. I have never hesitated to express my opinions, which are well known to both the gentlemen I have mentioned, and, to a smaller extent, to all



my colleagues. I may tell honorable members, that both these gentlemen are now my personal, as well as my political, friends, to a greater extent than they ever were before. That utterance should, I think, dispel any idea that during our association we did not work together with the greatest harmony and friendship. It would be impossible for me to say that every measure introduced by the Administrations to which I belonged, met with my approval; and the members of the present Government, when they have had longer Ministerial experience, will find that they have to submit to much with which they are not altogether in accord. It must be a matter of real and vital importance to a Minister's principles and conscience, before he takes such an important step in politics as to dissociate himself from those with whom he has been working. To take that course involves greater responsibility than may be imagined by those who have not had to take it into consideration. In such circumstances, a Minister has to consider, not only his leaving his colleagues—that would be painful enough—but he has also to consider where he is going, and with whom he is going to associate. Therefore it is very seldom in the political history of our country, or of any country within the British Empire, that we find men associated in a Government finding it necessary to separate from one another. I should like also to say that I have always had the fullest confidence of the two leaders under whom I served in the Commonwealth Government; nothing was ever kept back from me. Whether I agreed or disagreed with them, I always had, as I say, the fullest confidence of those two gentlemen, under whom I am proud to have served. I wish to repeat, that to-night I am free from Ministerial responsibility. I owe no allegiance whatever, which, in my opinion—I say my opinion, and not the opinion of other people—is inconsistent with my duty to my constituents and my conscience. On me there is exerted no pressure, either from outside or from any inside caucus of any political party—no pressure from a few individuals, who, meeting almost in secret, and calling themselves a labour council, may seek to bind me. Can honorable members opposite say the same?

Mr. CARPENTER.—Undoubtedly.

Sir JOHN FORREST.—Honorable members opposite have to reckon not only

with an outside caucus, but with a caucus inside.

Mr. CARPENTER.—The right honorable gentleman is wrong.

Sir JOHN FORREST.—We are always said to be wrong in making that statement, but the printed documents of the Labour Party show that we are quite right.

Mr. BAMFORD.—Does the right honorable gentleman not think that one caucus is quite enough for any reasonable man?

Sir JOHN FORREST.—If I do not vote to-night, or to-morrow, as my friends beside me think I ought to vote, I am not liable to be called opprobrious names, such as "blackleg" or "scab." I do not know the meaning of the latter term, but I have heard it used. I am not exposed to these opprobrious names if I exercise my own judgment and vote as I like. On the contrary, I feel that I am at liberty to vote in a way that will commend itself to my constituents and to my own conscience.

Mr. HUTCHISON.—The right honorable and learned member for Adelaide had to leave the Barton Government.

Sir JOHN FORREST.—I shall refer to the right honorable and learned member for Adelaide by-and-by. I desire, in what I have to say, to be very frank. It is my desire also, as it has been throughout my political life, not to exhibit any personal feeling. I wish it to be thoroughly understood that I have no personal feeling against honorable members opposite, and I am urged only by a sense of public duty to say what I shall say. We have worked together as friends for over three years, and though I may in some of my remarks upon honorable members opposite be severe, I hope that what I shall say will not interfere with our friendship in the future.

Mr. CARPENTER.—So long as it is the truth, we shall not mind.

Sir JOHN FORREST.—I remind the honorable member that the truth is not always told in a courteous way, but I desire to be courteous, though there may be some difference of opinion on the point before I shall have done. A little incident happened yesterday, which shows how one may be misrepresented. I had noticed in certain newspapers a reference to remarks which were made by the present Minister of Defence. I thought the remarks were very improper, and not such as should have been made by a public man, whether years ago or at the present time. I gave notice of a question dealing with the subject, and

I find that the honorable gentleman has written and stated that I am suffering some pique or disappointment on being relieved of the duties of my office as a Minister. If that is the spirit in which a simple question is to be received, I cannot help it. I believe that I was the honorable gentleman's best friend, if he only knew it, because there was an absolutely easy and satisfactory answer to the question I submitted, and the answer which I should have given if I had been in his unenviable position. If I had made any statement at a previous period of my life which was not justified, or which was not creditable to me, I should have said in answer to such a question—"It is perfectly true that I made the statement, and I very much regret it." If the present Minister of Defence had adopted that course, the incident would have closed to his advantage. When a man has made statements which are not of a creditable character, concerning our public institutions, or public men, he is not entitled to expect, when he enters this Parliament, that he will be shielded, and will not be asked what he meant. I have little doubt that the action which I took in this matter will do good. It will show our public men that they must be guarded in what they say. No man is justified in designating people who are trying to do their duty, and who are doing the bravest thing which men can do when they leave their homes and kindred to fight for their country in a distant land, incurring all the disadvantages attending that action, as "swash-bucklers," "cowards," "curs," or "dogs." I think that the action I have taken will afford the Minister of Defence the best lesson which the honorable gentleman could receive; it will be good for him and for the community generally. I leave the matter now, and add only that personally the honorable gentleman and I have always been good friends, and I regret to have to say anything that reflects upon him.

Mr. MAHON.—He is a good friend to the railway, too.

Sir JOHN FORREST.—That only goes to show how very unreasonable it is to suggest that, in the course I took, I was actuated by anything but what I considered my duty. We have heard excellent speeches from the honorable and learned member for Ballarat and the right honorable and learned member for East Sydney. If anything were necessary to show that either of those gentlemen is fully qualified to lead any party in this country, those speeches

gave proof that they are specially well fitted for such a task. It is no doubt to the credit of those honorable gentlemen; but they appeared to me to be a little too complimentary. In my opinion, the Opposition should never say anything very complimentary about the Government, but should find fault with them if they do wrong. If they do right, the Opposition should say, "That is just what you ought to have done; you have done your duty;" but if the Government does wrong, the Opposition should hold them to account for it. I do not think it was necessary for those who had just been dispossessed of their positions to pay compliments to those who had turned them out of office. What has occurred serves to show the kindly dispositions of those two honorable gentlemen, and, perhaps, how very superior they are in that regard to what I think I should have been under similar circumstances. I cannot forecast the future; time will tell what is to take place; but I do not look upon the present as a time of political peace. It is, in my opinion, a time of political war. What are the facts? We on this side have been vanquished; honorable members opposite are the victors, and they have taken possession of the spoils.

Mr. HUTCHISON.—That is the grievance.

Sir JOHN FORREST.—The honorable member has spoilt my joke by saying "That is the grievance." I can assure the honorable member that the loss of the "spoils" is not a grievance with me. Some of the pleasantest days I have spent since I entered this Parliament have been those which I have spent in opposition. My circle of acquaintance has been largely extended. Persons upon whom I had looked rather askance during the last two or three years are, I now find, really excellent men, with whom I can fraternize, and enjoy myself. Instead of restricting my parliamentary circle of acquaintance, I have enlarged it in the last few days, and I can assure honorable members that the experience has been agreeable.

Mr. RAMFORD.—The right honorable member has only to join us to still further enlarge it.

Sir JOHN FORREST.—When I hear what the terms are, I shall see about that. I may say, at once, that I am quite in accord with the action recently taken by my honorable and learned friend and leader, the honorable member for Ballarat, and with the expressions he has used in the memoranda which

have been made public. I am in accord with him when he agrees with the right honorable and learned member for East Sydney—

That the existence of three parties in the Federal Legislature of nearly equal strength has thrown public affairs into confusion, makes parliamentary government on constitutional lines impossible, and calls for some immediate remedy. These words give expression to an opinion which I have held for some time, and it is gratifying to me to find the honorable and learned member for Ballarat and the right honorable and learned member for East Sydney holding exactly the opinion which I have previously held and expressed on several occasions. I am in accord with those honorable gentlemen also when they say that—

Unfortunately, the party now in power, quite apart from any question relating to its programme, maintains control of its minority by its majority.

I agree with that statement absolutely.

Mr. CARPENTER.—Does the right honorable member think that the minority should rule?

Sir JOHN FORREST.—I like a little freedom. I wish to make myself perfectly clear. I expect to occupy some time, and I shall frequently make use of the term "Labour Party." I do not want to be misrepresented. Therefore, I should like to explain exactly what I mean when I use that term. I refer to the organized labour unions of this country, which, in my opinion, dominate the present Government.

Mr. CARPENTER.—The right honorable gentleman is starting with a false definition.

Sir JOHN FORREST.—Very likely, according to the view of the honorable member; but I think that I am justified in my definition. The honorable member may think otherwise. He may be like the schoolmaster mentioned by Goldsmith, who could still argue even when he was vanquished. When I speak of the Labour Party I refer to the organized labour unions which, in my opinion, dominate the present Government. I do not mean the rest—the large majority—of the workers and toilers of this country. Let that be thoroughly understood. I believe that almost every one of us, myself amongst the number, is to be included within this latter category. I am as much a representative of the workers and toilers of this country as is any other honorable member. I am as much a toiler myself as is any labour representative. I have been a

worker and a toiler all my life. I worked with my hands in my early days, and I have been a toiler ever since. I do not want any question to be raised as to what I mean, or to leave the slightest opening for the misrepresentation that in speaking of the Labour Party I refer to the whole of the workers and toilers of Australia. We are all industrious people. The majority of our citizens, if not labouring now, have worked in days gone by. With very few exceptions our fathers came here, not as the inheritors of wealth, but in order to establish homes and better their condition in this new country. Therefore, we are all toilers and workers. I again reiterate that when I speak of the Labour Party I mean only the organized labour unions, which, in my opinion, dominate the present Government.

Mr. HUTCHISON.—They do not wholly constitute the Labour Party.

Sir JOHN FORREST.—It has been stated over and over again by honorable members—by the Attorney-General and by the Minister of External Affairs, and by others, in the press and out of it—that the Government policy, as set forth by the Prime Minister, is identical with that of the late Government. That may be true so far as the headings of their proposals are concerned; but I have yet to learn that the heading of a Bill is any indication of its contents in detail.

Mr. HIGGINS.—The right honorable member intends to convey that we mean what we say, and that some other Governments do not.

Sir JOHN FORREST.—I do not mean anything of the sort. If our policy was identical with that put forward by the present Ministry, why did we leave the Treasury benches? If the Conciliation and Arbitration Bill introduced by the present Government is the same as that brought forward by us, why did we resign?

Mr. HIGGINS.—Hear, hear. It was wrong for the Government to resign.

Sir JOHN FORREST.—That is a matter of opinion. I believe that we did right. Were we, as a Government, in favour of placing State public servants under Commonwealth control? Have we changed our opinions since we came over to this side of the House? Do we not think as strongly to-day as when we resigned, that the action of the Labour Party, and those who assisted them, in so amending the Bill as to bring the public servants of the State within its scope, is not warranted by the terms of the Constitution?

Mr. CHAPMAN.—That is not a vital question now.

Sir JOHN FORREST.—It was a vital question with the late Government. But what is sauce for the goose may not be sauce for the gander.

Mr. HIGGINS.—Who is the goose?

Sir JOHN FORREST.—I will come to the honorable and learned member directly, and give him a little sauce. We still think that the provision inserted by the Labour Party is unconstitutional. If the High Court should decide against us on that point, we should hold that it is inexpedient under existing conditions for the Commonwealth to exercise any control over the public servants of the States. We contend, further, that never in his wildest dreams did the honorable the Attorney-General, who proposed at the Convention the sub-section of the Constitution relating to conciliation and arbitration, ever imagine that it would be construed in such a manner as to confer upon the Commonwealth power to exercise control over the public servants of the States. Moreover, we hold that such a provision would strike at the very root of the Federation and the autonomy of the States. We said that before we resigned, and we say it now. In spite of this, however, it is stated in the press, and in this House, that the policy of the present Government is the same as ours. Our policy is the very opposite of that put forward by the present Government. It differs from it in the fundamental principle involved in the amendment proposed to be inserted in the Bill by the present Government. It is not only with the platform of the Government and the party behind it for this session that we have to deal. We know all about their programme, because, as they have so often boasted, they have published it in books and newspapers all over the country. There is a little difference here and there between the platforms adopted by the State labour leagues. The Victorian platform is, perhaps, a little wider than some of the others, but none of them are less wide than the platform of the Federal Parliamentary Labour Party. It is not their programme for the present session alone with which we are concerned. We might be able to wriggle through if that were all. Are we children? Are we going to approve of a little bit of a programme because it is somewhat in accord with the views of some honorable members on this side of the

House? The members of the late Government are absolutely opposed to the labour programme. We went out of office because we regarded their proposals with regard to the public servants of the States as unconstitutional. We sacrificed not only the emoluments of office, which are so frequently mentioned, but we forfeited something that was of much greater importance, namely, the control of the affairs of the Commonwealth. When any one talks about our being hurled from office, I hope that he will not suppose that the loss of the salary attached to the office is the important matter. It may be very convenient to receive such a salary—but the loss of the emoluments attached to the office sinks into absolute insignificance when compared with the surrender of the control of the affairs of this great Commonwealth. Surely it must be conceded that there must have been very strong reasons and influences actuating us, or we would not have resigned. I am opposed to the platform and the methods of the Labour Party. I am opposed to the domination of any class, irrespective of whether they are members of labour unions or otherwise. The question has been asked over and over again, "Why not give the Labour Party a fair trial?" I think that is a most unreasonable proposition. What is a fair trial?

Mr. MAUGER.—Three years.

Sir JOHN FORREST.—I wish that the honorable member for Melbourne Ports would go over to the other side.

Mr. MAUGER.—I shall go soon enough.

Sir JOHN FORREST.—And the members of the Labour Party will call the honorable member opprobrious names, just as they did at the last election.

Mr. PAGE.—What did they call the right honorable member?

Sir JOHN FORREST.—I do not say for one moment that the honorable member for Melbourne Ports deserved the opprobrious epithets which were hurled at him. On the contrary, I know that he did not. Nevertheless, the fact remains. Because the Labour Party have been very circumspect and reserved during the few weeks that they have been in office—

Mr. PAGE.—They are always circumspect.

Sir JOHN FORREST.—Because no injury has resulted from their occupancy of the Treasury benches, because our heads have not been chopped off, and we have not been bowie-knifed, is that any reason

why we should give them special consideration? We know what their platform is. We are aware of the goal at which they aim. We know that they have not even the power to alter their platform without going to infinite trouble to secure the consent of hundreds of people outside of this House. Because no harm has resulted from their accession to power, is that any reason why we should give them a trial if we disapprove alike of their platform and methods? When we are of opinion that those methods, even in regard to administration, cannot conduce to the welfare of this country, is there any logical reason why we should allow them an interval in which to overcome the difficulties which confront them, and to equip themselves for a fight? If we were playing marbles, and were not engaged in political war, I could understand such a plea, but not otherwise. The question which I ask myself—and I put it to every person in this country—is—“Are we content to trust this party with the administration of the public affairs of the Commonwealth?”

Mr. DAVID THOMSON.—They trusted the Government of which the right honorable member was a Minister.

Sir JOHN FORREST.—That is another matter. I think there was a *quid pro quo* in that case. Are the Labour Party entitled to be intrusted with the administration of the affairs of this country? Do we believe in their platform and ultimate aims? If I could give an affirmative reply to these questions I should be quite satisfied to allow them to continue in office. It is the duty of those honorable members who believe that they can be trusted to administer the affairs of the Commonwealth, to support them. Let them cross over and take the pledge if they wish to.

Mr. DAVID THOMSON.—They are already teetotallers.

Sir JOHN FORREST.—The honorable member is referring to a different sort of pledge, and one which is in many cases also very irksome. But those honorable members who believe that the Labour Party are not entitled to be intrusted with the administration of Commonwealth affairs, and who disapprove of their platform and ultimate objects, are in duty bound to oppose them. The best service which we can render to the country at the present juncture is to carefully consider the existing situation, which—as was said by the honorable and learned member for Parkes last night—constitutes the

greatest political crisis that has ever occurred in Australia. It behoves every honorable member to act straightforwardly in this matter. Above all things we should exercise an independent judgment, irrespective of whether it lands us in victory or disaster. Let us not shilly-shally; let us not be undecided as to what we propose to do. Do not let us act like Mr. Micawber, and wait for “something to turn up.”

Mr. HIGGINS.—We know what we want.

Sir JOHN FORREST.—I desire now to say a few words of a personal character. It is necessary for me to do so, because I come from a far-distant State which is little known, little understood, and very often misrepresented. A section of the Melbourne press designates me “a Conservative.”

Mr. MAUGER.—What is a Conservative?

Sir JOHN FORREST.—Perhaps the honorable member will explain when he addresses the Chamber. I think that a section of the press style me a Conservative because I hold definite opinions which I do not hesitate to express. If I did not entertain definite ideas upon public matters at this period of my political career I certainly ought to. If that is the definition of Conservatism, undoubtedly I am a Conservative. I entertain a strong belief that anything which a man has lawfully obtained should not be forcibly taken from him. If the State requires to take any of his property from him upon some public ground, the State should pay him for it. I have a strong recognition of what is called *meum et tuum*—what is mine and what is thine. If that constitutes Conservatism, undoubtedly I am a Conservative. But, I consider that it is true Liberalism. It is the foundation of liberty, as we understand it in British countries. If we do not believe in the cardinal principle that no one shall take from a man that which he has lawfully obtained—

Mr. RONALD.—We certainly believe in that.

Sir JOHN FORREST.—There are plenty of persons in this country who think otherwise. I have heard a great deal in reference to the bursting up of estates and the taxing of them out of existence. Such proposals are tantamount to robbery. Let us pay men for what they have, but do not let us rob them. If we have not this cardinal principle, we are serfs and slaves, and not a Christian people. By a section of the press in this State I am regarded as a Conservative. I am

content to allow my Liberalism to be judged, not by my words but by my acts. I should like to say that there are, at least, half-a-dozen great Liberal measures which I can refer to as having been passed into law during my Premiership of ten years in Western Australia at my instance. I abolished all property qualification for members of Parliament. There was a £500 freehold property qualification when I went into office. I gave manhood and womanhood suffrage. I passed an Immigration Restriction Act in 1897, and I will tell honorable members what I said about the question at that time. It is practically the same Act that we have in force in the Commonwealth—and was based on what was called the "Natal Act." On the 15th November, 1897, when I introduced that measure, I used these words:—

The influx of coloured people into all the Colonies of Australia has been a matter which has caused grave anxiety to the people of the various Australian Colonies. There has always been a difficulty in dealing with the question, and that difficulty I am sure is recognised by every one in this House, and every one in the Colony who takes a reasonable and moderate view of the question, and has any regard to the responsibility which attaches to dealing with the question.

Then I went on to comment on what Mr. Chamberlain had said at the 1897 Conference in London about the matter, and pointed out that he had told us that—

Her Majesty's Government have every expectation that the natural desire of the Colonies to protect themselves against an overwhelming influx of Asiatics can be attained, without placing a stigma upon any of Her Majesty's subjects on the sole ground of race or colour.

I concluded what I had to say in moving the second reading of the measure—which was subsequently passed through both Houses of Parliament—by saying—

The position is a difficult one; but I think that the wise words which I have read from Mr. Chamberlain cover the whole ground; and he has not hesitated for a moment to say that it is our duty and privilege to try to keep ourselves as free as we can from the disadvantages which would follow the ingress of persons alien in colour, in sympathy, and in civilization, to our own countrymen. He has not hesitated to say that it is our duty to try to protect ourselves as far as we can from those influences.

Honorable members will, therefore, see that so long ago as 1897, I introduced a measure on these lines. And it has worked exceedingly well. It was, I think, administered faithfully and fairly, and there has been no objection to it by any large section of the community. Besides the Immigration Act, I introduced and carried through Parliament a Conciliation and Arbitration Act. It was the first measure of

its kind in Australia, if we except the South Australian Act, which has never proved to be of any use. I can say this, without any egotism—that if I had not supported that Act, it could not have been passed at that time. I also passed a Payment of Members Act. I do not take all the credit for that, because I was not at first in favour of it; but certainly it could not have been passed without my assistance. I passed dozens of Bills that were beneficial and liberal in their character, but there is one other, the principle of which might be introduced in other States, which I may mention. I introduced a Bill in 1894—I think that was the date—giving to any man in Western Australia, whether he had recently come in as an immigrant, or was previously settled there, 160 acres of land, on condition that he would go and live upon it. The land was given free; all that the settler had to do was to make some improvements upon it. Not only did we give the land free, but the Government lent money at a low rate, and on the easiest terms to improve it. I also passed through Parliament another Act, which is not, I think, in force to any great extent in any other State; that is, a Truck Act, which makes it obligatory on employers to pay their employes in cash, and not in stores. I passed many other Acts of a similarly liberal and progressive character. But, sir, the point of the whole matter is this: There was no Labour Party in the Western Australian Parliament at that time. Honorable members who knew Western Australia in those days are aware that there was no body of men of that party sitting behind me, and urging me to pass such legislation. There was no sword of Damocles hanging over my head.

Mr. MAHON.—The right honorable member did not give them a chance to get into Parliament; they were in the country, and he knew that they were coming.

Sir JOHN FORREST.—The Postmaster-General was one of those discontented people at that time.

Mr. THOMAS.—He urged the right honorable member on from outside.

Sir JOHN FORREST.—He did, and I give him all credit for it. He and others stirred up these questions outside Parliament. Of course, I do not suppose that everything which occurred would have occurred if there had been no public representations. Probably I should not have moved in some of these matters except for outside influences. But there were public

demands, and I was liberal enough to give effect to them. There was, as I have said, no payment of members in Western Australia at that time, nor was there a Labour Party in Parliament; but, nevertheless, these Acts were passed into law at the instance of your humble servant, sir, this Conservative member. These facts cannot be gainsaid. I am quite content, whatever a section of the press of this State may say in regard to me, or to my political views, or as to my being out of sympathy with the toilers of the Commonwealth, to be judged by what I have done. I say to them, as I say to honorable members here—let my works bear evidence for or against me. I am sorry to intrude personal matters into this debate. I have been reluctant to say these things, but I feel it is necessary to speak of my personal acts in the interests of myself and of the State I represent.

Mr. O'MALLEY.—The right honorable member also voted in the Convention for the provision with regard to old-age pensions.

Sir JOHN FORREST.—Yes, I voted for that, and am very glad to have done so. But with regard to the provision of the Constitution as to conciliation and arbitration, if I had known that it was to be used as it is now attempted to be used, I should not have voted for it. I must have had over me the glamour of the eloquence of my honorable and learned friend, the Attorney-General, so that I either became stupefied, or was hoodwinked, or I would not have voted for that provision. If I had not voted for it, it would not have been inserted in the Constitution.

Mr. HIGGINS.—The right honorable member is quite correct.

Sir JOHN FORREST.—I admit that I have sinned, and sinned grievously. It is all very well for the honorable and learned member to smile, but the House knows that I and every other member of the Convention never understood or even imagined the use which would be attempted to be made of this provision. If I and other members of the Convention had imagined that it would be used as it is now proposed to use it, it would have been ignominiously rejected.

Mr. HUGHES. — The right honorable member's Government introduced an Arbitration Bill in the Western Australian Legislature.

Sir JOHN FORREST.—The States being autonomous are at liberty to deal as they please with their own employes and property; but we are asked to allow the Commonwealth to interfere with their employes and property. I wish now to refer to some of the remarks made by the Minister of External Affairs a day or two ago. When addressing himself to this question, he assumed a very jaunty air, and appearing to be well pleased with himself, invited honorable members on this side of the House to "come over." He invited us to go over to that "land of Canaan," that land flowing with milk and honey, and to enjoy the good things which he had in store for us. He extended an open invitation, saying, in effect, "We shall be glad to see you over here; we shall do unto you almost, if not quite, as we shall do unto ourselves."

Mr. O'MALLEY.—It was a Christian invitation.

Sir JOHN FORREST.—The honorable and learned gentleman in extending that invitation to us, knew that the Government was in a minority, and that if he could only induce some of us by promises of advantages of one kind or other, although I do not for a moment suggest anything in the nature of monetary gain, to give them the support they so much required, all would be well. He recognised that it would be a good thing for his Government if we crossed the floor, because we should thus give them a majority that would enable them to carry on the affairs of the Commonwealth.

Mr. HUGHES.—Has the right honorable member's party a majority?

Sir JOHN FORREST.—I am not in office, but if we ever take office, as I hope we shall, I trust that, if we have not a majority, the honorable and learned gentleman will say as many hard things of us as I now intend to say of the party with which he is associated. The invitation that he extended to us was an extraordinary one, coming as it did so soon after his party had defeated us, and taken possession of the Treasury benches, and everything attaching to us as Ministers. Immediately after his party has done all this the Minister extends to us this invitation. "Come over and join us," he says; "come over and help us to defeat those honorable members who have been in opposition to you from the inception of the Parliament; you will put us in a constitutional position, which, unfortunately, we do not at present

occupy." Doubtless the honorable and learned gentleman meant us well, but he had "an eye on the main chance." He invited us to forget our defeat, and to join the ranks, or, rather, to enter the service—that, I think, is the better description of his invitation—of the enemy. It might be possible for some members to do so by-and-by; but the honorable and learned gentleman is asking too much when he seeks our consent to such a proposal immediately after our defeat. The Minister made many promises, and one of them, if it was not a *lapsus linguae*—and doubtless it was—was not merely politically improper, but actually immoral. I refer to his promise that if the invitation were accepted we should not be opposed by the Labour Party at the next election. The inference was that we should be allowed to enjoy a walk-over, and thus remain in undisturbed possession of our seats in this House for the next five years. He offered us the security that we should enjoy, by acting as the tail, or, perhaps, in time, as a very small part of the body, of his party.

Mr. HUGHES.—That was one of the proposals of the right honorable member's own party. It was one for each party.

Sir JOHN FORREST.—But the Ministers' offer came too soon after—

Mr. HUGHES.—Too soon after that made by the right honorable member's party.

Sir JOHN FORREST.—Too soon after our defeat. It was another case of—"Come into my parlour, said the spider to the fly."

Mr. HUGHES.—I invited only those who believe in our principles to join us; the right honorable member does not believe in them, and has never done so.

Sir JOHN FORREST.—I certainly do not, and can quite understand that I was not considered eligible. But, so far as I, and many other honorable members on this side of the House, are concerned, even an offer of undisturbed possession of seats in this House for five years would have no effect upon us. Let the honorable member look after his own seat; we will look after ours. We are not going to be bribed.

Mr. McDONALD.—That is rubbing it in.

Sir JOHN FORREST.—In view of the principles I profess, I, for one, should not be willing to kiss the hand that struck me a severe blow. I know that if I did, I should sooner or later receive another blow that would practically destroy me. A very amusing reason has been given for the con-

tention that we should support the present Government. An honorable member opposite, I think it was the Minister of Trade and Customs, urged that, as the Ministerial Party was in a minority—and they certainly are at present—they could do no harm, and therefore we should support them. Has a more extraordinary claim for support ever been advanced by the representative of a Government intrusted with the administration of the affairs of any country?

Mr. KENNEDY.—They, at least, had a majority to oust the right honorable member and his colleagues from the Treasury benches.

Sir JOHN FORREST.—Surely Governments are not formed merely that they shall do no harm. Surely Ministers are created to accomplish good work, and in order to propose and carry out a policy under our system they must have a majority behind them.

Mr. HUGHES.—The right honorable member had a majority for many years.

Sir JOHN FORREST.—That is what the Government do not at present possess, although the honorable and learned gentleman occupies the Ministerial chair at the table, and looks so complacent.

Mr. HUGHES.—Why does not the right honorable member turn us out?

Sir JOHN FORREST.—We have the statement of the Prime Minister himself that he has not a majority behind him, and I defy the honorable and learned gentleman to say that there is a majority in this House in favour of the Government.

Mr. HUGHES.—On our programme.

Sir JOHN FORREST.—What is the Government programme? Is it the whole labour platform, or only a portion of it?

Mr. POYNTON.—How is it that the Government occupy the Treasury benches if they have not a majority?

Sir JOHN FORREST.—I shall deal presently with that point. The honorable member is ever ready with what he very erroneously thinks ingenious and pithy interjections, and has a habit of making them at an inconvenient point in a member's speech; it invariably causes him for the moment to lose the thread of his argument. The Ministry cannot even control the House at the present time. I am somewhat amused when I hear honorable members opposite asserting, when it is proposed to adjourn the debate, as a condition that it must be closed at a certain hour. They have not the power to enforce that.



will. They are absolutely in the hands of those who are opposed to them, and I advise them not to say that we must do this or that, until they are certain that they have a majority.

Mr. FISHER.—Is that the policy?

Sir JOHN FORREST.—It is common sense.

Mr. McDONALD.—Why does not the right honorable member move a motion which will have the effect of displacing the Government? Why is he not honest in this matter?

Sir JOHN FORREST.—The time has not come for that yet. We could certainly displace the Government if we wished to do so.

Mr. McDONALD.—The present situation is a public scandal.

Sir JOHN FORREST.—The entreaties of the Labour Party are so great, and their endeavours to retain office so many, that one does not wish to hurry events. Nor do we desire to treat them in the least degree unfairly. As has been said, there is no doubting the fact that they occupy the Ministerial benches, and that brings me to the constitutional point which I should like to discuss for a few moments. I agree with the views expressed by the honorable and learned member for Parkes last night as to the constitutional usage in regard to the acceptance of Ministerial office. The conclusions which he put before the House cannot be gainsaid. If it were otherwise, all British procedure and precedent would be wrong, and we should have to create a new practice for ourselves. I do not wish to unduly criticise the action of the Prime Minister in this connexion, and I should be sorry if anything I said were to cause him offence. The temptation to which he was submitted when he was sent for by the Governor-General, and asked to form an Administration, was one to which stronger and abler men might have succumbed.

Mr. POYNTON.—Did not the head of the Government in which the right honorable member was a Minister recommend that the honorable member for Bland be sent for?

Sir JOHN FORREST.—The honorable member for Grey seems unable to make a relevant interjection. His remark is in no way *à propos* to my argument. The temptation would have been a great one if it had been offered to a man who had spent long years, and had grown grey, in the service of his country. If the situa-

tion is carefully analysed, it will be seen, I think, that the honorable member for Bland made a false move, in the interests of both himself and his party, in accepting office. It is no longer a case of "Yes, Mr. Watson," in this Chamber. He is as impotent here as any leader of a political assembly anywhere has ever been. He is absolutely in the hands of those who are opposed to him.

Mr. HUGHES.—We never told the right honorable member that when he was in power, though it was abundantly true.

Sir JOHN FORREST.—Why did not the honorable and learned member and his party turn us out? Because it did not suit them to do so.

Mr. BATCHELOR.—But the Government in which the right honorable member was a Minister could not boast of having a majority.

Sir JOHN FORREST.—I have expressed the opinion in the press and elsewhere that the action of the honorable member for Bland, in accepting office, *viz.* under the circumstances, a grave departure from constitutional usage, and many persons to whom I have spoken have agreed with me, while high authorities have written to me to say that they share my view. The honorable member, unintentionally, no doubt, misled His Excellency the Governor-General. Constitutional government, as we understand it, means government by a majority. An Administration must be supported on the vital planks of its platform by a majority of the House which it leads. The present Prime Minister had not such a following when he submitted to the Governor-General the names of those who are now his colleagues. He has not a majority behind him even now.

Mr. HUGHES.—The late Government never had a majority.

Sir JOHN FORREST.—Then why did not the Labour Party turn us out?

Mr. HUGHES.—Because we believed in the principles of that Government. Honorable members opposite believe in our principles, but they will not support us.

Sir JOHN FORREST.—When the first Parliament assembled, the line of cleavage between parties was the fiscal issue, and the Government were supported by the protectionists who formed the majority of the House. The first elections were contested on the fiscal issue. But the Administration of Sir Edmund Barton was appointed before a Parliament had been elected. After the elections, our position in this House

was challenged by a no-confidence motion, moved by the right honorable member for East Sydney, which he was not able to carry. I do not say that we were not at times saved from defeat by the votes of honorable members of one or other of the two remaining parties. That is not the point. My position is that we did not take office knowing that we had not a majority behind us. Sir Edmund Barton did not tell the Governor-General that he was able to administer the affairs of the Commonwealth, knowing that he had not a majority behind him. His action was absolutely in accord with constitutional usage, whilst that of the honorable member for Bland was not.

Mr. McDONALD.—The Barton Government did not act constitutionally in regard to the Governor-General's Allowances Bill. They permitted a private member to take it out of their hands. It was the most disgraceful thing that has ever been done in any Parliament.

Sir JOHN FORREST.—The honorable member cannot hold me responsible for every act of that Government. I was not its leader, and was not primarily responsible for what was done. I do not know why he should go back so far.

Mr. BATCHELOR.—As a Minister in that Government the right honorable member was, in some measure, responsible.

Sir JOHN FORREST.—When the honorable member for Boothby has held office as long as I have, he will find that a Minister has to concur in many acts which are not altogether in accord with his wishes, but for which he must accept responsibility. When one does not altogether approve of a thing, one generally says little about it. There is one thing, at any rate, which has been very evident during this crisis. I am sorry that the Attorney-General is not here, because I am about to refer to him, though I would prefer to say what I have to say to his face rather than behind his back.

Mr. HUGHES.—If the right honorable member will wait, we shall bring him in.

Sir JOHN FORREST.—One thing has been very evident during this crisis, and that is the readiness with which a few honorable members have changed their allegiance. If my inclinations had been in the direction of accepting the invitation of the honorable and learned member for West Sydney, I think that I should have had some little compunction in doing so, unless my late colleagues had consented to go with me. I should not have been inclined, I

think, to go over to the other party in the hour of our defeat, and leave my friends behind me, on a matter of this sort. There is a certain animal which is notorious, I believe, for leaving a sinking ship. No one likes to be accused of doing that, I am sure. But we have seen that thing done lately, and the desertion of his leader by the honorable and learned member for Northern Melbourne, now Attorney-General, is a good example.

Mr. KENNEDY.—Oh! no; he voted with the party that put out the late Government.

Sir JOHN FORREST.—I am much obliged to the honorable member, but if he will leave me alone I shall get along much better. The conduct of the Attorney-General, I submit, affords a good example of the desertion of a party in the way I have mentioned. I refer to this matter, not on any personal ground, but only on a public ground, because, personally, the honorable and learned gentleman and I are good friends. I am determined to say what I feel. I mention his action in this matter, the more readily as I have always expected him to set a high standard of political morality for all of us to emulate.

Mr. KENNEDY.—Here he is.

Sir JOHN FORREST.—I am speaking about the action of the Attorney-General in changing his allegiance from the party to which I belong, and going over to the ranks of the enemy, politically speaking.

Mr. HIGGINS.—I voted in the same way last year as I voted this year.

Sir JOHN FORREST.—That is not the point I am making. I do not wish to say anything which is offensive or unfriendly, but I have a public duty to perform. I mention this matter the more readily, because I have always looked to my honorable and learned friend to set up what I consider a high standard for us to follow. I need hardly say that I am very disappointed with the action that he felt it his duty to take. Of course, I am aware that he voted with the Labour Party on clause 3 of the Conciliation and Arbitration Bill, both last session and this session. But I take it that because a vote I give is not in accord with the policy of those whom I am associated with, I do not cut myself off by that act from them. At any rate, if I do, I must give reasons for my action. I think that the people of this country, and those persons who have been associated with any honorable member, have a right to expect him to give some reason

why he takes a course of that kind. The Attorney-General voted against his party on a division, which caused the resignation of the Government. He then took office with those who had defeated us with his assistance. When he spoke in the House, he did not explain the reasons why he had deserted his leader and taken office with the other party. We know that he voted against us, and that he had voted in the same way last session, in accord with his convictions. In my opinion, he acted honorably and properly in that matter. But he did not do what I think we were entitled to expect him to do. He gave us no explanation of the reason why he, having helped to defeat his own leader and his own party, accepted office from those with whom he voted, and with whom he had not been allied previously.

Mr. HUGHES.—The idea of a man taking office simply because he agrees with other men's principles is simply disgusting, I think!

Sir JOHN FORREST.—When the Attorney-General spoke in the House the other evening, he had an opportunity to give, and I suppose that every one here expected that he would give, the reasons why he felt justified in accepting office with the party that had defeated the party to which he had hitherto belonged. I must say that he made a very poor speech—the worst that I have ever heard him make—and he seemed very unhappy. I do not wonder that he was very unhappy, but notwithstanding that fact, he told us none of the reasons why he had parted from his old friends and joined those who had defeated them.

Mr. HIGGINS.—Were the reasons as plentiful as blackberries, I should not give them under compulsion to the right honorable member.

Sir JOHN FORREST.—The honorable and learned gentleman has always had the credit of being very outspoken and very reasonable. I have heard him say in the House—and I know that he has made the statement many times, on anxious occasions, when a vote was about to be taken, and the life of the Government was at stake—"If you will only assure me that this is vital to the Government, notwithstanding my personal views, I shall support you."

Mr. GROOM.—Was this said in a private conversation to the right honorable member?

Sir JOHN FORREST.—No; it was said openly in the House. If the Attorney-General wishes to plead, let him speak for himself. The learned King's

counsel is here, and he does not, I should think, want the assistance of the honorable and learned member for Darling Down in this matter. If I am mistaken, he can correct me. He has always taken that high stand—a stand which really did him the utmost credit, because a man owes allegiance to the party that he is associated with, as much as to the pledges that he gave on the hustings. There are some honorable members who seem to think that a pledge on a detail of a Bill, sometimes on a great principle of a Bill, is of greater importance than a pledge that if elected he will range himself under the banner of a leader. If they had not ranged themselves under that banner, they would probably not have got a seat in the House to give a vote on any matter. The other night the honorable and learned member for West Sydney told us all sorts of things about the right honorable member for East Sydney, but he forgot to tell us that, as I am informed, he asked to be allowed to fight under the banner of the right honorable member at the last election.

Mr. HUGHES.—I distinctly deny that.

Sir JOHN FORREST.—I accept the denial.

Mr. HUGHES.—The right honorable member for East Sydney was very glad to have my assistance, as he will admit himself. He always has been glad to have my assistance, and would be glad to have it again.

Sir JOHN FORREST.—What I have heard stated is that the honorable and learned member for West Sydney asked to be allowed to fight under the free-trade banner of the right honorable member for East Sydney.

Mr. HUGHES.—The right honorable member for Swan has my distinct denial.

Sir JOHN FORREST.—And I accept the denial. I care nothing about the vote or the consequences of the vote which was given by the Attorney-General, although he often before has said that if he could be assured that a question was vital to the Government he would support them, although his views and theirs were not in accord.

Mr. HIGGINS.—That is a mistake; I did not say that.

Sir JOHN FORREST.—All I can say is that I have heard the honorable and learned member say so.

Mr. HIGGINS.—On other questions not so vital as that then under discussion.

Sir JOHN FORREST.—I did not say that the honorable and learned member had said so in regard to the question then under

discussion, but that he had said so in regard to other questions. But that is not what I find fault with. I do not care how the honorable and learned member exercises his vote; but I cannot forget that after exercising that vote, he took advantage of the result, and accepted a lucrative office with those who had defeated his old friends. If the honorable and learned member only knew what has been said about the negotiations between himself and the Prime Minister—

Mr. WATSON.—There were no negotiations.

Sir JOHN FORREST.—Conversations, then.

Mr. WATSON.—No.

Sir JOHN FORREST.—I mean before the vote was taken, or before the Prime Minister was sent for by His Excellency the Governor-General.

Mr. WATSON.—It is absolutely untrue.

Sir JOHN FORREST.—I am very glad to hear that.

Mr. HUGHES.—The right honorable member is not glad to hear that.

Sir JOHN FORREST.—I am very glad to hear it.

Mr. HUGHES.—I am pleased to hear you say so.

Sir JOHN FORREST.—Such statements as have been made in regard to this matter do a great deal of harm, and it is better to have a denial, which I unreservedly accept.

Mr. WATSON.—I did not, in any shape or form, approach the honorable and learned member for Northern Melbourne until two days after I had been sent for by His Excellency the Governor-General.

Sir JOHN FORREST.—I am absolutely satisfied. My remarks, which are disagreeable to myself, and, I am sure, not pleasant to others, might have been avoided if the Attorney-General, when he spoke the other evening, had taken the course which is usual under such circumstances, and explained his position to his old friends, whom he saw relegated to the Opposition benches while he had gained by their defeat a comfortable seat on the Treasury bench.

Mr. BATCHELOR.—The Attorney-General has worked much longer with the party with whom he is now associated, than with the other party.

Sir JOHN FORREST.—I know nothing of that; I only know my own experience in this House. The Attorney-General had surely done enough to injure his party without profiting by its downfall; he had joined

in slaying his leader, and his party, and if might well be said of him what was said of old to Jehu by Jezebel—"Had Zimri peace, who slew his master?"

Mr. HIGGINS.—I thought the right honorable member advocated freedom from caucus compulsion.

Sir JOHN FORREST.—I believe in sticking to one's friends in the hour of danger. I do not believe in going over to the enemy when the party is in difficulty. My motto is—"Do not leave the ship when it is in difficulties"; but the honorable and learned member did not act up to that motto.

Mr. HUGHES.—Is the ship of the right honorable member for Swan in difficulties now?

Sir JOHN FORREST.—No; it is sailing smoothly along, and I am quite happy. I should like to say a word in regard to the Arbitration Bill, which the Government have put in the forefront of their policy. No one can say truthfully that I am out of sympathy with the principle of arbitration, seeing that, as I have already said, I introduced a similar measure in Western Australia. It is true that the Bill was clamoured for by the labour unions in the western State; and there are at present in the Senate two members who accompanied a deputation which urged me to introduce the measure. I had introduced a Bill the previous session, but it was impossible to pass it, owing to want of time. The next session I once more introduced it, and was desirous of seeing it passed into law, if time would permit. The Labour unions were very anxious in the matter, and I was told at the time by Senator de Largie in the presence of several of his friends, who came to me on a deputation on the subject—"If you pass this Bill it will be the first of the kind in Australia, and you will raise a monument for yourself, and will earn the love and respect of the working classes, not only of the present generation, but of future generations."

Mr. JOHNSON.—They knew how to pile on the "jam"!

Sir JOHN FORREST.—They did.

Mr. HUGHES.—Did that utterance affect the right honorable gentleman?

Sir JOHN FORREST.—It is not unpleasant to hear such things. There is no sound so sweet as praise, especially in a good cause; it is good to hear that you have the good opinion of your fellows. I told the advocates of the measure that they would have to keep the Opposition in order, and they carried out their promise to do

so. The Government had a strong majority, but there was opposition and obstruction.

Mr. HUGHES.—That is how we regard the opposition to the present measure.

Sir JOHN FORREST.—The Bill was passed. Not long after, however, it was stated by another gentleman, who is now a member of the Senate, and was present when Senator de Largie made his generous speech, that the Labour unions or the labouring classes owed me nothing in regard to that measure. I was disappointed, but I had to submit. I was satisfied that I had done my duty, and placed what I thought to be a good Act on the statute-book, with a view to prevent strikes. If there is one thing which I abominate more than another, it is that people should strike, and, by so doing, inflict much injury upon one another. I mention these facts to show that, as the Minister who introduced the first real measure of the kind in Australia, I am in favour of the principles of arbitration. But some time has now elapsed, and I recognise that compulsory arbitration is on its trial in this country, both in regard to capital and labour. The provisions of the Acts in force, which were intended to cultivate good relations between employers and employed, are, I think, in danger of being run to death. I am not singular in that opinion. That great democrat, my friend, Mr. Seddon, Prime Minister of New Zealand, has expressed the same opinion, and has warned the trades unions of that Colony, with whom he is in great sympathy, as he has been for years, that they must be careful, in the administration of the Arbitration Act, not to run it to death. Only to-day I read in the Melbourne newspapers the remarks which were made by the Chief Justice of New South Wales in connexion with the Act in force in that State. I am not familiar with its provisions, but I believe that it is more stringent than was the New Zealand Act when I introduced the Arbitration Bill in the Western Australian Parliament in 1900. It would appear from the remarks of the Chief Justice of New South Wales that a very serious condition of affairs is growing in that State. Speaking of the New South Wales Act, I find that he said—

It does encroach upon the liberty of the subject as regards person and property; it creates new crimes unknown to the common law and not contained in any previous statute. We knew that, of course. He further says—

It interferes with the liberty of action both of the employer and employé; it precludes one from

giving and the other from obtaining employment except upon terms settled by the Court; it has the effect of preventing persons from obtaining employment at their own specific calling except upon terms imposed by the Act.

Mr. HUGHES.—The right honorable gentleman, of course, does not believe all this?

Sir JOHN FORREST.—I must believe it on such high authority.

Mr. HUGHES.—What, after the right honorable gentleman introduced such a measure in his own State?

Sir JOHN FORREST.—It is not the same measure, and the Chief Justice was speaking with regard to administration.

Mr. HUGHES.—Not at all. What he says is against the Act.

Sir JOHN FORREST.—The Chief Justice is speaking of the New South Wales Act, and not of the Western Australian Act.

Mr. HUGHES.—It is precisely the same.

Sir JOHN FORREST.—I beg the honorable and learned gentleman's pardon; it is not the same.

Mr. HUGHES.—In what respect does it differ?

Sir JOHN FORREST.—It is very different.

Mr. HUME COOK.—After all those remarks, the Chief Justice upheld the application which was before the Court.

Sir JOHN FORREST.—The Chief Justice of New South Wales further said—

It deprives an employer of the conduct of his own business, and vests it in a tribunal formed under the Act; and it can prescribe terms of management which, however injurious they may be to an employer, he must comply with under penalties for any breach of an order of the Court. There are many other matters to which I might refer, such as the operation of the common rule upon persons who have not been before the Court, but it is not necessary to do so. Further, I think this Act is productive of the most alarming and deplorable amount of litigation, with its concomitant ill-feeling and ill-will, between employers and employés, who are by this Act forced into hostile camps.

He concludes with these words—

I believe the object of the Legislature in passing the Act was to promote peace and good-will between employers and employés, but I fear it has not had that effect.

Mr. WEBSTER.—Does the right honorable gentleman think that a Judge should deliver a political speech from the Bench?

Sir JOHN FORREST.—Will the honorable member be good enough to ask that question of the Judge himself? The statements I have read, coming as they do from the highest judicial authority in New South Wales, constitute a terrible indictment.

Mr. HUTCHISON.—They show his bias.

Sir JOHN FORREST.—I have no desire to say anything against the New South Wales Act, but I repeat that this is a terrible indictment, and it behoves us, as sensible men intrusted with great responsibility, to examine into the working of that measure before proceeding with a Bill of our own dealing with the subject. What has been said by the Chief Justice of New South Wales should be a warning to us to act carefully, and we shall act very foolishly if we ignore what he has said. We shall make a mistake if we say, "We do not care what the Chief Justice of New South Wales, or any one else, has said about the working of the Act in that State; we shall not take the trouble to look into it, but are satisfied that it is all right." Having introduced a similar measure in Western Australia, I perhaps feel a greater sense of responsibility in this connexion than do other honorable members. I was guided in the action I took by New Zealand advice and experience; but if the remarks made by the Chief Justice of New South Wales correctly describe the experience of the effect of this legislation in an Australian community, as reasonable and sensible persons we should look into it.

Mr. HUGHES.—The same measure is proposed in the coalition programme.

Sir JOHN FORREST.—What the honorable and learned gentleman refers to is merely the heading of a proposed Bill. If there should be a coalition, and such a Bill were introduced, and if, even after it had almost reached its third reading, we found in it provisions which would not be to the advantage of the country, we should have only one plain duty before us, and that would be to amend it.

Mr. CAMERON.—Throw it out altogether; that would be the best plan.

Sir JOHN FORREST.—I repeat that the remarks of the Chief Justice of New South Wales constitute a terrible indictment against the New South Wales Act, and deserve careful consideration. I ask honorable members to consider the effect of it on Australia in the eyes of the British people. Who will embark in business under such conditions as are described by the Chief Justice of New South Wales? When they are acquainted with the fact that such an Act is in operation here, are there any people in the old country who will be so stupid as to embark capital under conditions of that sort? The indictment of the Chief Justice of New South

Wales is not one which we can afford to treat lightly. It is one of the most important deliverances ever brought under the notice of this House. As a private individual, I should say that, if I had any money to invest in industry, I certainly should not put it into any venture in New South Wales, if the Chief Justice of that State has correctly described the way in which I might be treated. I imagine that every one would act in the same way, and while those who have capital invested there will not invest more, they will probably withdraw what they have already invested as soon as possible. We, who are in favour of the principle of arbitration, and who have taken action to impose such legislation on the community, are not, I hope, going to be blind; and, if, after investigation, it is found that such legislation is likely to become law, we must reconsider our position. We must see that those provisions in the Bill which are not good are eliminated, and that other provisions are introduced which will make it carry out what we intend.

Mr. WEBSTER.—It requires amendment, we admit that.

Sir JOHN FORREST.—My own opinion is that the New South Wales Act is not being treated fairly by the persons for whose benefit it was passed. It appears to me that it is being run to death. I have received a long list of cases which have been brought before the Arbitration Court in that State.

Mr. CONROY.—There are over sixty cases before the Court now.

Sir JOHN FORREST.—Those engaged in almost every industry in that State appear to be dissatisfied, and are going to the Arbitration Court. That, to my mind, is an unfortunate state of affairs. If we are men who desire to do what is right, we shall not, in the circumstances, ignore the opinion of the Chief Justice of New South Wales and neglect to look closely into the matter. One of the reasons why I object to the methods of the Labour Party is that they never seem to be satisfied with any leader who does good work for them. Perhaps the present Prime Minister will receive better treatment at their hands, because he is one of themselves. One of today's newspapers contains a report of an interview with the Premier of Western Australia, whose observations have a considerable bearing upon the point which I desire to impress upon honorable members. The Premier of Western Australia, Mr. Jar

entered Parliament some years ago, when I was Premier of that State, and has remained there ever since. We used to regard him as an extremist. He was a young and ambitious man, was full of fire, an excellent speaker, and possessed of a high character. He was imbued with the idea that no community could become great unless it gave its attention to social legislation, even though there might not appear to be any immediate necessity for it. He used to ransack the records of other States with a view to find desirable new laws, and when any measure took his fancy he brought it before the Western Australian Legislature. He did not succeed in carrying many of these Bills, as all our time was taken up in providing for the new order of things brought about by the rapid progress of the Colony. I used to say that, although the proposals contained in his measures were in many cases very good, they were not required. I argued, for instance, that there was no use in legislating in the direction of establishing a minimum wage, when all the workers of the State were receiving wages far in excess of any minimum that was likely to be fixed. Now, Mr. James, whilst he has been the Premier of Western Australia, has succeeded in placing on the statute-book a large amount of legislation of a more or less radical character. He has been a staunch friend of the Labour Party ever since he has been in public life.

Mr. FRAZER.—The right honorable gentleman should not forget to tell the House that the Labour Party kept Mr. James in power.

Sir JOHN FORREST.—They apparently do not intend to keep him in power any longer. Perhaps they kept Mr. James in power for a time, because it did not suit them to turn him out in favour of others who might be even less favorably disposed to them. Mr. James has no doubt been a good friend to the Labour Party, and an advocate of advanced legislation. In the course of an interview on Wednesday last, he was asked why all the members of his Government were being so bitterly opposed by labour candidates. The James Government is constituted of several men who were political opponents of mine. They were never tired of airing their liberal or radical views, and tried to impress on their hearers that they were far in advance of me so far as their ideas of liberalism were concerned. Now the

Labour Party are not only opposing their friends at the hustings, but every Minister, including the Premier, has to fight for his life. The contests will be three-cornered in most cases, because there are three parties in the field. I venture to think that the Labour Party will exhibit more bitterness against the Premier and his Ministers, who have been their friends, than against others, who have not been on their side. They will probably display the same spirit that was shown at the last Federal elections towards sympathizers and supporters like the honorable member for Melbourne Ports and the honorable member for Bourke, against whom, so I am told, their opposition was more furiously directed, than against other honorable members who had been openly hostile to them. Mr. James, in reply to the question I have indicated, said that—

The cause of the workers never had a better or more consistent friend than himself.

He is represented as saying, further, that—

It was a wonder, after such long and practical sympathy with the workmen, that he and his colleagues should be opposed. He did not object to labour being represented in Parliament, but he objected to the attempt to make unionism the exclusive mouthpiece of labour in Parliament.

Mr. James, who was opposed to me in politics—although we have always been very good friends apart from that—was supposed to be the "white-headed boy" of the Labour Party, and he worked hard for them. He was supported by the party against me, in spite of the fact that I had given them good measures and good works, and had made the State a land of plenty for all classes. Mr. James went on to say that—

He sympathized with the desire of the workers to support their own candidates when they and their policy were progressive, but when the organizations claimed the exclusive right to represent labour, and aimed at making the party representation a practical monopoly of their organization, it was the duty of the people to plead for greater freedom and more democratic views. These are the views which are entertained by one who has been considered a friend by the Labour Party for many years.

Mr. CARPENTER.—Mr. James has been the avowed opponent of the Labour Party for many months.

Sir JOHN FORREST.—There is no doubt that he is being denounced now, and that he is receiving the same treatment that was meted out to me. I used to think that when he reached power, and had responsibility, he would find that it was not so

easy to please the Labour Party. In the beginning, he was young and inexperienced, and full of life and enterprise. Now he is more experienced, and has more knowledge, and probably finds that it is not so easy to exercise the powers of office in such a way as to please his supporters, as it is to sit in opposition and criticise those who are trying to do their best. Although evidences of the good work done by what was known as the Forrest Government can be found all over the gold-fields, I had not, for some time before I resigned office in Western Australia, the support of more than two out of the ten representatives sent from that part of the State for which I had laboured so hard. I say to honorable members who may contemplate accepting the invitation that has been so graciously extended to them by the Minister of External Affairs, "Beware"! I desire to say a few words regarding the administration of the Immigration Restriction Act. Yesterday I asked the Minister of External Affairs if every passenger from Colombo to Fremantle by the mail steamers was to be hauled up before a Customs official and interrogated as to whether he was under an engagement for manual labour. The reply given was that immigrants are to be asked whether they are bond or free men. Unless they satisfy the officer upon this point, what is to happen? I, or any other honorable member of this House, who may be travelling from Colombo, will be liable to be hauled up before a Customs official and interrogated.

Mr. HUGHES.—Why differentiate between individuals?

Sir JOHN FORREST.—I am not advocating that.

Mr. HUGHES.—I thought that the right honorable member was asking me a question.

Sir JOHN FORREST.—I was not, but I shall have something to say to the Minister presently.

Mr. HUGHES.—I have an engagement elsewhere, but if the right honorable member will say it now, I will answer him?

Sir JOHN FORREST.—If the Minister has an engagement elsewhere, he is at liberty to go. I have no wish to detain him. What are the instructions which he has issued to the Collector of Customs at Fremantle? He has directed that—

A special officer shall be instructed to visit vessels likely to contain Austrian and Italian immigrants, and to examine all immigrants separately and carefully, particularly as to whether they are under contract to perform manual labour. If the officer is satisfied that they

are under contract they are to be treated as prohibited immigrants.

I do not believe that there has been a single case of an immigrant landing in Western Australia under contract.

Mr. HUGHES.—Then how will my instructions affect these people?

Sir JOHN FORREST.—Where is the necessity for the action which has been taken?

Mr. HUGHES.—The right honorable member must know that a large meeting was held in Western Australia, at which certain resolutions were passed.

Sir JOHN FORREST.—But when the cases were investigated, it was proved that very few Italians were employed in the mines at Kalgoorlie. The Minister's instructions continue—

If he is not so satisfied, but has reasonable grounds to suspect that false statements have been made to him in this regard—

I suppose that the looks of some men would constitute "reasonable grounds to suspect that false statements had been made"—

—he should permit the immigrant to land, and instruct him not to leave Fremantle until advised that he may do so, and while there to report himself every second day at the Customs office. In the meantime all possible inquiries should be made by the officer to ascertain whether his suspicion is well-founded. If he comes to the conclusion that such person is really under contract, you should report the matter as briefly as possible by telegraph, and ask for instructions.

What will happen to an immigrant who, after being treated in this way, proves that he is not under contract? Will the Government pay him anything for the inconvenience to which they have subjected him?

Mr. HUGHES.—Yes. I have agreed with the Italian Consul to pay all the immigrant's expenses in such cases, and the Italian Consul is perfectly satisfied with the arrangement.

Mr. THOMAS.—Hear, hear.

Sir JOHN FORREST.—The honorable member for the Barrier says "Hear, hear" without knowing anything of the circumstances of the case. I am chiefly concerned with the interests of the travelling public.

Mr. HUGHES.—How did the right honorable member fare at New York?

Sir JOHN FORREST.—I walked ashore there in the same way as I should walk from the Spencer-street railway station, without any questions being asked of me. The Minister has not been out of Australia for twenty years, and knows nothing whatever of the usages of the world in matters of this character. I have travelled all over



the globe, and my liberty has never been interfered with, save by the laws of quarantine.

Mr. HUGHES.—Should not all men be treated alike?

Sir JOHN FORREST.—Yes; but they should be treated on business lines. In New South Wales, I am aware that great care is taken to exclude undesirable persons coming from Vancouver. What is done there? Under regulations, every captain is required to get each passenger on his ship to fill in a form, setting out who he is, what he is, and the nature of his avocation. At New York a passenger has to declare that he has the equivalent of \$30 in his pocket. But all that is done *en route*; it is not done at the port, where everybody wants to get off the ship, or meet his friends on shore. Administration of this sort only shows the inexperience of the honorable gentleman, who ought to be guided by his own officers, instead of issuing regulations of this description.

Mr. FRAZER.—Would the right honorable member advocate handing over the administration of the Act to the pursers of the vessels?

Sir JOHN FORREST.—Is this the way to encourage white men to come to this country? We say that we want immigration. In my opinion, the honorable gentleman wants to keep immigrants out of Australia.

Mr. HUGHES.—What does the right honorable member's opinion matter to any sane person?

Sir JOHN FORREST.—Some people pay some attention to my opinion. The honorable and learned gentleman evidently does not like it, although what I have said is true.

Mr. WATSON.—The people of Western Australia did not show much regard for it at the elections.

Sir JOHN FORREST.—Western Australia has a far better opinion of me than New South Wales has of the honorable gentleman who interrupts me.

Mr. WATSON.—We got some support from New South Wales, but the right honorable member got no support from Western Australia.

Sir JOHN FORREST.—If it were not for the honorable gentleman's party, he would not be here at all. Honorable members opposite are dependent entirely upon their organizations to place them in the positions they occupy.

Mr. HUGHES.—I had a bigger majority in New South Wales than the right honorable member has had during the whole of his political life.

Sir JOHN FORREST.—Let me tell the Minister of External Affairs that if he lives for a thousand years he will never be regarded in this country as I am regarded by the people who know me in my own State. If he doubts that statement let him come over to Western Australia and see.

Mr. HUGHES.—The honorable member—

Mr. SPEAKER.—I must point out to honorable members that this is not a dialogue; it is a speech. I will ask the right honorable member for Swan to proceed.

Sir JOHN FORREST.—Honorable members opposite should not interrupt me offensively.

Mr. WATSON.—We know that the Western Australian people have a great opinion of the right honorable member personally, though not politically.

Sir JOHN FORREST.—The Prime Minister says that they have a high opinion of me personally. What a piece of arrogant impertinence towards a man who has been ten years continuously Premier of that State, enjoying the absolute confidence of the people all that time, and who has been returned unopposed ever since he has been in public life! What does he mean by addressing this remark to me? What does he mean by saying that the people of West Australia have no regard for me politically? They have not only a regard for me politically, but an affection for me personally, and if the Prime Minister doubts that let him come over to Western Australia and see for himself.

Mr. WATSON.—Yet they voted against the right honorable member.

Sir JOHN FORREST.—They will not do it again. There were reasons for it at that time. I did not speak and work against the Labour Party, because they had been supporting my party. I was in a difficult position.

Mr. DAVID THOMSON.—The labour senators got a majority vote in the right honorable member's own electorate.

Sir JOHN FORREST.—What was the majority?

Mr. O'MALLEY.—About 500, I think.

Sir JOHN FORREST.—There were not many who voted for them altogether. I think only 15,000 or 16,000 electors voted out of 106,000 on the rolls. I was altogether opposed to interfering unduly with Europeans entering Australia. We

must act like other nations in dealing with the travelling public. There are plenty of ways by which passengers, from the humblest to the richest, can be interrogated on the journey, instead of being pestered and delayed when they arrive at Fremantle, and instead of the impression being conveyed to them that they are entering a country in which they are considered to be in bondage. They may not be allowed to land for hours and hours after the ship has arrived. Probably honorable members do not know that vessels only remain five or six hours at Fremantle altogether, and if passengers are to be humbugged about for an hour or two while the officials look after some Italian or Austrian whom they think is coming here to try to earn a living, they must regard it as most harassing. That conduct will not suit the people of Western Australia. I do not say these things on personal grounds. If I were a selfish man, merely looking after myself, I should say to this Government, "Go on and make your blunders—make a by-word of your administration." But I may tell honorable members opposite, and the Minister, that if he tries to carry out in Western Australia the instructions that have been issued, he will have a hornet's nest about his ears. I am quite sure that the honorable member for Fremantle will have something said to him on the subject. It will be more than his political life is worth if these instructions are persevered with.

Mr. CARPENTER.—Let the right honorable member leave that to me; he is raising a bogv.

Sir JOHN FORREST.—Surely to goodness the landing of passengers at Fremantle is difficult enough now, without the Commonwealth Government placing further restrictions in the way. It takes a very long time to land. Is that difficulty to be intensified in order that the Commonwealth Government may look after a few men who can just as well be looked after *en route*?

Mr. MAHON.—Passengers can land just as easily at Fremantle as at Port Melbourne.

Sir JOHN FORREST.—I have warned the Government, and they can take the responsibility.

Mr. CARPENTER.—They are quite ready to do that.

Sir JOHN FORREST.—The honorable member is very bold now, but he will not be quite so bold when he has to answer for these things which I am talking about. I

understood that it was intended that we should treat all European nations alike. Now, however, Austrians and Italians are being singled out for objection. I do not know what the Austrian Empire and the people of Italy will say to this discrimination.

Mr. BROWN.—New Zealand has done the same thing with regard to Austrians.

Mr. MAUGER.—There is a Bill before the House of Commons at this moment dealing with aliens, and Austrians are amongst those who are causing the difficulty in London.

Sir JOHN FORREST.—I am desirous that the greatest care shall be taken in discriminating between different nationalities. The Minister who is responsible for the working of the Immigration Restriction Act must use his own discretion, but to discriminate in this fashion will probably be very offensive to the nations affected. The instructions which he has issued simply show the sort of slap-dash policy indulged in by this new Minister, who has had no experience at all in matters of this sort. It is evident that the Minister has not a proper appreciation of our obligations to the Empire. He must have forgotten altogether that incidents of this sort may make the position of the mother country very difficult indeed in regard to her relations with great and powerful foreign nations. This shows the danger of intrusting the administration of the government of this country to people who have had no experience of the management of affairs of this kind, or, indeed, of any affairs of any magnitude. Now I want to say a word or two with regard to another feature of the policy of the Government. They say that they are opposed to borrowing, or at any rate that they wish to see borrowing restricted. Well, I suppose we are all in favour of that. No one wants to be extravagant or to borrow uselessly. They do not appear to be averse to taking money from the banks without paying any interest for the use of it. Doubtless a scheme will, in due course, be laid before us, showing how it is proposed to refund the money. I presume that the Government do not propose to give the banks nothing but paper in return for their gold, and to make no provision for a refund.

Mr. O'MALLEY.—Provision will be made.

Sir JOHN FORREST.—I fail to distinguish any great difference between this proposal and a policy of Commonwealth

borrowing, save that the Government probably hope to escape the payment of a certain amount of interest by using other people's money instead of borrowing to the extent necessary to satisfy their needs. I am altogether opposed to the contention that we should not construct any public works, or embark on any enterprise, unless we have the necessary capital in hand. Such a policy would not tend to the development of this country. I am as anxious as is any honorable member that proper regard shall be paid to the principle of economy; but, in Western Australia, I have spent loan moneys to the extent of many millions of pounds in carrying out works, not one of which I would undo if I could. Public borrowing has been a benefit to Australia, and I feel that the Labour Party have not merely been assisted by, but practically owe their existence as a party to the public borrowing policy of the States. Does any one suppose for a moment that the great cities of Melbourne and Sydney would be what they are to-day, or that railways would be running throughout the several States if a loan policy had not been adopted in any of the States? It goes without saying that, in the absence of such a policy, they would not. If a country is to be benefited, the Government must make its highways, or allow private enterprise to step in and do so, and in either case borrowed money is the factor. It is not the borrowing, but the unwise spending of money, that is to be deprecated. The Labour Party in the New South Wales Parliament is not opposed to borrowing, for during the last four years they have kept in power a Government which, I believe, has increased the public debt by something like £20,000,000.

Mr. WEBSTER.—And used the money in carrying out good work.

Sir JOHN FORREST.—How do honorable members opposite reconcile the attitude of the Labour Party in New South Wales with their statement that they are opposed to public borrowing? The stand which they take up reminds me very much of a man who, having sucked all the good out of an orange that it is possible for him to obtain, says that he "does not like oranges." I come now to another plank in the Labour platform to which I object—the nationalization of industries. It is a utopian idea. Perhaps some honorable members may describe it as a piece of Tom Mannism.

Mr. CARPENTER.—The right honorable gentleman has misquoted the platform. The word used is "monopolies," not "industries."

Sir JOHN FORREST.—We find the word "industries" used in one place, and "monopolies" in another. In the programme of the State Labour Party of New South Wales "land nationalization and the whole means of production, distribution, and exchange" are included.

Mr. RONALD.—That is not the case.

Sir JOHN FORREST.—Then there must have been some mistake, for the copy of the platform which I have certainly contains that item as plank No. 17 of the fighting platform. Honorable members on this side may reasonably speak of this proposal as utopian or socialistic. They may say that it is in keeping with resolutions passed at the May Day celebrations, to which, as has already been pointed out, the Prime Minister has made such sympathetic reference. I believe that a large degree of individual liberty and individual enterprise are the necessary incentives to great efforts, and that those mainly attributes have been the great factors in building up our race and our country. I have heard of some curious Socialists, and the story of one to which I will refer may not be unknown in this House. A Tasmanian Socialist once declared that he believed in the equal distribution of property, and when asked whether that was his honest belief, replied in the affirmative. "What," said his interrogator, "if you had two houses, would you give me one?" "Certainly," replied the Socialist. "And if you had two horses or cows, would you give me one?" "I would," again replied the man. "Then, if you had two pigs, would you be prepared to give me one of them?" "Ah! you beggar," replied the Socialist, "you know I have two pigs." That is the position of Socialists generally. They are willing to divide everything that they themselves do not possess.

Mr. WATSON.—Socialism does not mean division.

Sir JOHN FORREST.—I know what it means.

Mr. WATSON.—Apparently the right honorable member does not know the meaning of Socialism.

Sir JOHN FORREST.—It is only the thin end of the wedge. If there are any Socialists in this House, let them go to Port Darwin, under the leadership of the honorable member for Darwin, and found a Colony in the Torrid Zone.

Mr. O'MALLEY.—I am very comfortable here.

Sir JOHN FORREST.—I should think so.

Mr. WATSON.—Why go to the Torrid Zone?

Sir JOHN FORREST.—Because honorable members of the Labour Party say that white men can work there in comfort. I wish now to refer to the Government proposals in regard to navigation laws. What has become of this part of their fighting platform? I wish to be perfectly candid, and to say that I think the Government have acted wisely in this matter. The question requires far more consideration than it has yet received, before a Navigation Bill is passed. Honorable members know what my feelings are in this regard. I induced my colleagues to insert certain clauses in the Bill which we introduced, in order to make it more acceptable; but I never liked the Bill. I considered it to be premature. However desirable a measure may seem in theory, I do not think that it should be passed into law unless it is actually required. Let us first deal with those matters which are pressing and practical, and allow those that are not to await a more convenient time.

Mr. WATSON.—The caucus overruled the right honorable member in regard to the Navigation Bill.

Sir JOHN FORREST.—But I could have left that caucus, and that is more than the honorable gentleman can do, so far as his party is concerned.

Mr. WATSON.—I could do the same.

Sir JOHN FORREST.—Not unless the honorable gentleman gave up his seat in this House.

Mr. WATSON.—Yes, I could.

Sir JOHN FORREST.—I could have left that caucus, and yet remained in the House.

Mr. McDONALD.—The right honorable member admits that he supported a measure to which he was opposed.

Sir JOHN FORREST.—I have honestly given expression to my opinion on the subject, and it is open to the honorable member to place what construction he likes upon my action. I am glad that the Government have not gone on with the measure, but that does not alter the fact that the Labour Party pressed, urged, and almost coerced the late Government to bring in the Bill. Why should it be sacrificed, when it was considered last session to be so pressing?

Mr. WEBSTER.—It is not sacrificed.

Sir JOHN FORREST.—The consideration of it is, at all events, to be postponed.

Mr. WEBSTER.—In order that the work of the Government, of which the right honorable member was a member, may be perfected.

Sir JOHN FORREST.—Then the measure is not as urgent as it was said to be? Was the demand for the passing of that Bill merely an election cry? What about the poor seamen, and the poor ship-owners, of whom we heard so much last session? An alliance between the poor seamen and the poor ship-owners was formed, in order to secure the passing of this Bill, and when I saw those parties come together I felt that there must be something associated with the demand that required attention. The two parties had not been hitherto very friendly, and the fact that they were associating together for a certain purpose, suggested that, in the public interest, some inquiry was necessary. Are the seamen to be sacrificed? Are the ship-owners to be sacrificed for the present session? But, perhaps, the Prime Minister is of the opinion that the Bill, as introduced, applies to them without specifically naming them.

Mr. WATSON.—I am not a member of the legal profession, so I decline to give a legal opinion.

Sir JOHN FORREST.—If the Government think that seamen come within the scope of the Arbitration Bill, as introduced, it is their duty to tell us so. It is not fair that they should keep us in the dark on such a subject. They should be outspoken. We expect their confidence. We were told last session that a strike was imminent, unless special legislation applying to seamen was passed. The right honorable member for Adelaide resigned his portfolio in the Barton Administration because the provisions of the last Conciliation and Arbitration Bill were not made to apply to seamen in over-sea and foreign ships. He spoke of the imminence of a strike. Was it all a sham? Was what has been said merely a cry to influence the elections? Every one knows that the seamen on our coast are fairly well paid, that our steam-ship owners are fairly affluent, and that there is no likelihood of a maritime strike. I am informed that the coastal shipping obtains more employment by the carriage of goods transhipped to them from the over-sea and foreign steamers than it loses by the competition of those steamers. I understand that now the ship-owners themselves are frightened, and are

doubtful if it is in their interests to legislate in the way proposed. Is this virtuous and consistent party going to sacrifice the public servants as well as the seamen and the shipowners? Personally, I think that the Conciliation and Arbitration Bill should not apply to public servants. But the members of the Labour Party are ready to sacrifice anything to gain their own ends, and although they were enabled to get possession of the Treasury benches by carrying an amendment applying the provisions of the Bill to public servants, now that they are in power they are discarding them. I regret that my speech has been so long. My task has been a heavy one, and I have not been in the best of health for its performance. My concluding words are these: I have had to ask myself two questions. The first is, "Am I prepared to give my help to the Government to carry out the platform, present and prospective, of their party?" The second is, "Do I approve of their objects and their methods?" To both questions I definitely reply "No." I am not in accord with the platform of the Government, present and prospective, nor with the methods of their organization.

Mr. WEBSTER.—It is the programme of the right honorable member's party,

Sir JOHN FORREST.—I deny that. The manner in which it is proposed to give effect to this programme is not that of the party to which I belong. Neither have I sufficient confidence in the knowledge and experience of Ministers to justify me in intrusting them with the administration of the affairs of the Commonwealth. I thank honorable members for the attention which they have given to me.

Mr. HIGGINS.—I desire, with your permission, Mr. Speaker, and that of the House, to make a personal explanation. The right honorable member for Swan has said that I arranged to take office before the vote which displaced the late Administration was taken.

Sir JOHN FORREST.—What I said I had heard was, that a conversation or understanding had been arranged either before the vote or before the honorable member for Bland was sent for by His Excellency the Governor-General. My statement was denied, and I accepted the denial.

Mr. HIGGINS.—I am glad that the right honorable member has withdrawn that statement. It is in accordance with his usual frankness to do so.

Sir JOHN FORREST.—I did it when it was denied, and was very glad to.

Mr. HIGGINS.—I regret that the statement was made without better reason.

Sir JOHN FORREST.—I assure the Attorney-General that I did not invent it. It was stated to me as a fact.

Mr. HIGGINS.—I am sure that honorable members believe that I would not utter a word that is not true, and I say that I heard nothing as to the acceptance of office until a day or two after the Prime Minister was commissioned by His Excellency to form an Administration. The right honorable member for Swan also said that, in accepting office, I had deserted my party, and had given no excuse for my action. But before I had accepted office I was assured that the honorable and learned member for Ballarat had been consulted, and that he had no objection to my doing so.

Mr. WATSON.—The words were, "He had no objection whatever."

Sir JOHN FORREST.—Did he say that to the Attorney-General?

Mr. WATSON.—He said it to me.

Mr. HIGGINS.—I wrote to the honorable and learned member for Ballarat afterwards. He replied; and if he does not regard the correspondence as confidential, I do not, and am perfectly willing that the right honorable member for Swan should see it. I have a genuine respect for the right honorable member, but may I say, with all kindness and respect, that I can understand now his black looks at the Ministerial benches. If he had been loyal to the honorable and learned member for Ballarat, and had consulted him about what had been done, he would have had all these doubts and difficulties dispelled.

Sir JOHN FORREST.—I do not think so.

Mr. WATSON.—I had the authority of the honorable and learned member for Ballarat only a few minutes ago to make the statement which I have made.

Mr. HIGGINS.—I have made this statement, because the honorable and learned member for Ballarat, who has the respect of all who know him, and has always been my friend, gave me permission to do so; otherwise I should not have made it. I decline to give my reasons for joining the Ministry, beyond saying that I regard it as a good thing for Australia that the Labour Party should have an innings. Every one knows that, from first to last, I have had a strong and a growing sympathy with their aspirations. That sympathy has not been lessened one whit by the unjust attacks made

on them. I am sorry that the right honorable member has been misled by rumours and suspicions. I think he has taken his beating very badly. I attribute that to his want of experience in being beaten. I think he was never beaten before.

Mr. SPEAKER.—I am afraid that the honorable and learned member is going beyond a personal explanation.

Mr. HIGGINS.—The right honorable member's infinite capacity for learning will enable him to gain an advantage from this experience, and help him to bear his present trials. My admiration for his character and powers is not in the least diminished.

Mr. CONROY (Werriwa).—As one of those who assisted in displacing the late Government, and rendering it possible for the Labour Party to come into power, I should like to state briefly the reasons which actuate me in declining to sit on the Ministerial benches, or to support the Ministry in any way. I have more than one ground, I think, for taking that attitude, as I shall proceed to show. It is impossible for us not to sympathize with the aims and objects of the Labour Party, although we have no sympathy with the methods they propose to adopt, because we believe that those methods, so far from increasing the prosperity and contentment of the great bulk of the working classes of Australia, will depress them still more than they have ever been depressed. It is on such grounds that I base my opposition to the party in power and their methods.

Mr. BAMFORD.—To which particular method does the honorable and learned member refer?

Mr. CONROY.—To almost every method that can be employed. You seem to me to be determined to employ wrong methods. Starting out with high aims and high aspirations, you go the wrong way to work.

Mr. SPEAKER.—Order. The honorable and learned member must address the Chair.

Mr. CONROY.—The Labour Party go back to the musty-fusty past, arrogate to themselves the name of progressivists, say that they alone have a knowledge of what is wanted, and lo and behold! when we come to examine the methods they propose, we find that they date back to from 7,000 to 10,000 years ago. They are the same as the methods that caused the castes of India to spring up to-day. If they were carried out to the full, even at the present time, there would be no free men in Australia. When the honorable members at the head of

affairs show that they have so little intelligence that they cannot even separate themselves from a common bond or pledge that they must all work together—not because they all have the same ideas, but because a majority of them say that they ought to have the same ideas—then I submit that it is making a laughing stock of this Parliament. We are in this position that we do not know when one of them gets up in the House and delivers himself most forcibly and strongly on a point whether a caucus may not be held the next morning, and he may not enter the House next day and say—“Well, you know what I think about this subject; but now I am going to speak and vote the other way.”

Mr. TUDOR.—That has never occurred yet.

Mr. BROWN.—We have never had that in this House.

Mr. CONROY.—I shall give an illustration. When the Electoral Bill was going through the House, who insisted so strongly as the Labour Party on enacting the principle of one vote one value, and on altering the very quota of the Constitution Act?

Mr. MAUGER.—“The end justifies the means.”

Mr. CONROY.—They justified themselves by saying that it was a plank in their platform, and, undoubtedly, it was. Time after time men in the Labour Party rose here and spoke of that very thing, and at the very first opportunity for carrying that idea into effect by providing for the distribution of the States into, as nearly as possible, electorates of equal value, every one of them went back on his principles, with the single exception of the honorable member for Yarra.

Mr. TUDOR.—What about the honorable members for Canobolas and West Sydney? The honorable and learned member does not know what he is talking about.

Mr. CONROY.—I beg pardon. With the exception of three members the Labour Party went absolutely against their pledged word in this House.

Mr. TUDOR.—The honorable and learned member is wrong.

Mr. CONROY.—The effect of that vote was to practically disfranchise hundreds, nay, thousands, of persons in New South Wales. Only yesterday the Minister of Trade and Customs explained that Queensland has not its proper representation. Why? Because some men, under a State Act, were allowed to vote in more than one electorate; in other words, two per cent. of

the people had more votes than they should have had in the various electorates. And yet that Minister, with other members of his party, excepting the three just mentioned, voted to make a difference of over 100 per cent. in some electorates in New South Wales. I am now asked to say that you are a party of consistency, that you stand by your pledged word because it was a plank in the platform which you put specially forward, and which you absolutely departed from.

Mr. SPEAKER.—Order! The honorable member is repeatedly using the second person.

Mr. CONROY.—If there was one party I sympathized with more than another when I entered this House it was the Labour Party.

Mr. TUDOR.—Sympathized with them?

Mr. CONROY.—I think that my votes and my attitude on all great questions will show that I did. It is true that I did not always agree with the methods adopted, because they seemed to me to involve a marching back in so many cases, that they ought not to have been brought into a House like this, which laid any claim to advancement. One of the first shocks I received was in connexion with the very vote to which I have referred. When I saw a body of men, with the exception of three, all turn round and vote in quite the other way, it showed me very clearly that they were not keeping to their principles as they should, and I have always regarded them with less favour on that account. At all events, they have come into power. I am not going to question the advisability of selecting a leader from a third party in the House. I have always been of the opinion that there ought to be only two parties here. I am still of opinion that there ought to be a party on the side of the ayes and a party on the side of the noes, and that if the former cannot carry on some person among the latter ought to be asked to lead the House. That, it appears to me, is the simple principle of government. I am not going to argue now how far that principle has been departed from. But I will say that when the Labour Party came into office I was prepared, if their principles were fashioned according to what they really believed, if they showed the same intense earnestness and enthusiasm to carry out their platform that they had displayed in the past, to make some little allowance for their great lapse from virtue, and to wait to see what they would do.

Mr. SPENCE.—The honorable and learned member discovered it pretty quickly.

Mr. CONROY.—I did. May Day came, and everybody who has even an elementary knowledge of what the May Day Socialists throughout the world are, and what they profess, would not have dreamed that the Prime Minister of Australia would express his sympathy with them.

Mr. O'MALLEY.—Did not the late Prime Minister do it last year?

Mr. CONROY.—I am not concerned with that question. I do not believe that he did. But if he did, it was clearly in ignorance of the Socialist programme. At all events it is strange that the head of the Labour Party should not know what the May Day Socialists of the Continent and England propose. The words of the Prime Minister are perfectly clear, and express every sympathy with those men.

Mr. SPENCE.—The honorable and learned member for Werriwa says that he has sympathy with the Labour Party.

Mr. CONROY.—But I did not think the Labour Party would carry their ideas to such extremes. I have sympathy with the Labour Party when they are willing to follow on the lines of sound legislation, but not when they join with a body which proposes the abolition of wagedom, and, therefore, a possible return to slavery; because, in slave countries, in the absence of wages, the workers are in the position of serfs.

Mr. MAHON.—Had the honorable and learned member not better prove the connexion first?

Mr. CONROY.—I shall prove the connexion. The Prime Minister expressed his sympathy with the May Day Socialists.

Mr. MAHON.—In Australia.

Mr. CONROY.—Does the Postmaster-General mean to say that there is no connexion between the Socialists here, who have their celebration on the 1st May, and the International Socialists?

Mr. MAHON.—I say that the honorable and learned member has not proved the connexion.

Mr. CONROY.—Does the Postmaster-General mean to say that there is no connexion between men who have selected a common celebration day?

Mr. MAHON.—Does the common celebration day prove the connexion?

Mr. CONROY.—Does the Postmaster-General mean to say that there is no connexion?

Mr. MAHON.—I say that it is the business of the honorable and learned member to prove the connexion.

Mr. CONROY.—Do I understand that the Postmaster-General disapproves of the action of the Prime Minister in expressing his sympathy with the Socialists?

Mr. MAHON.—Nothing of the kind; but let the honorable and learned member show the connexion of which he speaks.

Mr. CONROY.—I shall show that the May Day Socialists are a body with whom decent men ought to have nothing to do—whom decent men ought not to recognise, and against whom our voices ought to be raised loudly.

Mr. McDONALD.—I am a Socialist, and I am just as decent as the honorable and learned member is ever likely to be.

Mr. CONROY.—The honorable member must be one of those milk-and-water Socialists, who would be condemned by the May Day body, and who does not understand what the latter are. From my personal knowledge of the honorable member I am confident that he has no sympathy with the aims and objects of the men whose opinions I am about to read.

Mr. McDONALD.—I have no sympathy with lunatics of any kind.

Mr. CONROY.—I shall read the doctrines of the May Day Socialists, so that honorable members may know with what body the Prime Minister has expressed sympathy. For the first organization of the Socialist class, or the great body of that class, we may go back to the time of Karl Marx, and, perhaps, Marx's chief disciple, Engels.

Mr. McDONALD.—The honorable and learned member knows very little of the subject, if he goes only as far back as Karl Marx.

Mr. CONROY.—I am speaking of the May Day Socialists, of whom the honorable member approves, and not of any other body of men.

Mr. MAUGER.—Why not give us Charles Kingsley's Socialism?

Mr. SPEAKER.—I must point out that it is quite impossible for the honorable and learned member to proceed, with interjections coming from two or three honorable members at a time, and being constantly repeated. I ask honorable members to give the honorable and learned member for Werriwa an opportunity to express, not the opinions of other honorable members, but his own.

Mr. CONROY.—Charles Kingsley knew nothing of the May Day Socialists, because their movement had not started in his day. I am now speaking of a particular body of men, with whom the honorable member for Melbourne Ports ought to have no sympathy. The honorable member has taught in the Sunday schools of the community, and tried to uphold religion; and I should like him to hear a part of the programme of the May Day Socialists, whose principles are published in two newspapers, and issued in no fewer than twelve manifestoes. It is remarkable how, running through all these declarations of doctrines, there is what, if honorable members like, may be called a revolting idea. The only excuse for the expression of sympathy by the Prime Minister must be his ignorance of the Socialist programme, and I expect from him a complete renunciation of the Socialist doctrines as soon as I have explained what they are. I shall begin with the collective ownership of land and the collective ownership of all means of production. I have nothing to say against those proposals if they can be carried out; but if a man places his hand on my throat in order to get my share of the world's goods I shall take care to have my two hands on his throat, and my foot on his stomach at the same time. It is just as well to let it be understood that there are those amongst us who are prepared to fight for their rights; and before anything like the programme of the Socialist is possible there must be the bloodiest of wars, in which one side or the other will be completely wiped out. I now draw the attention of honorable members to the second proposal of the Socialists, because there is no doubt that the expression of sympathy by the Prime Minister has been cabled to all the countries of Europe.

Mr. WATSON.—My utterances are not so important.

Mr. CONROY.—There is no doubt that the Prime Minister's expression of sympathy will be printed in all the Socialist journals. Mark how this proposal in the Socialist programme is disguised:—

Substitution of a free and equal family for the moral and oppressive family in which the wife and children are the slaves of the husband and father.

Mr. O'MALLEY.—What is meant by that?

Mr. CONROY.—The honorable member knows perfectly well what is meant—a subversion of all family ties. Lest there should be any doubt on that point, I shall read a still more open declaration made on



behalf of those gentlemen. That declaration is not made in what I can call a mild manner, but in such a fashion that everybody may not, perhaps, be able to fully grasp its meaning. The inner manifesto of the party, however, will fully explain the position. Deville and his party declare that marriage is a regulation of property, and strongly advocate the suppression of all marriage, and the substitution of what is gloriously termed "free love."

Mr. O'MALLEY.—What kind of business is that?

Mr. CONROY.—What kind of business is it for the Prime Minister to even seem to approve of?

Mr. WATSON.—How long is it since these proposals were written, and who approves of them now?

Mr. CONROY.—I shall show that they are approved of by the very men whom the Prime Minister has mentioned—Karl Marx and Engels. Deville and his party declare—

It is marriage which gives to the possessing class its hereditary character, and thus develops its conservative instinct. Marriage is a regulation of property, a business contract before being a union of persons, and its utility grows out of the economic structure of a society which is based upon individual appropriation. By giving guarantees to the legitimate children, and insuring to them the paternal capital, it perpetuates the domination of the caste which monopolises the productive forces. . . . When property is transformed, and only after that transformation, marriage will lose its reason for existence, and boys and girls may then freely and without fear of censure listen to the wants and promptings of their nature . . . the support of the children will no longer depend upon the chance by birth. Like their instruction, it will become a charge of society.

The reason given is that the support of the children will no longer depend on the "chance of birth." I object to the Prime Minister of the Commonwealth publicly sympathizing with people who hold such views as these.

Mr. WATSON.—This is a most ungenerous and unfair attack. The honorable and learned member ought to be ashamed of himself.

Mr. CONROY.—If the Prime Minister wishes me to say that I do not believe he really does approve—

Mr. WATSON.—It is a most disgusting party move.

Mr. CONROY.—If the honorable gentleman desires that I should say that I personally believe that he absolutely disapproves of this kind of thing, well and good; but my complaint is that he should never have

taken advantage of his position as Prime Minister of this great Commonwealth to allow it to go forth to the world that this is the sort of thing he does approve of. Are not the people of Australia to be considered when it is published abroad that this kind of thing is approved of by the Prime Minister of the Commonwealth?

Mr. WATSON.—No one will be so foolish as to think so.

Mr. CONROY.—Let me give one statement published in one of the manifestos by these people, and then let honorable members say whether they are right in approving of what is proposed—

Deliver us at last from the phantom called God, who is good only for frightening little children. Religions are only trades intended to enable those mountbanks of priests, as Dupin calls them, to grow fat at the people's expense. That is our programme. Moreover, before putting it into execution there will be needed a good blood-letting, brief but copious.

Mr. SPENCE.—How old is the book from which the honorable and learned member is quoting?

Mr. CONROY.—I have not gone further back than 1873 for my quotations, so that honorable members may know what these people are driving at, and I have taken them up to 1897.

Mr. SPENCE.—The honorable and learned member has not yet got up to date.

Mr. CONROY.—And yet Mr. Tom Mann the other day said that he would not deliver the full manifesto of the party, because the people were not ripe for it. I trust the day will never come when they will be ripe for it. I was never one who looked with favour on the granting of the suffrage to women. I admit that honestly, but if the kind of thing to which I have been referring is attempted—if these are the doctrines to be preached—the extension of the suffrage to women will be found to be one of the very best things that could possibly have happened in Australia, because under female suffrage at least we shall not have any wild-cat nonsense of this sort. With female suffrage we shall know where we are. I can give honorable members another example.

Mr. SPENCE.—What have we to do with all this?

Mr. CONROY.—These people advocate the suppression of churches and all forms of religion, as well as all forms of marriage.

Mr. WATSON.—Who does?

Mr. CONROY.—The May Day Socialists, of whom honorable members oppose approve.

Mr. SPENCE.—That is not true.

Mr. WATSON.—Nonsense! The honorable and learned member must be mad.

Mr. SPEAKER.—Order. I understood the honorable member for Darling to say that something which the honorable and learned member for Werriwa said was not true. If he did say so, I must ask him to withdraw the statement.

Mr. SPENCE.—I gladly withdraw anything which you consider was not in order. I was not charging the honorable and learned member for Werriwa with being untruthful. My interjection referred to the assertion that the May Day Socialists believe in the doctrines which the honorable and learned member has quoted.

Mr. CONROY.—If the honorable member for Darling will admit that he was not aware that these men assert and believe these things, I shall accept his statement unreservedly. I am quoting the names of these men, and I have given honorable members the opinions of Karl Marx and Engels to start with.

Mr. McDONALD.—Does the honorable and learned member say that Karl Marx and Engels believe in the opinions he has quoted?

Mr. CONROY.—I do.

Mr. McDONALD.—The honorable and learned member's statement is absolutely untrue. It cannot be borne out by their works.

Mr. SPEAKER.—Order. I must ask the honorable member for Kennedy to withdraw the statement that something which the honorable and learned member for Werriwa says is absolutely untrue.

Mr. McDONALD.—I quite understand that it is a parliamentary rule to withdraw such a statement, but nothing appearing in the works of Engels and Marx will bear out what the honorable and learned member for Werriwa has said. So far as they are concerned, the honorable and learned member has uttered a slander on the character of honorable men in making such an assertion.

Mr. SPENCE.—The honorable and learned member does not know what he is talking about.

Mr. McDONALD.—My opinion is that such assertions could come only from a diseased brain.

Mr. CONROY.—I quite agree with you; they could only come from a diseased brain.

Mr. SPEAKER.—Order. The honorable and learned member must not address honorable members directly.

Mr. CONROY.—I quite agree with the honorable member for Kennedy that these opinions could only be the emanation of diseased brains. When men like Marx assert such things, they must be possessed of diseased brains. I see that the idea of Bakunin was the same. I consider that he is an anarchist more than a May Day Socialist. I do not need to quote the continental men—Deville, Blanqui, Raspail, and half-a-dozen others to whom I could refer.

Mr. THOMAS.—Will the honorable and learned member quote Blatchford?

Mr. CONROY.—It has been well pointed out that these people dare not give voice in England to doctrines which are openly published in other places. I could, however, quote from Mr. Bax, who, honorable members will admit, is a Socialist.

Mr. MAUGER.—He is not a modern Socialist.

Mr. CONROY.—I can quote William Morris, or Mr. Hyndmann.

Mr. O'MALLEY.—We will take Morris.

Mr. CONROY.—Very well, here is a quotation—

Marriage should cease to be a permanent and binding contract, and should be a mere voluntary association, dissoluble at pleasure by either party.

In order that there may be no mistake, I refer honorable members to the page for this quotation. It will be found on pages 299 and 300 of *Socialism in its Growth and Outcome*.

Mr. SPENCE.—The same kind of thing might be quoted from the Bible.

Mr. CONROY.—Do not honorable members opposite see that if they are willing to admit that they have made a mistake in this matter; that they do not agree with this kind of thing, and have no sympathy with such a party, I am prepared to accept their disclaimer. I know from my knowledge of the lives and conduct of all of you.

The SPEAKER.—Order. The honorable and learned member is again transgressing.

Mr. CONROY.—I know, from the lives and conduct of honorable members opposite, that this sort of thing does not meet with their approval.

Mr. HUTCHISON.—The honorable members will find references to concubines in the Bible.

Mr. CONROY.—Does the honorable member for Hindmarsh mean to say that he is one who cannot be classed as amongst the decent members of the Labour Party.

Mr. O'MALLEY.—Would the honorable and learned member condemn the Bible because Solomon had 300 wives or concubines?

Mr. CONROY.—I am dealing with what is happening in the world to-day, and I am complaining that the publication of the approval of the opinions of the May Day Socialists by the Prime Minister of the Commonwealth in all the countries of the world, will do harm which cannot be over-estimated. I can quote something from Mr. Bax, who describes Socialism as an—

"Atheistic humanism," which utterly despises the other world, with all its stage properties—"that is the object of religion."

The desire is to put down all churches, priests, and clergy, and he goes on to say that—

Existing theology is so closely identical with the current mode of production, that the two things must stand or fall together.

I am aware of no one amongst the class of May Day Socialists who has not expressed those opinions.

Mr. THOMAS.—I am a May Day Socialist, and I go to church every Sunday.

Mr. CONROY.—The honorable member ought to be ashamed to admit it.

Mr. THOMAS.—On the contrary, I am proud of it.

The SPEAKER.—Unless the honorable member for Barrier has become a Minister he is not entitled to speak from the Treasury bench.

Mr. CONROY.—I could quote another May Day Socialist, Herr Bebel, who is at present a member of the German Parliament. The teachings of all the Continental Socialists are subversive of morality. In one of Bebel's works, *Woman and Socialism*, he puts forward a plea for extreme latitude in love.

Mr. MAUGER.—I would ask your ruling, Mr. Speaker, whether the honorable and learned member's remarks are in order—whether they relate to the question which we are at present discussing?

Mr. SPEAKER.—I have sought to follow the argument of the honorable and learned member for Werriwa. I understand that he objects to the present Government, because on a certain occasion the Prime Minister used some expression which the honorable and learned member deems to be an approval of some Socialist programme. If the honorable member so believes, I think that he is quite entitled to indicate what the nature of that programme is.

Mr. WATSON.—The honorable and learned member is in order, and is indecent, too. I consider the honorable and learned member's conduct positively indecent.

Mr. CONROY.—I should expect you to say that.

Mr. SPEAKER.—Order! I should be very sorry to proceed to extremes, but I must point out that repeated disobedience of the calls to order by the Chair merits, and must receive, only one form of treatment. I must, therefore, ask the honorable and learned member for Werriwa not to transgress any further by addressing honorable members directly, instead of through the Chair.

Mr. CONROY.—I was led to digress from my subject by the remark of the Prime Minister regarding indecency. It was very indecent on the part of the Prime Minister to express his approval of sentiments—

Mr. SPEAKER.—Do I understand the honorable and learned member for Werriwa to object to the phrase used by the Prime Minister? If so, I shall ask him to withdraw it.

Mr. CONROY.—I do not object.

Mr. WATSON.—I certainly withdraw the expression, if the honorable and learned member objects to it.

Mr. CONROY.—Guesden, another May Day Socialist, in his *Catechism Socialism*, pages 72—79, says that the family was useful and indispensable in the past, but it is now only an odious form of property, which must either be transformed or totally abolished, and he conjectures that the time will come when the—

Family relationship will be reduced to that which exists between the mother and child during the period of lactation. He also expresses the opinion that the sexual relations between men and women will be founded solely upon mutual love and sympathy, and will be as varied, as frequent, and free as intellectual conversation is at the present time.

This is the sort of stuff that is written by the men with whom the Prime Minister expresses his sympathy. Perhaps that is going a little too far; but I shall be perfectly correct in saying that the Prime Minister has expressed his sympathy with a body, the whole of whose leaders express views of that kind.

Mr. HUTCHISON.—The honorable and learned gentleman ought to be ashamed of himself.

Mr. CONROY.—I am quite prepared to accept the explanation that the Prime Minister did not know what he was doing. I

honestly believe that he did not know; but he has allowed it to go forth to the world that he really indorses the creed of men who hold views such as I have indicated. We know, as a matter of fact, that he does not do so, but before he expressed his approval of such a creed, he should have made himself acquainted with the aims and objects of those who preach it. The announcement that has gone forth to the world constitutes a blot upon the fair name of Australia. Mr. Hyndman, one of the English Socialists, has expressed very much the same views as those I have quoted. He does not see why people should make such a fuss over the proposals of the Socialists. He tells us that—

The family, in the German Christian sense of marriage for life, and responsibility of the parents for the children born in wedlock, is almost at an end even now;

And he predicts—

a complete change in all family relations which must issue in a widely-extended communism.

Mr. O'MALLEY.—He is another Brigham Young.

Mr. CONROY.—I am glad that the honorable member condemns men of that type. When the Prime Minister discovered the grave error he had committed, he should have admitted that he had no idea of the aims and objects of the Socialists, and have utterly disclaimed all sympathy with them. The people of England and Europe know perfectly well what has been advocated by the leaders of the Socialists, and they recognise that some of their writings are so disgraceful that they will not allow Socialist literature to be introduced to their homes. One would have thought that, after the Prime Minister had started off by making a mistake such as I have referred to, his party would have been prepared to fight for their platform. The Prime Minister has made the statement that the people who governed Australia in the past paid too much attention to the interests of a certain class. We may accept that. He then went on to say that, because of that the people would have to stand up for their rights, and undo much that had previously been done. If it had been the aim of the Government to undo much that had previously been done, they would have brought forward some measures to repeal the iniquitous laws which are now pressing upon the masses of the people. I admit that some of our laws do press very heavily upon the working classes, and if I had been in office, I should

have brought forward proposals with a view to relieving them.

Mr. SPENCE.—This Parliament might not be able to deal with such laws.

Mr. CONROY.—At present I have only Federal matters in my mind. The Government do not propose to repeal one of these oppressive laws.

Mr. SPENCE.—Neither does the honorable and learned member's party.

Mr. CONROY.—My party does not happen to be in existence at the present time. When the Prime Minister declared that they would undo much of what had previously been done, he ought to have given some indication of the measures which he proposed to repeal. We all remember the Minister of External Affairs when he was consumed by a burning ardour in defence of principle. Now, however, he is merely consumed by an ardour to defend his Ministerial position. The Prime Minister told the May Day deputation which waited upon him, that the Labour Party would continue to work in the direction of freeing the people from industrial shackles. Where I may ask, is there any indication of that intention in the Government programme?

Mr. SPENCE.—What about the question of old-age pensions?

Mr. CONROY.—That subject is to be relegated to a future session, notwithstanding that the people who need old-age pensions are dying to-day. I hold that if it is within the power of the Government to bring that question forward next year, it is within their power to deal with it to-day.

Mr. O'MALLEY.—We must have time to think about how to raise the "boodle."

Mr. CONROY.—Of course, I admit that if the Labour Party believe that the question is so intimately bound up with measures of taxation as to prevent the possibility of its being dealt with even next year, the position is somewhat different. I say unhesitatingly, that their proposals in this connexion should be submitted in the immediate future. The only proposal for which they seem to be earnestly fighting, is one in favour of the printing of a despatch which will permit of members of the first Commonwealth Parliament being designated "Honorable."

Mr. SPENCE.—That motion was submitted to give us a chance to hear the honorable and learned member.

Mr. CONROY.—It is not even proposed to extend that title beyond Australia,

although, under a despatch which was issued in July, 1893, Legislative Councillors in the different States are permitted to enjoy that distinction beyond His Majesty's dominions. It does seem to me ridiculous that the first undertaking of this Labour Government should be to submit a motion asking the House to allow the members of the first Commonwealth Parliament to term themselves "Honorable." It is a sad commentary upon the brave professions with which they set out.

Mr. CULPIN.—It is a terrible commentary on the speech of the honorable and learned member.

Mr. CONROY.—Honorable members opposite arrogate to themselves the title of "Labour." I confess that I do not appreciate what is meant by that title, but I should be very much surprised if, man for man, honorable members upon this side of the House could not work them blind. I will undertake to say that either at pick-and-shovel or axe labour I could work any member of the Labour Party blind in a month.

Mr. WATSON.—The honorable and learned member can be accommodated.

Mr. CONROY.—Honorable members opposite seek to represent trades unions only, utterly oblivious of the fact that out of 900,000 men in Australia, not more than 100,000 belong to those unions.

Mr. WEBSTER.—The legal union is the strongest on earth.

Mr. CONROY.—I deny that any man who represents organized labour only can truthfully be termed a labour representative. The masses of men for whom honorable members opposite ought to fight are not those who can already make their voices heard, but those who are not in a position to do so. I say, therefore, that honorable members on this side of the House can be more truly called labour men than any of those sitting opposite; because we represent not union labour only, but non-union labour also. At the present time, the non-unionists exceed the unionists in Australia by the proportion of over eight to one. What would become of the unionists of this country if the non-unionists treated them as those men are now being treated. If the non-unionists took up arms, and said, "As you have passed a law under which you will not allow non-unionists to work for a living, we will pass a law which will not allow unionists to work"—what would be the result? Only recently in Sydney we had a trades union closing up its books

and saying that no man outside the rank of that society should be allowed to get a living at the calling affected. It is a perversion of terms to say that justice can be obtained in this country while a union can close up against all non-union men in that fashion. It is a return to the Indian system of caste, where a man was shut out from association with his fellows if he ventured to concern himself in any occupation that was not permitted to him by the regulations of his caste. Yet the men on this side of the House, who fight against that sort of thing, are to be termed Liberals or Conservatives, but are not to be allowed to style themselves representatives of labour. Honorable members opposite ought, if they were properly described, to be termed representatives of union men only.

Mr. HUTCHISON.—But the honorable and learned member's statement is not true.

Mr. SPEAKER.—Order.

Mr. HUTCHISON.—I do not mean to say that the honorable and learned member is deliberately telling an untruth.

Mr. SPEAKER.—I called the honorable member to order because to say that a statement is not true is unparliamentary.

Mr. HUTCHISON.—I withdraw it, of course; but why does the honorable and learned member say that we represent unionists only?

Mr. CONROY.—For the reason that the Arbitration Bill passed in New South Wales, and the Bill introduced into the House, gives a preference to unionists, although, as a matter of fact non-unionists exceed them in numbers. If the unionists of this country are represented by twenty-two or twenty-three men in Parliament, it would only be right that the non-unionists who number over 900,000 men, should have at least fifty representatives.

Mr. SPENCE.—How can the honorable and learned member say what their opinions are?

Mr. CONROY.—It stands to common sense that the great body of non-unionists do not wish any laws to be passed which would exclude them from participation in the work there is to do. If force is to be used on one side, as it is being used, it may just as reasonably be used on the other. Because force is used when the police and military are, in cases of emergency, put into operation to support such laws as I have indicated. It is true that it is called legal force, but it is none the less

force against which the great body of unorganized workers cannot fight. It is because I object to this perpetual legislation on behalf of a section, whom I call the aristocracy of labour, that I take up this stand. I do not care from what party legislation of that kind comes. I shall raise my voice in objection to it as long as it shuts out from consideration eight men out of nine in this Commonwealth.

Mr. TUDOR.—The honorable and learned member's own party have agreed to support an Arbitration Bill.

Mr. CONROY.—I have nothing to do with what my party, or any other party, has agreed to. From whatever party measures come, which are, in my opinion, inimical to the interests of the people of this country, they will receive steady and persistent opposition from me. I am not going to support them for any party that can be formed. It is, it seems to me, one of the most awful things that can be contemplated that a large body of men, who ought to be the very men to fight for the unorganized workers, should be found supporting legislation which will render those workers absolutely more helpless, and will push them still lower down in the scale. I have no hesitation in saying in regard to the proposal before the Chair to print a despatch in reference to conferring on members of the first Parliament the title of "Honorable," that I intend to vote against it.

Mr. McDONALD (Kennedy).—I should not have said anything if it had not been for the speech of the honorable and learned member who has just sat down. I had decided not to speak, but when the honorable and learned member for Werriwa made the attack, which he has done on the party with which I am associated, by quoting obsolete documents, and then trying to fasten them on the supporters of the Government, it is time that some one made a reply. The honorable and learned member has been guilty of the most despicable attempt to assail the characters of political opponents that I have ever heard of in all my life. Had the honorable and learned member been a stranger to this Chamber; had he not known honorable members on this side of the House; had he not been associated with them for several years past, I could have excused him in quoting from documents of that character. But, as the honorable and learned member knows us all personally, and knows that the members of this party lead honest, and

pure, and moral lives, for him to make such an attack was the most cowardly piece of work I ever heard of. If I knew only one prominent free-trader who had committed a murder in New South Wales, should I not be the most cowardly man under heaven if I endeavoured to associate his conduct with that of men like the honorable and learned member for Illawarra, the honorable member for Macquarie, or even the honorable and learned member for Werriwa himself? It would be just as reasonable for me to say that I had known free-traders who believed in bigamy, and to declare, therefore, that honorable members of the Free-trade Party believed in bigamy. But what sort of a man should I be if I were to make any such accusations against honorable members opposite? Should not I be unworthy of a seat in this House? The honorable and learned member has attempted to cast upon members of the Labour Party a slander which neither he nor any other honorable member can justify, and in these circumstances he should for ever hide his head in shame.

Mr. CONROY.—The honorable member has made the disclaimer that I desired. I knew that he did not approve of these things, and I merely wished him to say so.

Mr. McDONALD.—There is no occasion for me to make any disclaimer. I stand here as a Socialist, and have openly declared for the last sixteen years that I am one. When I was first returned to Parliament I asserted that I had been elected only as a Socialist. Let the honorable member turn to Karl Marx, Hyndman, William Morris, Webb, Harrison, and others whose characters, at any time, will bear comparison with his own. I for one should be prepared to stand by that comparison. The men I have named are all well-known scientific writers, whilst, on the other hand, the honorable and learned member has quoted from the writings of fanatics in various parts of the world. Without having read, or properly digested, the theories propounded by the men to whom he referred, he rushed forward to make a speech which did no credit to himself or to the party to which he belongs. I feel sure that I echo the feelings of his party when I assert that they do not give the slightest credence to any of the statements which the honorable and learned member has made. If I have spoken warmly, I think I have a right to be excused. The attack made by the honorable and

learned member for Werriwa was most cowardly, and certainly ought not to have been made in this House. So far as the Prime Minister is concerned, he is well able to defend himself, and needs no assistance from me. I do not take any exception to what the honorable gentleman did or said in relation to the May Day celebrations.

Mr. CONROY.—I do.

Mr. McDONALD.—The honorable and learned gentleman may do what he pleases. I care not what he does.

Mr. CONROY.—I expressly excluded honorable members opposite from any belief in the matters I have mentioned. I said that they did not know—

Mr. WATSON.—Does the honorable and learned member imagine that he is the only man who has read a book on the subject?

Mr. McDONALD.—If the honorable and learned member were acquainted with the May Day Socialists who meet once a year on the banks of the Yarra he would not have anything to say against them. Much though he might disapprove of the principles they advocated, it would be impossible for him to take exception to them personally or to lay a charge against any one of them. I have nothing further to say, for the discussion is not likely to have any profitable result. I understand that honorable members opposite do not even intend to press the matter to a division. Much time has been wasted, and I should have refrained from speaking but for the violent attack made by the honorable and learned member for Werriwa.

Mr. CONROY (Werriwa).—By way of personal explanation, I may say that I made it very clear—

Mr. McDONALD.—Apologize like a man.

Mr. CONROY.—I made it very clear that, from my knowledge of honorable members opposite, I was satisfied that they would not give their assent to doctrines such as those to which I referred. I said that assent had been given in ignorance to the utterances of the May Day Socialists, and I wish it to be distinctly understood that I made no personal charge against the honorable member for Kennedy, or against any other honorable member.

Mr. McDONALD.—But the honorable and learned member knows that every servile newspaper in the Commonwealth will quote his remarks.

Mr. WATSON.—I do not think that they are likely to do so.

Mr. CONROY.—I regard the honorable member for Kennedy as a friend, and it is

scarcely probable that I should select as a friend any one who had a belief in such pernicious notions as those to which I have referred.

Mr. SPENCE.—The honorable member should never come near us again.

Mr. CONROY.—I distinctly said that honorable members opposite did not know what these things were.

Mr. McDONALD.—We know as much about the subject as does the honorable and learned member.

Mr. CARPENTER (Fremantle).—It was my intention to reply at some length to several of the points made by the right honorable member for Swan; but, at this very late hour, I am sure that honorable members have no desire that the debate should be continued. I shall, therefore, content myself with a very brief reference to two features of the right honorable member's address, and I regret that he is not present to hear what I have to say. He referred, first of all, to the action taken by the Minister of External Affairs with reference to the administration of the Immigration Restriction Act at Fremantle. I have no desire to accuse the right honorable member of having wilfully endeavoured to give rise to a scare; but I must say that the effect of the remarks made by him will be to frighten those engaged in mercantile pursuits in Fremantle into the belief that some new and harassing restriction has been placed upon the shipping of that port. The right honorable member is entirely mistaken if he imagines that the Government have done, or propose to do, anything of the kind. As a member of the Ministry who introduced the Immigration Restriction Bill, he was doubtless sincere in the desire that every possible restriction should be placed upon undesirable immigrants. In these circumstances it ill-becomes him, when an attempt is being made to remedy many past defects, to seek to make capital out of the efforts of the Government to administer the measure in something like an honest and effective manner. Let me assure any one who might otherwise be misled by the remarks of the right honorable member, that the Government do not intend to do anything that will, in any way, hamper or harass the travelling public. They will do all that is necessary, as they ought to do, for the proper administration of the Act, and do no more. The right honorable member made a veiled attack on the Labor Party in Western Australia, by suggesting that they were disloyal to those who had

been their recognised leaders. He referred to a paragraph appearing in this morning's issue of a Melbourne newspaper, in which the Premier of Western Australia, Mr. Walter James, is said to complain of the opposition which is being shown to him in the present State elections. The honorable gentleman told the House that the Premier of Western Australia had been for some time past a recognised leader of the Labour Party there. It is true that he has been known as a Radical, and has assisted to pass what we call labour legislation, but he has never been officially connected with the Labour Party. He has held office almost entirely by the support of that party, but the fact that it is now in antagonism to him arises purely from his own expressed wish. Only a few months ago, speaking at a meeting at Bunbury, he publicly declared that from that time onwards he wanted only two parties in Western Australia—the Ministerialists and the Labour Party. Having been challenged in that way, the Labour Party could not do less than take up the gauntlet, and they are, therefore, opposing the honorable gentleman now. I wish to make that statement in justification of their action, and to refute the charge that they are ungrateful to those who have led them. There has never been any relation, official or implied, between the Premier of Western Australia and the Labour Party of that State, and I wish these remarks to follow as quickly as possible those of the right honorable member for Swan, so that the people may be able to read both sides of the case at the one time.

Mr. STORRER (Bass).—When I entered the House a short time ago, if any one had told me that after the lapse of three months we should have done no business, I would not have believed him. I have listened to the debate which has been proceeding for now more than a week on the question of the printing of a letter referring to the adoption of the title of "Honorable" by certain honorable members, and I consider it an exceedingly regrettable waste of time. I am sorry that questions are not discussed in this Chamber quietly and coolly, and without the imputation of improper motives. I treat every honorable member as an honorable man, and have no desire to impute improper motives to any one. The members of this House were sent here by a majority of those whom they represent, and their position is, therefore, not to be questioned. It is to be re-

gretted that we have heard so much about what has taken place in the Parliaments of the States, of the constitution of the labour organizations, and of other irrelevant matters. I desire to correct a mistake which was made last night, and repeated this evening, in reference to my position. I am not a member of the Labour Party. I am still an independent member, and hope to continue so, although I sympathize with many of the aims of the Labour Party, and shall vote with them on many questions which will come before the House. The complaint was made yesterday that the members of the Ministry are not business men. Now I am a business man, and have had a workshop. When I entered that workshop I wished to see what my men had done for their money. If our masters, the people of Australia, could be brought here, they would find that we have done very little for our money during the past three months. I trust that this debate will not last any longer, and that if a no-confidence motion is to be moved, it will be dealt with as soon as possible. I have not had much experience in politics, and therefore I am new to the method of killing time with which I am now being made acquainted. Personally I would rather not be in Parliament than take money for work which I have not done. We are not elected to indulge in party fights. We were sent here to legislate for the welfare of the Commonwealth. It has been my policy all my life to vote, not for men, but for measures, and I shall continue to adopt that attitude. Whenever I regard a measure as a good one, I shall vote for it, while if I believe it to be a bad one, I shall vote against it. There are many other matters to which I should like to refer, but the hour is late, and I consider the whole debate a waste of time.

Mr. BROWN (Canobolas).—I should not have risen to speak but for the remarks of the honorable and learned member for Werriwa. I believe that fair play is bonny play. I do not belong to the Socialist Party. I have never allied myself to them in any way. I believe, however, that there are good men in that party. Not only have the members of the Labour Party in this House been slandered by the honorable and learned member for Werriwa, but a number of good, honest, clean people outside who claim to belong to the Socialist Party have been traduced. Let me give one or two definitions from authoritative sources, instead of from the musty old records



with which the honorable and learned member has dealt in his endeavour to fasten a slander upon Socialists and the members of the Labour Party for low-down political purposes.—I turn first to that great work, whose authority even the honorable and learned member will not question, the *Encyclopædia Britannica*. How does it define Socialism? It says that the ethics of Socialism are identical with those of Christianity. That is not how the honorable and learned member presented it. I could also go to a *Webster's Dictionary*, another eminent authority, but I prefer to make a short quotation from a poetess whose moral standing and work on behalf of humanity cannot be doubted. I refer to Ella Wheeler Wilcox. This is what she has written—

Who is a Socialist? It is the man  
Who strives to aid or formulate a plan  
To better earth's conditions. It is he  
Who, having ears to hear, and eyes to see,  
Is neither deaf nor blind, when Might rough-  
shod  
Treads down the privileges and rights which  
God  
Means for all men—the privilege to toil,  
To breathe pure air, to till the fertile soil,  
The right to live, to love, to woo, to wed,  
And earn for hungry mouths their need of  
bread.  
The Socialist is he who claims no more  
Than his own share from generous Nature's  
store;  
But that he asks, and asks, too, that no other  
Shall claim the share of any weaker brother,  
And brand him beggar in his own domain,  
To glut a mad, inordinate lust for gain.  
The Socialist is one who holds the best  
Of all God's gifts is toil—the second rest.  
He asks that all men learn the sweets of labour,  
And that no idler fatten on his neighbour—  
That all men be allowed to share their leisure,  
Nor thousands slave that one may seek his  
pleasure;  
Who on the Golden Rule shall dare exist,  
Behold in him the Socialist.

The honorable and learned member for Werriwa made a vile attack upon the Prime Minister. He wished to associate the honorable gentleman with the views which he himself put forward as being the basic principles of Socialism.

Mr. CONROY.—That is not what I said.

Mr. BROWN.—I shall content myself with the remark that that innuendo has been thrown out against the leader of the House for low-down political purposes. I despise the honorable and learned member from whom it emanates. I am prepared to go outside and to fight my political battles, but I believe in straight, fair fighting.

Mr. CONROY.—That is straight fighting, and I shall fight against that kind of thing to the day of my death.

Mr. BROWN.—As this innuendo has been made against the Prime Minister, I shall quote the utterances of a worthy clergyman in Sydney from his pulpit last Sunday with respect to that honorable gentleman. In the course of his sermon last Sunday, the Rev. George Walters used these words:—

Upon merely party questions I shall not speak from this pulpit, but upon the purely personal aspect I venture to say that the present Premier, Mr. J. C. Watson, is one of the cleanest, straightest, and most honorable of those who have had the destinies of the Commonwealth in their care and keeping. When in this church, fourteen years ago, I married him to his partner in life, I hardly anticipated that he would become Premier of a united Australia; but, from that day to this, in humble or exalted position, John Christian Watson has been a true man whom we may respect and admire, whether or not we agree with his political ideas.

Mr. CONROY.—Have I denied one word of that?

Mr. BROWN.—If there is to be a fight in this House by those who do not believe that the Labour Party should sit on these benches, surely there is plenty of opportunity for them to put up a decent, clean fight. I shall not ally myself with low-down fighting, and, although not a Socialist, I should be false to myself, knowing the good, clean lives that these men live, both inside the House and out of it, if I did not raise my protest against the travesty and the caricature on Socialism which has been presented here to-night.

Mr. CONROY (Werriwa).—I desire to make a personal explanation.

Mr. SPEAKER.—The honorable and learned member has already made one personal explanation, but if it is the pleasure of the House that he should be permitted to make another, he may proceed.

HONORABLE MEMBERS.—Hear, hear.

Mr. CONROY.—There is one thing that I thought I made most perfectly clear. My astonishment was that men whom I know in the most friendly way, should have any communication with this body of May Day Socialists, and I then explained what the May Day Socialists are. I also stated that I hoped that as soon as the Prime Minister understood the kind of men they are, and the class to which they belong, he would at once give an assurance—but for the way in which the news is transmitted to other countries I should not require it at all—that he has no sympathy with such a body. I

now that he has not, and I cannot too strongly impress on the honorable member or Canobolas that I was most careful about pointing out the views, not of honorable members in this House, but of the May Day socialists at home. Further than that I cannot go. If honorable members can question one case to which I referred, then I shall admit that I have made a big error. But I did not refer to one individual in the House, as honorable members know.

Mr. SPENCE.—Yes, the honorable and learned member did, and to a number of us.

Mr. CONROY.—Honorable members know that I did not.

Mr. SPENCE.—The honorable and learned member tried to damage us in the eyes of the country.

Mr. WATSON (Bland—Treasurer).—At this hour it is not my intention to say much on the general tone of the debate on the programme I submitted a week ago. I regret that so much time has been taken up with a discussion on what, after all, is only an abstract matter, because I would have preferred much, if we had been able, to have a clear fight on the issue whether this Government is to retain office—if that issue is intended to be raised—or whether we are to get on to the work of the country, and, by accomplishing something, justify our existence as a Parliament. I think that the complaint of the honorable member for Bass—that we have been sitting here for about three months, and yet have nothing to show for our work—is justified. It is about time that, with the help of one side or the other, we buckled to, and gave some result to the country. With regard to the line of attack which has generally been followed, of course it was quite within the competence of the speakers to fasten their attack, not on the programme of immediate work presented by us, but rather on the question of whether our methods of organization are justified; whether we are acting with propriety in insisting on a man doing in our party as he is required to do in every party—that is, to sink his minor convictions when a crisis arrives, in order that the matters which he holds to be of larger importance should be given effect to. That principle obtains in every party in a State. The right honorable member for Swan, who talked so much about the great independence that he possesses, had to subdue his intense desire to burst up the Commonwealth because, being in a Cabinet, he had to give way to the pressure of his colleagues and

the circumstances that surrounded him. It is only the sheerest hypocrisy on the part of honorable members on the other side to talk about the rules of the Labour Party and their organization, when they know, every one of them, that they must give way to party discipline if they are to accomplish anything under the system of responsible Government that obtains in every British community. It is an absolute essential that we must give way here and there if we are to accomplish anything; and, I say that honorable members, knowing that, were only speaking for party purposes when they complained of the methods of the Labour Party. We have followed their example. It is true that our members exhibit a degree of loyalty perhaps greater than that exhibited by members of some other parties.

Sir JOHN FORREST.—It is more cast-iron.

Mr. WATSON.—That is not so. We show a greater spirit of loyalty to principle in a programme on which we are agreed.

Mr. THOMAS.—The Labour Party is no more cast-iron than was the honorable member's party when he was Emperor of the West.

Mr. WATSON.—When, as I am reminded, the right honorable gentleman was running Western Australia there was not a man, not merely in his party, but out of it, who dared to raise his voice in opposition to any proposal, because he knew that if he did he would be thrown into outer darkness without the semblance of a trial.

Mr. THOMAS.—He dismissed one of his Ministers for that offence.

Mr. WATSON.—The right honorable and learned gentleman who is leading one section of the Opposition—I refer to the honorable member for East Sydney—said in regard to the indications given by myself of the anxiety of the Government to nationalize the tobacco monopoly, to convert a private into a public monopoly, that that proposal, and all that went with it, would trample out every form of individual liberty in industry. I am quite prepared to admit that to the extent to which such a proposal is operative it does trample out individual liberty; but in this, as in every other civilized community, it is being recognised that we must take in hand these monopolies for the safety of the State. Surely no one would think of calling President Roosevelt a Socialist—at any rate, he would not be termed a May Day Socialist. Yet President Roosevelt just a little while ago, when trouble existed in the United States in connexion with the coal strike, assured the

"Coal Barons," as they are termed, that if an agreement under the Commission he appointed was found to be impossible, he would take the extreme step of resuming the coal mines in the interests of the community. in order to insure that the public should have coal, and that they should not be left to die of cold because of the arrogance, greed, and rapacity of the people who controlled the mines.

Mr. G. B. EDWARDS.—But President Roosevelt does not recognise the creed of the Socialists who meet in Chicago on May Day.

Mr. WATSON.—Of course not. That is quite another question, and it is only a man who is so full of prejudice or of party feeling that he would descend to anything base who would assume that we had any sympathy with such a creed. I come now to the remarks of the honorable member for Werriwa. I was pained to think that an honorable and learned member, to whom I have always given credit for at least fighting fairly, if always hitting hard, should have descended to an attack of the description in which he engaged.

Mr. CONROY.—Was it a personal attack on the Prime Minister?

Mr. WATSON.—No; I did not regard it in that way. I have, however, just as keen a regard for the reputation of my party generally as I have for my own, and I felt it deeply that it should be suggested that any of us sympathized with free love, or the breaking down of the marriage institution. It was a most shameful thing, in my view, for the honorable and learned member, who knows us so well, and knows the labour movement so well, to cast an imputation of that character upon us. He knows very well that no such sympathy is entertained by any man in our party.

Mr. CONROY.—I made two personal explanations to the effect that I did not refer to the Prime Minister, or to the other members of the Labour Party, but to the May Day Socialists, of whose programme the Prime Minister expressed his approval. I said that the Minister did not know their programme.

Mr. WATSON.—I know that perhaps I should not take as much notice as I am doing of what the honorable and learned member has said, because, after all, I do not think there is any man in this House who would pay the slightest regard to the arguments which he has used. I do know, however, that there is a certain section of the press in Australia which will note any

insinuation of this kind, and spread it broadcast through the country, with a view to injure, not us individually, but the movement with which we are associated. I put it to any fair-minded man whether it is right that those men who waited on me the other day—many of whom I know to be just as upright and clean living as any honorable member of this House, and who, whether they be right or wrong, have made sacrifices to carry out their principles—should be branded as being in favour of free love. That is a shameful libel on men whom the honorable and learned member ought to know advocate no such thing. Surely in these matters of great public importance, we should sufficiently appreciate principles as distinguished from the individuals who may advocate them. Surely that is the first qualification for a man who desires to become a legislator. I, for one, say that, although I may believe that a socialistic writer is sound on the economic side of the question. I am not necessarily bound to follow him into every aspect of social life, and to subscribe to his theories thereon. The honorable and learned member studiously refrained from quoting any of the leading Socialists of England.

Mr. CONROY.—I quoted Bax, Morris, and Hyndman.

Mr. WATSON.—I never heard Hyndman quoted in connexion with the views which the honorable and learned member has been putting before us to-night. But what about Blatchford, the most representative Socialist in England at the present time?

Mr. McDONALD.—And John Burns.

Mr. WATSON.—Yes, I include John Burns. But first I shall refer to Blatchford, who is the most representative Socialist in England to-day, the man who, at this moment, exercises a greater amount of influence than any other on the working classes of England. What is the view of Blatchford? He says—

I would sooner give up the Empire, or give up wealth or fame, rather than the old-time institution of marriage, and the right to marry the woman I love.

Mr. THOMAS.—Why did not the honorable and learned member quote Blatchford?

Mr. CONROY.—I quoted the international manifesto of the Socialists. I could not quote every individual leader of the party.

Mr. WATSON.—We are not responsible for the opinions expressed by continental

economic writers. Does the honorable and learned member, as an individualist, hold himself responsible for the views expressed by every anarchist who cares to subscribe to his doctrine, and who wants to tear down and burn and destroy and ravage right through the land?

Mr. CONROY.—I have never expressed my sympathy with the anarchists.

Mr. WATSON.—But the honorable and learned member is a pronounced individualist. He will not deny that.

Mr. CONROY.—I do not.

Mr. WATSON.—The honorable and learned member is an individualist, and so is every anarchist; ergo, the honorable member is an anarchist, and is responsible for every statement which may be made by those who subscribe to his doctrine of individualism.

Mr. CONROY.—I do not approve of anarchists, or of their creed.

Mr. WATSON.—No; but every anarchist believes, with the honorable and learned member, in the fullest individual liberty, and if the honorable and learned member carried his own doctrine to its logical conclusion he would, to his own surprise, find that he was an anarchist. I desire to show the ridiculous nature of the honorable and learned member's argument, by quoting from Lecky. I suppose that the honorable and learned member will acknowledge that Lecky is a high authority on the subject of individualism, as against Socialism—that he strongly denounces Socialism.

Mr. CONROY.—Yes, and anarchy.

Mr. WATSON.—And that, therefore, the honorable and learned member agrees with him.

Mr. CONROY.—With me, Lecky denounces anarchy.

Mr. WATSON.—Let me quote what Lecky says in connexion with this very question of marriage in his *History of European Morals*, volume II.

Mr. CONROY.—I have never expressed my approval of Lecky.

Mr. WATSON.—The honorable and learned member will not wait for his own medicine to be dispensed to him.

Mr. CONROY.—If the Prime Minister will show me a letter of sympathy, which I have written to Lecky, then I shall say no more.

Mr. WATSON.—I shall show that Lecky gives utterance to views which I should not think of ascribing to the honorable and learned member; although it would

be quite fair for me to do so, because I should only be following the course adopted by him this evening. Lecky says, at page 269—

Connexions which were confessedly only for a few years have always subsisted side by side with permanent marriages; and in periods when public opinion, acquiescing in their propriety, inflicts no excommunication on one or both of the partners, when these partners are not living the demoralizing and degrading life which accompanies the consciousness of guilt, and when proper provision is made for the children who are born, it would be, I believe, impossible to prove by the light of simple and unassisted reason that such connexions should be invariably condemned.

He goes on to say that—

There are always multitudes who in the period of their lives when their passions are most strong are incapable of supporting children in their own social rank, and who would therefore injure society by marrying in it, but are nevertheless practically capable of securing an honorable career for their illegitimate children in the lower social sphere to which they would naturally belong. Under the conditions I have mentioned these connexions are not injurious, but beneficial, to the weaker partner.

No concern is there expressed for the poor woman.

They soften the differences of rank, they stimulate social habits—

A fine stimulation for social habits!

—and they do not produce upon character the degrading effect of promiscuous intercourse, or upon society the injurious effects of imprudent marriages, one or other of which will multiply in their absence.

Mr. G. B. EDWARDS.—He praises the prostitute as offering a vicarious atonement for her virtuous sister.

Mr. WATSON.—Quite so. I make that quotation from the writings of an individualist, in order to show the unfairness of applying to us the doctrines of those amongst Socialist writers of the Continent who may advocate these lax and, in my view, most pernicious opinions in regard to the marriage tie.

Mr. CONROY.—If one Minister is to be held responsible for another, one Socialist should be held responsible for another.

Mr. WATSON.—I should not be so contemptibly unfair as the honorable and learned member was when he sought to make us responsible for the opinions he quoted.

Mr. CONROY.—I pointed out that the honorable gentleman would not have done what he did if he had known.

Mr. WATSON.—This assumption by the honorable and learned member, that he alone is acquainted with the fact that these views

have been expressed is most amusing. I daresay that there are honorable members on this side of the House, who, on that aspect of economics, have read as widely as has any honorable and learned member.

Mr. CONROY.—Probably. I have found more knowledge of these things amongst honorable members opposite, than amongst other honorable members of the House.

Mr. WATSON.—In any case, I can assure the honorable and learned member that there was no question of our being ignorant of that aspect. But what did I say to those who waited upon me? I ask the attention of the honorable and learned member. This is what I said—

I have to thank you for the kindly expressions conveyed to my colleagues and myself upon our assumption of office, and to say that so far as the general spirit behind the May Day movement is concerned, we are heartily in sympathy with it. What is that spirit?

Mr. MAUGER.—The spirit of brotherhood.

Mr. WATSON.—It is the spirit of humanity; the spirit of those who care for the poor and lowly; of those who are prepared to make an effort to interfere with the iron law of wages, and with the cold-blooded calculation of the ordinary political economist. That is the spirit which I recognise as being behind the May Day movement. It is not in any way circumscribed by any mere declaration of this or that plank of a platform, but is the motive of those who will leave no stone unturned, and no experiment untried, in their efforts to benefit humanity. That is the spirit with which we are heartily in sympathy, and I can challenge any honorable member to say that he is against it. At this late hour I shall not say any more. As one who has always had a personal regard for the honorable and learned member for Werriwa, I am sorry indeed that he should have so far forgotten himself as to follow the course which he has pursued this evening.

Mr. CONROY.—The honorable gentleman should not take it personally; I pointed that out.

Mr. WATSON.—I am not taking it personally. I know that the honorable and learned member would not be guilty of such an aspersion. But I do take it as an aspersion upon the movement with which I have been connected, and on the tens of thousands of people who are behind the Labour Party, and who are just as strong as the honorable and learned member for Werriwa can possibly be in their determination to uphold all that makes for purity in our social life.

Question resolved in the affirmative.

## SPECIAL ADJOURNMENT.

Motion (by Mr. WATSON) agreed to—

That the House, at its rising, adjourn until Tuesday next.

## ADJOURNMENT.

### PERSONAL EXPLANATION.

Motion (by Mr. WATSON) proposed—

That the House do now adjourn.

Mr. WEBSTER (Gwydir).—I should not detain the House at this late hour, were it not that it has come under my notice that the honorable member for Lang during his speech yesterday made a number of statements concerning my career, which I was not present to listen to, and to which I think I should make some reply. When I spoke in the debate which has just concluded, I stated that the honorable member at one time contested an election as a pledged labour candidate, and is now opposed to the party of which he was once a member. That was a perfectly legitimate statement to make, but the honorable member, I understand, entered upon a long dissertation with regard to my past history. I have no reason to fear any investigation of it. First of all, the honorable member said that I was a free-trader. I plead guilty; but I was never a fanatic. He has said that I was an alderman and a councillor. I plead guilty again. I was an alderman and a councillor for six years, and in those capacities I have left a record of which I have no occasion to be ashamed. He went on to say that the Labour Party was started in New South Wales in 1898, and that he was the father of the movement in that State. I cannot confirm that statement, because I took part in the initiation of the movement in New South Wales, and I have no knowledge of the honorable member being in any way interested in it at that time, while I am glad to say that it has since grown beyond any possible danger of identification with the honorable member. In the early days of the movement in New South Wales a number of men set to work—

Mr. SPEAKER.—When the honorable member for Lang was yesterday referring to this matter, I did not allow him to proceed. He, thereupon, closed his reference to matters which are now being discussed, and went on to deal shortly with matters of Government policy. Having prevented the honorable member for Lang from continuing to make a statement, which I

sidered unfair, I must now ask the honorable member for Gwydir not to traverse the same ground, and, if he thinks it necessary to do so at all, to refer to these matters quite incidentally and most briefly.

Mr. WEBSTER.—I was not present when the honorable member for Lang spoke, and I do not know to what length he was allowed to go. I am aware that he said a great deal respecting myself, to which I propose to reply. The honorable member has said that in the electorate in which I lived for twenty odd years, I received, on one occasion, only eleven votes. The honorable member knows well that that statement is not correct. He is aware that I was nominated practically in error, and that at the time of the election I was working the whole of the day at my trade. He is aware also that my opponents circulated the rumour that I had retired, and when my supporters were informed by members of my own committee that I had retired, they, of course, did not vote for me. I was practically a retired candidate, but I could not remove my name from the ballot-paper, because the law would not permit me to do so. The honorable member for Lang has made this statement with a view to disparaging me, leaving it to be understood that in my own electorate, where I had served the people in the council for years, I must have lost public confidence, since I could poll only eleven votes. That is a wilful misrepresentation, and I have a right to contradict it, seeing that it has gone forth to the public.

Mr. FISHER.—But the honorable member has been returned now.

Mr. WEBSTER.—I realize that; but it is not a question of my being returned; it is a question of these misstatements going out to the public. The honorable member finally said, according to the remarks I heard, that I was "consistent in my inconsistency." I have been in the labour movement since its inception, and I did not, nor would I, agree to nomination under the domination of a party which had usurped the functions of the first Labour Party, by engineering the first labour platform on which that party split asunder in its first Parliament. The single taxers wrecked that party. But I insisted in bringing into power the solidarity party, and in framing its pledge, under which I have fought six hard fights—two against members of the association to which the honorable member belongs, who were unpledged labour men. It is because I fought against those men

in two elections and maintained the solidarity movement, to which I am pledged, that these statements are made on the floor of the House. The fact is, I am here as a successful man, while he is here, not as a labour man, but as one who, having signed the labour platform, "went back" on it, and was returned to this House as the result of his mysterious appointment as secretary of the Free-trade and Reform Association. He was elected after a hard fight over the method of his selection, and thus became a member of this Legislature.

Mr. WATSON.—I should have said earlier, that I expect the House to be prepared to make a start with the Arbitration Bill on Tuesday.

Question resolved in the affirmative.

House adjourned at 11.53 p.m.

## House of Representatives.

*Tuesday, 31 May, 1904.*

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

### PREFERENTIAL RAILWAY RATES.

Mr. HUME COOK.—Is the Minister of Home Affairs in a position to have circulated the report of the Inter-State Conference of Railways Commissioners on preferential railway rates?

Mr. BATCHELOR.—The report of the Inter-State Conference of Railways Commissioners must necessarily be placed before the respective States Governments, and considered by them, before any publication of its contents can be made. At present it must be considered as confidential.

### MILITARY CYPHER CABLEGRAMS.

Mr. CROUCH.—Is the Prime Minister able to make a statement as to the position which the Government propose to assume in regard to the use of the secret military code by Major-General Hutton in his communications with the Imperial Authorities?

Mr. WATSON.—I anticipated a question upon the subject, and am therefore prepared with a statement. I desire to preface my remarks with the explanation that the dispute between the General Officer Commanding and the Department of Defence arose during the term of office of the Minister of Defence of the hon

member for Eden-Monaro. On receipt of a claim by the Defence Department from the Deputy Postmaster-General, for payment for the despatch of a cablegram from General Hutton to "Troopers," London, a request was sent that a copy of the cablegram in question should be attached, to enable the account to be passed for payment. A copy of the cablegram—in code—was sent, and the General Officer Commanding was then informed that the Minister—the honorable member for Eden-Monaro—wished to be furnished with a decoded copy of this cablegram if it was "on service." The General Officer Commanding replied—

The cablegram was on service, but I am not prepared to furnish a copy of a confidential communication to the Secretary of State for War.

The Minister then minuted the papers—

If this telegram was in connexion with Commonwealth Defence, a copy should be furnished confidentially to the Minister.

To this the General Officer Commanding replied to the Secretary of Defence—

I shall be obliged if you will inform the Minister that, in accordance with secret instructions I have received, together with the cypher code referred to, I am not at liberty to give to the Minister, even confidentially, a transcription of the code. It is hardly necessary to remark that if I did so, it would be practically divulging the secret code which was sent to me for my use in communications direct to the War Office. The code in question is issued to General Officers Commanding only.

Then a change of Government occurred, and the matter came before my honorable colleague the present Minister of Defence, Senator Dawson, who wrote the following minute:—

In pursuance of previous correspondence, it is observed that the General Officer Commanding is not asked for the cypher code; he is only asked, if this communication was in connexion with Commonwealth Defence, to furnish the Minister, confidentially if necessary, with a decoded copy. I am not cognisant of any secret instructions that the General Officer Commanding may have received from the War Office; but if these instructions either require or permit of an officer holding the position of the General Officer Commanding, and directly responsible to this Government with regard to the Defences of the Commonwealth, communicating officially and confidentially with the Imperial Government without the cognisance of the Minister, I consider that a representation should be at once made to the Secretary of State that will put an end to so anomalous a position. The right of the Minister to insist that all official communications as regards the defence of the Commonwealth shall be submitted to him cannot for a moment be questioned.

*Mr. Watson.*

That minute was sent confidentially and directly—that is, without the intervention of a third party—to the General Officer Commanding. I regret that, although in the opinion of Ministers the matter had not then reached a stage at which it was desirable to make public information regarding it, and although the Minister of Defence had directed that nothing should be made public, a garbled statement of the affair appeared on the 23rd May in one of the Melbourne newspapers. I admit that parts of that statement were correct, but other parts of it were incorrect. Had it not been for this premature publication, the Ministry would not have taken steps towards getting an immediate explanation from General Hutton, because the matter, although important, was not sufficiently so to warrant us in bringing him away from Queensland, where he was engaged upon work previously mapped out for him. But this premature publication—the source of which the Minister is now endeavouring to trace—having occurred, the Cabinet thought it wise to ask the General to come at once to Melbourne to explain the whole of the circumstances. We felt that, as so much had leaked out, the whole truth should, as soon as possible, be communicated to Parliament and to the public. The Minister of Defence and I therefore had an interview with Major-General Hutton yesterday afternoon relative to the latter having sent a cypher cable to the Imperial War Office without the authority of the Minister of Defence. Major-General Hutton explained that he had refused to give a decoded copy of the cablegram in question, because that would have enabled any one to interpret the secret cypher code, but he now saw no objection to informing me of the purport of the message, the effect of which was to acknowledge receipt of a copy of the new cypher as just issued by the War Office. I think there is some justification for the General's contention that any one, by comparing the actual wording of the decoded message with the cypher which had already been sent to the Department, might be able, with the exercise of great patience, to interpret the cypher itself.

Mr. CROUCH.—Only if it were verbatim.

Mr. DEAKIN.—The cypher message could have been withdrawn.

Mr. WATSON.—Although the Minister of Defence asked for a decoded copy of the message, the next compliance with that request by the

General need not have prevented him from stating its general purport, which I dare say would have satisfied the Minister. It will be seen that the message in itself was not an important one, and the General has since furnished me a copy of it for my confidential information. Of course, I am not at liberty to make that copy public, nor do I think it should be made public. The General was asked whether, on reflection, he considered that the message so far concerned Australian affairs as to justify our paying the cost, and said he had arrived at the conclusion that it did not, and that the War Office should pay for it. I think no further action need be taken, but must express my regret that Major-General Hutton did not see his way to disclose the general tenor of the message to the Minister of Defence when first asked for a decoded copy, as that course would have prevented further misunderstanding. Then, again, the Major-General committed an error of judgment in asking the Commonwealth to pay the cost of a message of which we knew nothing, and which did not even concern Australian affairs. I regret that this matter should have received premature publicity, and think that the Minister of Defence should take all possible steps to ascertain under what circumstances confidential papers were disclosed to the public press without his authority. I may say generally that in my view the action of the late Minister of Defence and of my colleague who presides over that Department was fully justified. When they were asked to pay for a cable sent to England the presumption was that it related to a matter of Australian concern; otherwise we should not have been asked to pay for it. When we were so asked to pay, we should at the same moment have been informed in some way or other as to the wording of the message, or, at least, as to its purport. I regret that the General, by answering only technically the question put to him, instead of dealing with it in its general sense, has led to a certain amount of misunderstanding on the part of the House, and, for the time being, of Ministers. However, I do not think that there is any likelihood of anything of the kind cropping up again.

Mr. CROUCH.—I suppose I may not be permitted to say that, in my opinion, the Prime Minister's statement is not satisfactory.

The SPEAKER.—The honorable and learned member is not in order in making a remark of that kind at this stage.

Mr. CROUCH.—I should like to ask a further question with regard to two matters which are dealt with in the statement of the Prime Minister. He stated that reference was made by Major-General Hutton to communications made by him direct to the War Office, and to secret instructions received by him from the War Office. I desire to ask the Prime Minister whether he thinks that Major-General Hutton should have in his possession a cypher code from the War Office which would enable him to receive communications or instructions direct from the War Office without the knowledge of the Minister, and whether he knows of anything in connexion with the duties of the General Officer Commanding which necessitates instructions being given to him apart from those which are conveyed through the Minister in charge of the Department?

Mr. WATSON.—Perhaps, in justice to the General Officer Commanding, I should explain the circumstances under which the cypher code was sent to him. I should have done this earlier, but I had not time to compile a statement of so complete a character as I desired. As I understand it, all General Officers Commanding throughout the Empire are furnished with a cypher code, so that they may be consulted in regard to any Imperial matters that may crop up. I asked the General to indicate the shape such matters might take, and he instanced the case of a military expedition being sent to some part of the Empire, or to some place outside its borders, to which supplies could most easily be sent from Australia. The War Office would then have an opportunity to communicate in cypher with the officer commanding our forces as to the easiest way in which supplies could be forwarded, or as to the conditions under which they could be obtained in the Commonwealth. These cypher codes are issued to every General Officer Commanding throughout the Empire, and are used primarily upon Imperial business. As such, I do not see any objection to their existence. I think, rather, that we have a sufficient common interest in the concerns of the Empire to induce us to permit of the knowledge possessed by any of our officers being given to the War Office at the earliest possible moment; especially when it relates to matters that are not particularly Australian, but are rather directly Imperial.

Mr. McDONALD.—Are we to play a secondary part to Imperialism?



Mr. WATSON.—I do not say so at all.

Mr. McDONALD.—It seems very much like it.

Mr. WATSON.—The question does not present itself to me in that way. My view is that there is no objection to an Imperial officer being asked to give an expression of opinion upon a matter that has nothing to do with Australia when the War Office requires him to do so. If it were an Australian matter—and that is the point which the late Minister of Defence and the present Minister have taken up—if the cable sent were upon Australian business, we should be made acquainted with the whole of its contents.

Mr. HUME COOK.—Does not the Prime Minister think that the General Officer Commanding ought to give all his services to the Commonwealth which pays him?

Mr. McDONALD.—And not act as a spy amongst us?

Mr. WATSON.—If I believed that his services to the Commonwealth were likely to be interfered with to any appreciable degree by his being asked to give information of this kind, I should think it proper to object. But I do not anticipate that the supplying of information to the War Office, perhaps once in five years, upon a particular subject that may crop up at the moment, should materially interfere with the services which such an officer might be expected to give to the Commonwealth.

#### PAPERS.

Mr. BATCHELOR laid upon the table the following paper:—

Amendment of Regulation 172 under the Public Service Act, relating to Life Assurance, dated 4th May, 1904.

The CLERK laid upon the table the following paper:—

Return to an Order of the House, dated 26th May, 1904, relating to travelling expenses of the General Officer Commanding and State Commandants.

#### CONCILIATION AND ARBITRATION BILL.

*In Committee* (Consideration resumed from 21st April, *vide* page 1244):

Clause 4—

In this Act, except where otherwise clearly intended—

“Industrial dispute” means a dispute in relation to industrial matters—

(a) arising between an employer or an organization of employers on the one part and an organization of employees on the other part, or

(b) certified by the Registrar as proper in the public interest to be dealt with by the Court, and extending beyond the limits of any one State, but does not include a dispute relating to employment in the public service of the Commonwealth, or of a State, or to employment by any public authority constituted under the Commonwealth or a State. . . .

Which had been amended, on motion by Mr. FISHER, by the omission of the following words:—

“But does not include,” lines 12 and 13.

Mr. WATSON (Bland—Treasurer).—I move—

That the words “including disputes in relation to employment upon State railways” be inserted after the word “State,” line 12.

Honorable members will see from the amendment of which I have given notice that we propose, after this amendment is disposed of, to insert other words which will supplement the provision. Our idea is to keep the questions which honorable members will have to decide as distinct as possible, because it seems to me that it would be very unfortunate if, because of any misconception on the part of honorable members, or because of any conflict of interest or opinion as to how far the amendment should be dealt with, we were not able to ascertain the feeling of the Committee in respect to each particular provision. Therefore I propose to put forward an amendment relative to the railway employees clearly and distinctly, thus avoiding the complications that might ensue if additional provisions were included within the amendment.

Mr. DEAKIN.—The Prime Minister proposes to move the amendment in two parts?

Mr. WATSON.—Yes. After the very full and elaborate discussions which took place upon the general proposal to include within the provisions of this Bill the public servants of the Commonwealth or of any State, I do not think it is necessary to indulge in lengthy argument as to the reasons which actuate the Government. This matter was debated upon two occasions, on each of which it received full consideration at the hands of nearly every honorable member. Therefore I do not propose to traverse the whole ground-work of the arguments which in our view justifies the Government in the action which they intend to take. We are told that in confining the present proposal to railway employees and to public servants who are engaged in indus-

tries that are carried on either by the Commonwealth or by a State, we are not giving effect to our own ideas upon the subject. So far as that is concerned, I would point out that the whole effect of the vote recorded in this House was merely to create a blank which would permit of subsequent action being taken in the direction of inserting a provision that would specifically include public servants, or some of them. The opinion which I have all along entertained—and the view of the party which is associated with the Government—is that we should include within the provisions of this measure every person in Australia, if that can be done whilst observing the preliminary conditions which are laid down by the Constitution. In other words, if a strike occurred which extended beyond the boundaries of one State or more, it would be preferable—if we are to reap the fullest possible benefit from a measure of arbitration—that it should include every person who might be concerned in such a dispute. But in this connexion we are bound to observe the conditions which are laid down by the Constitution itself. While we believe that, as a matter of expediency, we are justified in proceeding to the fullest possible extent in this regard, in order to avert such a disaster as a general strike in any of these avenues of employment, we quite recognise that we must observe the Constitution according to the interpretation which we ourselves place upon it. In this instance we have the assurance of the Attorney-General, whom we know to be fully in sympathy with the general idea of extending the provisions of this Bill to the State servants, that, while under sub-section xxxv. of section 51 of the Constitution we are justified in making the measure applicable to all persons who may be engaged in industries, or who may be classed as industrial servants of the Commonwealth or of a State, we have no power to include those who are not distinctly associated in their employment with some industrial form of enterprise. I have a further reason for believing that that interpretation is correct, in that it was advanced some time ago by another legal member of this Chamber, who is also known to be in sympathy with the general principle of including, at least, some of the States servants within the provisions of this Bill. I refer to the honorable and learned member for Darling Downs. The speech which he delivered in the House in September last, when the Bill was pre-

viously under discussion, impressed me very much, and especially his interpretation of that particular sub-section of the Constitution which affects our right to include within this measure other than industrial servants of the Government. In answer to an interjection, I then expressed a doubt as to whether we had power to make the Bill applicable to persons who are engaged in branches of the State and Commonwealth services where clerical labour only is involved. Having expressed that doubt some time ago, it seems to me that we are not open to the charge which was levelled against us by the honorable member for North Sydney—the charge that we are trimming our sails at the present time to catch a favouring breeze. If there is in the mind of the Attorney-General a clear conviction that under the Constitution we are not able to go further than we now propose, it is surely a reasonable proposition that we should proceed at least that far. Of course I can quite understand the disappointment and chagrin of those honorable members who do not desire to see any provision of this character inserted in the Bill. From them we can expect no support other than that which is calculated to damn the whole measure. Their desire is that by proceeding to extremes we shall enact something which will defeat the general idea of including any public servants within its scope. On the other hand, those who favour making the Bill applicable to State servants are under a very heavy responsibility to the electors outside. A great majority of the people through their representatives at the last election, unmistakably pronounced in favour of including within the provisions of this Bill the public servants of the States. Surely it is due to them that we should take no step which will imperil in the slightest degree the legitimate inclusion of as many of the public servants as the Constitution will permit. If we take any course other than that, we shall be acting most unfairly to that section of the community which asks us to go as far as the Constitution will allow, and which will be highly dissatisfied if we take any steps that result in disaster from their point of view. As to the general position, we have been told since the matter was previously before the Committee, that the decision of the High Court in the case of *D'Emden v. Pedder*—the Tasmanian stamp case—practically cuts the ground from under the feet of those who

advocate the inclusion of States servants within the provisions of this Bill.

Mr. ROBINSON.—Is not that what the Attorney-General was arguing in the Supreme Court, both yesterday and to-day?

Mr. WATSON.—Certainly not.

Mr. DEAKIN.—Besides, whatever the honorable and learned member for Northern Melbourne may have said in the Supreme Court was not uttered in his capacity as Attorney-General.

Mr. WATSON.—I have no hesitation in saying that the Attorney-General has never argued in that way, and the honorable and learned member for Wannon should be the last to accuse him of so doing. The view which is urged by our opponents in this matter is that if the High Court follows the general trend of American interpretation in regard to the Constitution, it is bound to hold that this proposal is equivalent to an attempt to levy taxation upon the States, and is therefore unconstitutional. I have read that judgment very carefully, and although I do not pretend to be possessed of any legal knowledge, and consequently am not the best authority as to whether my idea in this regard is correct, I have been impressed by the fact that the Chief Justice made a very important reservation. He said that in interpreting a matter of general principle, a question of whether a State had a right to tax the Commonwealth, they could not leave out of sight the accumulated decisions—the accumulated wisdom—of the various Judges of the Supreme Court of the United States in construing—bear in mind—precisely, or almost precisely, similar provisions. There arises a clear distinction between the case which the High Court was then determining and the hypothetical case with which we are now concerned. In the matter under discussion, it seems to me that the High Court was constrained, I do not say to rely on, but to very largely follow, the American decisions on similar questions, because the provisions of the two Constitutions are in this respect very much alike. But the Chief Justice was careful to safeguard himself against the idea that he was bound in all cases by the decisions of the Supreme Court of the United States. He said—

So far, therefore, as the United States Constitution and the Constitution of the Commonwealth are similar—

I wish honorable members to bear that point in mind—

the construction put upon the former by the Supreme Court of the United States may well be

regarded by us in construing the Constitution of the Commonwealth, not as an infallible guide, but as a most welcome aid and assistance.

I contend that the section upon which we rely in proposing the inclusion of States servants is very dissimilar from anything contained in the Constitution of the United States. It is true that, as the honorable and learned member for Darling Downs has contended, the Supreme Court of the United States has acquiesced in the passing of laws by the Federal Government, under the general authority conveyed by the section of the Constitution relating to trade and commerce, interfering apparently very largely with the rights of the States, at all events, as at one time understood. Whilst that acquiescence, in my opinion, constitutes an argument in support of the contention that the High Court here should adopt a similar line in interpreting the trade and commerce section of our Constitution and give extended powers to the Commonwealth in order to insure that effect shall be given to the spirit of the Federation—the general underlying agreement that Federal matters should predominate over those of purely local concern—yet the provision on which we rely is altogether distinct and dissimilar from anything in the Constitution of the United States.

Mr. O'MALLEY.—The last decision given by the Supreme Court of the United States was an invasion of States rights.

Mr. WATSON.—That may be, but I do not wish to identify myself with those who favour any invasion of States rights. I hold that we are entitled to claim that which the people of the States in their corporate and individual capacity agreed. By means of the referendum they accepted a Constitution for the Commonwealth which contains the provision on which we rely, and by doing so they gave up their State right, handing it over to the larger and more representative body which now controls the affairs of Australia. It is because there is no such provision in the Constitution of the United States, because there is nothing in their Constitution which deals directly with conciliation and arbitration for the prevention and settlement of industrial disputes, that I contend that the decisions of the United States Court are not applicable to the circumstances which exist in the Commonwealth. I submit, therefore, that whilst the decision of the High Court in the Tasmanian stamp case is a highly important one, and in regard

the distinct provision which it interpreted, has a large influence on various phases of the relations between the States and the Commonwealth, it does not in the slightest degree trench upon the argument of those who favour the inclusion of States servants within the provisions of this measure. Those who oppose the present proposal urge that States servants have a tribunal in the Parliaments of the several States to which they can appeal, with the certainty that any great evil or grievance under which they suffer will be redressed. We know that, theoretically, Parliament is an institution that can redress every evil arising, at all events, from legislative acts. I personally think that it can go much further, but all will admit that it can at least redress evils arising from Acts of Parliament. Whilst, theoretically, it certainly has that power, we know that in the great majority of cases, it is almost impossible for it to exert its influence in relation to details because of the continual pressure of larger questions upon those who constitute it. It is unreasonable to imagine that an elephant should always be used to pick up a pin or a steam hammer to crush a nut, and not one of us expects that Parliament can always be devoting itself to the work of redressing grievances that may exist as between its employés and itself. A number of Parliaments have recognised that, in the circumstances, they cannot effectively carry out that duty. The Parliament of New South Wales, for instance, has delegated its authority to redress grievances as between itself and its employés, as well as between private employés and employers, to an outside body working under its commission. It has constituted an Arbitration Court, with power to step in, so far as the industrial branches of Government employment are concerned, and to determine what are fair hours, wages, and conditions of labour. The Court has power to deal with the employés of the railway service, the Water and Sewerage Board, the Harbor Trust, and other persons of that description. It has, from first to last, recognised that, whilst it possesses the power to deal with these questions, it is undesirable to exercise that detailed authority which is inherent in its constitution. The Legislature of New Zealand has adopted a very similar course. It has included within the jurisdiction of the local Arbitration Court quite a number of employés of these classes, who, whilst actually working for the Government are nominally

under the control of Commissioners and other public authorities. The general deduction that I wish to draw from these facts is that, while Parliaments have the power to redress grievances of this kind, they have recognised in many instances that the power can be better exercised by delegated authority. In applying that position to the proposal now before the Committee, we have to recollect that, in the case of a strike which extended beyond the boundaries of any one State, a condition would be set up which no single State Legislature could remedy. No individual State Parliament could step in and say—“This strike shall cease,” because a number of those who were participating in the dispute would be outside the authority and jurisdiction of any State Parliament. We contend that, under sub-section xxxv. of section 51 of the Constitution, the Federation has been endowed with authority to legislate in respect of any dispute, whether it be a dispute between a State and its employés, or one between a private individual and his workmen, so long as the first condition is observed—that is, so long as the dispute has extended, or, in regard to prevention, is likely to extend, beyond the boundaries of the State in which it originated. If that contention be correct, surely there is no invasion of the rights of any State, and we are justified in taking what seems to be the plain reading of the sub-section itself, which states that we have power to legislate with regard to conciliation and arbitration for the prevention and settlement of any industrial dispute extending beyond the boundaries of any one State. The sub-section contains no restriction, either expressed or implied, and consequently we contend that so long as there is an industrial dispute, and so long as it extends, or, in regard to prevention, is likely to extend, beyond the boundaries of the State in which it originated, this Parliament has the power to interfere, and that our proposals are, therefore constitutional, and involve no inroad on the rights of any State. There is only one other point I desire to direct attention to, and that is the amendment of which the honorable and learned member for Corio has given notice, and in which he proposes to strike some words out of our proposal, with a view to the inclusion of all public servants in the Bill. I take it at once that he has no desire to imperil the inclusion of railway servants in the Bill, and I therefore think that it would

be well for him to consider the propriety—he may have considered it, but, if not, I would ask him to do so—of putting that proposition distinctly from the proposition I now submit. There is nothing to prevent his proposition from being brought forward by itself, and voted on clearly and distinctly, quite free from any complications. But if it is submitted, as he proposes, as an amendment to our proposition, he will distinctly imperil the chance of the railway servants being included in the Bill. That, I am sure, is not what he is aiming at.

Mr. CROUCH.—I do not think it will have that effect.

Mr. WATSON.—I would draw the attention of the honorable and learned member to the fact that on the last occasion there was a number of honorable members—it is no secret, because they candidly stated their views—who were against that portion of the amendment which sought to include State servants in the Bill. They were against the inclusion of any State servants in the Bill, and yet they voted the whole hog. With what object? Merely for the purpose of bringing about a political crisis. They frankly stated that they had no intention at a later stage of voting for any such proposition.

Mr. MCWILLIAMS.—Is not that what the honorable and learned member for Ballarat told the honorable gentleman that he was doing in seeking to include all public servants—that he was jeopardising the Bill?

Mr. WATSON.—Quite so; but unfortunately we had appealed to the country against the late Prime Minister on the question of whether—

Mr. DEAKIN.—It was "unfortunately."

Mr. WATSON.—Well, unfortunately for the view which the honorable and learned member is putting forward. We had appealed to the country on that point, and could not with any semblance of honour have gone back on our pledges to our constituents.

Mr. CROUCH.—I appealed to my constituents on the question of including all public servants in the Bill, and I cannot, in honour, go back on my pledges.

Mr. WATSON.—I do not ask the honorable and learned member to do so; but I do ask him as one who, with the members of the present Government, honestly believed in the course they were taking, as one who was not anxious to kill the Bill, or to throw out the late Government, but only to do the best to fulfil his pledges to

his constituents—I ask him to consider whether it would not be wise for him to put his amendment in such a form as not to imperil this proposition for the inclusion of railway servants. I do not ask him to go back on his pledges. That is a thing which, in my view, no Minister should ask an honorable member to do, and I for one would not do so. The honorable member for Franklin will recognise that there is a large distinction between the honorable members to whom I have just been referring and the members of the present Government, because the former voted admittedly for something in which they did not believe, while we were on this side voted for something in which we did believe.

Mr. MCWILLIAMS.—The Labour Party voted to include all State servants.

Mr. WATSON.—Certainly. Technically speaking, we voted for the creation of a blank in the clause, but I admit that the argument was all on the question of whether public servants should be included in the Bill, and I would prefer to see all public servants included. While I do not anticipate that regard to the clerical branches, there is likely to be any great need to call for the interference of a Court of this description at the same time I think that the general proposition to give the advantage of this measure to all sections of the community is unanswerable. But there, again, I feel that we are bound not to imperil the chance of success for those most likely to be affected when the question comes to be interpreted by the High Court at a later stage.

Mr. O'MALLEY.—We can put in the amendment of the honorable and learned member for Corio separately.

Mr. WATSON.—It can be put from the Chair without imperilling the inclusion of railway servants in the slightest degree, and allowing every honorable member to vote according to how he feels on the subject. I do not propose to make any further remarks at this stage. I am informed that Mr. Speaker has just received an important communication which he wishes to announce to the House, and therefore I ask the Committee to consent to report progress, with a view to resuming its proceedings in a moment or two.

Progress reported.

#### NEW MEMBER.

Mr. SPEAKER informed the House that he had received a return to the writ issued for the election of a member to sit

in the House of Representatives for the electoral division of Riverina, in the place of Robert Blackwood, Esquire, unseated, indorsed with a certificate of the election of John Moore Chanter, Esquire.

Mr. CHANTER made and subscribed the oath of allegiance.

## CONCILIATION AND ARBITRATION BILL.

*In Committee* (Consideration resumed).

Mr. DEAKIN (Ballarat).—So far as concerns the members whose views I share in regard to this question, it is perfectly immaterial whether the proposal is to introduce within the scope of the Bill all the public servants of the States, or the railway men only, or half-a-dozen members of the Public Services. The stand-point from which we view the proposal is wholly one of principle. We say that, to whomsoever the proposal relates, it is a deadly wound to the self-governing powers and prestige of the States. It may not be "as deep as a well or as wide as a church door," but it will do. If once the power is given the States Governments and Legislatures, and their electors, considered as State electors, will be deprived once and for all of the most essential power of managing their own affairs. Under those circumstances, sir, it is not with us a question as to whether the States can or cannot, but as to whether, under any circumstances, the States either can, or ought to be, asked to submit the control of their employes—the control of the means and agencies by which they carry on their Government—to the decision of a Court appointed by another body. The Prime Minister truly says that each State possesses the power—and some of the States have exercised it—of placing some or all of their public servants under the control of a tribunal appointed by the States concerned. That is indisputable. We have reason to believe—I think we have reason to hope—that at no distant period every State in Australia will have so provided. What the Prime Minister says as to the inconvenience of allowing matters of this sort to await the leisure of Parliament, or the convenience of Governments, is perfectly true. But that is an argument primarily addressed to the States themselves, who have it within their authority, if they think fit, to create some tribunal which will discharge the duty of dealing with disputes that arise between their employes and those who are in authority over them.

Mr. WATSON.—That is, within their own borders.

Mr. DEAKIN.—Only as to those disputes which occur within their own territories, naturally. But they have that power, and some of them have already exercised it. All of them have exercised it to this extent—that they have, in the Public Service Acts of the States, made provision for Boards of Inquiry of one kind or another. Then there is always an appeal to the Public Service Commissioner or Commissioners; there is sometimes an appeal also to the Minister or to the Government of the day; and, finally, there is always in the last resort an appeal to the highest Court of all, the Parliament of the State, from whom these men receive their salaries or wages, and under whose regulation they carry on their work. When two or more contiguous States have appointed authorities of this character, even although the dispute overflows—taking the instance which the Prime Minister has just submitted—there is only the difficulty of dealing with it involved by its calling into play two authorities instead of one. The State from which it overflows has, or may have, the power of dealing with that dispute within its own borders. If the dispute overflows into another State similarly equipped, the other State is perfectly competent to deal with that part of it which happens in its own territory. Consequently, no injury, except that of having two authorities, can result from dealing separately with a similar dispute, as it affects two different bodies of men.

Mr. HIGGINS.—One authority may lean one way and the other may lean another way.

Mr. DEAKIN.—That is always conceivable where there are two tribunals. It is a contingency which ought to be avoided whenever possible. But it is not vital in the highest degree. My honorable and learned friend is perfectly well aware that from time to time the Courts of Justice of the various States decide in one State in one way and in another State—sometimes even in the same State—in another way.

Mr. HIGGINS.—It is very unsatisfactory, especially when dealing with the same facts.

Mr. DEAKIN.—It is unsatisfactory, and it is to be prevented whenever possible. But in this particular case there is not the same risk that confronts us in ordinary litigation. And after all it is to be remembered that the choice is not—as has been put by implication—between this

method of dealing with a strike that overflows from one State to another, and no method, but between this more effective and advantageous method of dealing with such disputes, and another method less effective and advantageous, but which may suffice. It is not necessary to labour the point except to that extent. I do not propose to-day to repeat the remarks which I have already made in connexion with this subject. Few men, even in this House—none I think—have been called upon to treat it so exhaustively. On the first occasion when the subject was first placed in my hands, most of the time allotted to me was occupied in the discussion of the main principles—the main social considerations—which in my opinion justify and call for the establishment of industrial Courts of Arbitration. In addition to that, I dealt with the two specific points that were then at issue—that is to say, our constitutional authority over seamen on ships other than Australian ships or other than British ships which are included within the scope of the Constitution; that was the one point. The other related to the very matter which we are now discussing. It fell to my lot to move the second reading of this Bill again this year. On that occasion I approached more closely the great measure which is now before honorable members, dealing once more with the subject of the amendments of which Ministers have given notice. On that occasion again—or rather on that occasion for the first time—it became my duty to ask the House to consider more fully our constitutional power, not only in regard to the public servants, but in regard to the measure generally. For during the time that had intervened the closest scrutiny and further consideration had satisfied me that, while we acted wisely in accepting the draft of this measure made by the honorable and learned member for Adelaide, whose absence we still unhappily regret—that while we acted wisely in adopting his draft which provided for the utmost possible exercise of the powers that sub-section xxxv. of section 51 of the Constitution can be held to give, it was quite probable that in the actual exercise of those powers we should find the area far less ample than he had implied, or, at all events, less ample than he had thought it necessary to provide for. It appeared to me, and still appears to me, legitimate for us to take it for granted that until an authoritative reading of all parts of the Constitution shall have been arrived at, we should,

*Mr. Deakin.*

in dealing with a measure of the kind, as well to equip ourselves from the start, for all contingencies, having in view the utmost possible extent of the power with which we are dealing. I say this by way of warning against assumptions that the Bill as it stands is no more than is required under section 51, sub-section xxxv. I have no other objection to offer now, when, for a third time, I am able to consider the measure, and under less official responsibility than heretofore, except with reference to the particular matter we have in hand. Here, it seems to me, we do distinctly trespass, not only beyond the clear and definite bounds of the Constitution, but we also trespass on a domain which we ought not to be called on to enter, even if we had the power, except in the last resort. If we have the power, it appears to me that we should exercise it only when it becomes plain that some States have proved themselves recalcitrant, not merely to the public opinion of their neighbours, but to the public opinion within their own borders, and have deliberately set at defiance a movement which the more we examine its nature and tendencies, will the more satisfy us that it proceeds in harmony with the main trend of legislation in modern times. If we possess the power the Federal Parliament might, under these extreme and scarcely conceivable circumstances, be called upon to use it in the public interests. But from my standpoint on no grounds narrower than those, or less urgent, should we be justified, even if we possess the power, in putting it into operation. Especially should we hesitate, at this early stage of our history, when subjects raising feeling on both sides have already presented themselves—when the Constitution waits for that delimitation to which I once previously referred; a delimitation adopted in the case of rival nations with regard to territory to which both put forward a claim, especially should we hesitate, while the delimitation has been accomplished for such a short distance and for such a small part of the great area over which the Federal law runs, in what is equivalent to a direct irruption into the territory of the States. Though I have had opportunities of speaking, and have fully exercised those opportunities, as the position I then held obliged me to do, I take it that the position I now hold does not release me from a similar obligation, so far as it appears to me possible to add anything.

to the arguments which I have already addressed to the House. I propose, therefore, not to repeat myself to-day, but, none the less, by no means to stint the criticism which I shall offer, especially so far as that criticism has been affected by recent judicial decisions to which the Prime Minister has briefly and reasonably referred. I do not pretend to find in those decisions a solution of all our difficulty; I do not pretend to find in them a direct answer to the specific question here submitted. But I shall be prepared to maintain that the whole character and tendency of those judgments, affecting, as they do, closely analogous matters, do throw a great deal of fresh and valuable light on the problem which we are again called on to consider. During the remarks made at previous stages of the Bill, I have not hesitated to point out the innumerable difficulties by which any legislation of this character is necessarily surrounded. I have not failed to reiterate the statement that we are proceeding on practically new ground; that we are guided by a relatively very short experience, and are entering one of the most difficult spheres in which a Legislature can be called on to act, affecting, as that sphere does, the ever-varying, ever-changing, ever-developing business operations of the community which we represent. Under all these circumstances, it is in the last degree advisable that we should proceed with caution, and that we should be prepared to find our most carefully thought out provisions more or less imperfect—that we should lay down for ourselves definitively, at the very commencement, the certainty that only by a series of tentative efforts and gradual experiments can we hope to tread this perilous path without accident. But, at the same time, I freely admit that every fresh experience we have of the industrial operations of the day goes to impress on us more imperatively than ever the obligation which rests on thoughtful men to make some effort to cope, by pacific means, with industrial war—to avoid and overcome the violence which is being more and more openly displayed in cases of difference between employers and employed. If there is a country in the whole world to which we look for illustrations of the most progressive tendencies, and of the circumstances which are to be found associated with progressive tendencies to-day, it is the United States of America. So far as the rest of the world is concerned, that

nation offers object lessons of what we may expect, and of conditions of affairs which we probably must reach in the very next steps we take. This is an industrial age, and the United States exhibits industrial operations on the greatest scale. That country magnifies for us events which among ourselves are comparatively small and unimpressive, and its lessons, some of which I quoted to the House a few weeks ago, should, it seems to me, as they reach us day by day, bear in upon the most doubtful mind—that is to say, the mind most doubtful of the benefits and issue of industrial legislation—the necessity for reconsidering our position. What is to be done when such a state of affairs exists as is to be found to-day in Colorado, according to a description which I found in this morning's *Age*?

Mr. O'MALLEY.—They do not want conciliation or arbitration there.

Mr. DEAKIN.—On the contrary, I think they need it only too badly. This is the description to which I refer—

The condition of affairs in Colorado, where, owing to the coal miners' strike, civil authority has been set aside, and a military dictatorship substituted, seems to be going from bad to worse. The strikers show no signs of giving way, and lawlessness is still so rampant, or so imminent, that the Governor has not been able to remove the iron heel of the soldiery. In some sections of the State business is at a standstill, and many persons totally unconnected with the quarrel have been ruined. At the present time, it is estimated that fully 300,000 men are arrayed on the one side or the other in the labour war in Colorado. The conflict has been exceedingly protracted, and the loss of the State up to date is conservatively estimated at £10,000,000. Many of the labour unions throughout the United States are supporting the Miners' Union by contributions towards what they assert to be a fight for their constitutional rights as American citizens. The constitution of the State has practically been suspended. The military authorities in certain counties, particularly in the vicinity of Telluride, have repeatedly evicted miners from their homes, and deported them by force to other portions of the State, where they have been maintained by the Miners' Union. Many men are being kept in military prisons, which are known as "bull pens." In the mining district the process of the law and civil writs have been entirely superseded by martial law, and labour leaders have been ejected without recourse to the Courts. The conflict between the military and civil authorities, as described in a previous letter—

I suppose to the *Age*—

adds to the seriousness of the situation.

Now, I suppose that, with the exception of the dreadful and disastrous conflict at present waged in Manchuria, all the world over



there is no war so serious, judging by this description, as that which obtains to-day in Colorado, in time of peace, in a civilized country in the very forefront of the march of progress, and maintained by two conflicting bodies of its own citizens.

Mr. WILKS.—There is none so far-reaching.

Mr. DEAKIN.—Nowhere else are there to be found 300,000 men pitted against each other in deadly strife—none the less deadly from being maintained purely as to the means and conditions of livelihood. What is happening in Colorado to-day may happen on a smaller scale in some Australian State in the future. The Legislature which, at all events, endeavours to provide in advance by reasonable and carefully considered means for the discussion, if it were merely the discussion of these questions, before an impartial tribunal, has done much. The Legislature which can create a tribunal that, after an impartial discussion, commands public confidence in the wisdom and justice of its decisions, has taken a further step. Because, in these circumstances, and only in these circumstances it seems to me, can a civilized nation consent to employ the means based upon brute force which lie in its power, those forces of the community which it uses in the last resort, to defend itself from foreign aggression and invasion.

Mr. CROUCH.—Is the honorable and learned gentleman not reminded by the description which he has read of the state of affairs which existed in Victoria about twelve months ago, when over 1,000,000 persons were concerned?

Mr. DEAKIN.—I prefer at present to be reminded of Colorado only. We can discuss that without generating the same amount of electricity as might follow the consideration of what took place in Victoria. What has occurred on a great scale in Colorado we have seen on a smaller scale in Australia, and may yet see again.

Mr. WILKS.—The maritime strike.

Mr. DEAKIN.—Therefore, when honorable members of this House are, on the one side, criticising the cautious attitude I have adopted, and the warnings I have felt called upon to utter as to the necessity of proceeding with great care and deliberation, they must recollect on the other the concomitant opinion as to the consequences of the neglect of the endeavour to establish in the industrial world a means for the judicial decision of disputes. We can now see the scale upon which they are

capable of being conducted, and the terrible disastrous results that are certain to flow from them. Proceeding, therefore, with the firm conviction that we must undertake this task, and proceeding at the same time with the cooling reflection that it is a task which we cannot hope wholly to accomplish, and with which we can deal only in part and only by extreme circumspection, we arrive it seems to me, at one of the great practical reasons which must weigh with honorable members of this House, whatever their attitude upon the constitutional question may be. They must realize that in our entry into this new industrial sphere, so rich in dangers of its own, so thick sown on every hand with floating contact mines, such as are being found in the open sea beyond Port Arthur, it behoves us not to add to this measure any proposition which, in addition to all the industrial disadvantages which it may bring us into connexion with, assuredly will bring us into direct collision, and, therefore, into war—a war legally waged, no doubt, but none the less a strife—between the Federal and States Governments. I claim the attention of honorable members for a little while in elaborating this question, because the mischief of this particular proposal of the Government is that it takes us out of the strictly industrial sphere, where the considerations are those of human rights of business, and of expediency, into the constitutional sphere, in which, seek to simplify them as we may, we deal with great principles lying at the very foundation of all Federal Constitutions, and of our own Constitution especially, and plunges us, therefore, into constitutional as well as into industrial strife. But since we are compelled once more to face this question, we have to recollect that if these debates have served any purpose at all, of an educational character, they will have helped to educate the community to a consideration of what conciliation and arbitration ought to do, can do, and should be made to do. And now is opened up to us another and even more important field, the Federal field. Here we commence to pass from the territory, which certainly is under our own flag, into disputed territories, claimed by the several States. Our Federal Constitution is so much a matter of yesterday, our federalism up to this date has been so much a matter of contention as to the benefits or disadvantages of the adoption of the Constitution that we still move somewhat awkwardly. We fail to breathe, as if it were our nature

air, those principles of federalism which require to be assimilated and applied by us day by day in dealing with legislation in this Chamber. They can never be applied by us in this Chamber with satisfaction unless to some extent, at all events, the public intelligence outside keeps step with us, and unless the electors also come to realize how, as electors both of the States and of the Commonwealth, they require to hold the balance even as between themselves as citizens of the States and themselves as citizens of the Commonwealth, if they desire the two political agencies which they have created in their own interest to fulfil their work efficiently and without needless clashing with each other. The very beginning of federalism and the very first expression of the Federal spirit is to be found in the endeavour to maintain the independent autonomy of both these agencies. Nothing more fatal to federalism or more dangerous to the Federal spirit can be imagined than the unnecessary jar and conflict begotten by mistaken endeavours to spread the sphere of one into that of the other. No one has anything to gain by such conflicts. The people themselves who elect both bodies can do nothing but lose while their two agencies wrestle as to which is to perform a certain duty. No gain can result to either Federal or State Parliament when one is ranked against the other, instead of both being devoted to their common tasks. Nothing is to be more deplored or deprecated than the unnecessary bringing of their claims into hostile juxtaposition. That must occasionally happen, and we have created a High Court to determine such cases when they arise; but no one would wish to hasten their occurrence, or to multiply them. We would assuredly avoid them if we could. In this connexion nothing is more important than that the public should comprehend the real position and authority of the High Court. At the present time, judging by journalistic comments, that is very little understood even by many of those who are best educated in political affairs; while the man in the street, as one learns by personal conversation with him, has even less acquaintance with it. In the *Sydney Daily Telegraph*, of 28th April last, a special article—technically called a “cross-headed article” I believe—on the Tasmanian stamp duties case, appears over the signature “T.R.B.” In that article, the authority and standing of the Court is, it seems

to me, admirably defined. The writer says—

But the High Court is intrusted, also, with the duty of interpreting the Federal Constitution. In a large and important class of cases arising under the Constitution, those, namely, which involve the question of the relative rights of the Commonwealth and a State, or of the relative rights of two different States—its decision is, except by its own consent, absolutely final. Such a decision is final, not only in the sense that no appeal can be taken to the Privy Council; it is final also in the sense that the Federal Parliament itself cannot alter the principles that are therein laid down. For the Federal Constitution, putting aside the possibility of alteration by the Imperial Parliament, is not alterable by an ordinary Act of legislation. The method of amendment is prescribed by the Constitution itself, and may not under any circumstances be departed from. The decision of a Court of final resort, as to the interpretation of the Constitution, is as much a part of the Constitution as if it had been expressly enacted in that instrument; and, therefore, however unpopular the principles laid down by the High Court in constitutional cases of the kind referred to may be, they can only be altered by setting in motion the machinery prescribed by section 128 for amending the Constitution. It is this fact which gives the High Court its immense power as an agent of constitutional development, and which makes its decisions, in constitutional cases at least, deserving of the careful attention of those who are interested in the political institutions under which they live. The tendency of our national development for generations to come will be determined by the principles which are adopted by the High Court in construing the Constitution.

Of course, the statement as to “generations to come” is the writer’s own. I think that the amendment of the Australian Constitution is not anything like so difficult as that of the American Constitution, and if an interpretation of the Constitution by the High Court proved to be seriously out of harmony with the judgments and desires of the electors of the Commonwealth, a generation would not pass without the securing of redress. Subject to that qualification, the statement I have read puts in a very impressive fashion an aspect of the High Court which the man in the street has certainly not yet entirely grasped.

MR. FISHER.—Might not a larger Court review and alter its decisions?

MR. DEAKIN.—Owing to the action of the honorable gentleman and of others, the Court consists of only three members, so that there is no larger Court to which to appeal. In the cases referred to, there can be no appeal except with the consent of the Court.

MR. O’MALLEY.—When the business of the High Court increases, we shall have to increase the number of the Judges

Mr. GROOM.—Its business is increasing.

Mr. DEAKIN.—And will increase.

Mr. GROOM.—Hear, hear.

Mr. DEAKIN.—If honorable members will bear in mind that impressive description of the manner in which the interpretation of the Constitution by the High Court becomes, in many instances, part of the Constitution, and remains so until there is an amendment or reversal of the judgment, they will understand why I propose to devote some attention to the decisions which have been already given, and which are likely to form part of our Constitution for a long time to come. Before doing so, however, I wish to make to the Attorney-General reparation which, in his heart of hearts, he believes I owe him. In the course of our discussion of the measure before us, in those distant times when I sat on the other side of the chamber—

Mr. HIGGINS.—Happy times.

Mr. DEAKIN.—No happier than the present. The honorable and learned gentleman and myself were engaged in argument in regard to this particular question, and there arose out of our discussion one or two issues to which I think it only fair to refer. The misunderstanding to which I shall refer first occurred just before the decisive vote upon the amendment of the honorable member for Wide Bay was taken, and I have had no previous opportunity to put the honorable and learned gentleman right in the matter. On page 1226 of the *Hansard* debates of this session, the Attorney-General is reported to have said:—

Another statement of the Prime Minister was that I had expressed contempt for the decisions of the American Judges.

Mr. DEAKIN.—That is, as applied to our Constitution.

Mr. HIGGINS.—I do not think that the matter was so put by the Prime Minister. It is very easy to make a correction now. The impression conveyed by the Prime Minister was that, from my humble position, I had expressed contempt for the great series of decisions of the American Judges.

Mr. DEAKIN.—I did not intend to convey that.

Mr. HIGGINS.—The effect of the Minister's remarks was as I have stated.

Turning back to page 1050, I find that the actual words which I am reported to have used are these—

I must submit with great deference to the honorable and learned member for Northern Melbourne any citation from American authorities, after the wholesale fashion in which he dismissed them. . . . The honorable and learned member for Northern Melbourne was unbridled in the contempt which he expressed for American

decisions in relation to the interpretation of the Australian Constitution.

Mr. HIGGINS.—I was not present when the honorable and learned gentleman made the speech from which he is now quoting.

Mr. DEAKIN.—No; and, therefore, the honorable and learned gentleman was dependent upon the printed report for his information as to what I said. By an unfortunate slip of the printer, however, in the last line, the word "American" was, in the proof number, used in place of the word "Australian." So far as I know, the honorable and learned gentleman has never expressed dissent except in an abstract way, at the relation which American decisions bear to the American Constitution; but he has brushed them aside somewhat contemptuously, so far as they bear upon the interpretation of the Australian Constitution. "American" was an obvious misprint for "Australian," which I corrected as soon as the proof number of *Hansard* appeared, and the corrected passage now appears in the permanent record. With the explanation that I referred only to his comments on the American decisions as affecting Australian decisions, I submit my reference was not unfair. The honorable and learned member had said—

Concerning American decisions, I have long held the opinion that they represent what the Judges thought the Constitution ought to contain rather than what it does contain.

Then, referring to our particular argument, he said—

However, I do not think those cases have anything to do with this matter.

That is to say, "I do not think these cases have anything to do with the construction of the Australian Constitution, especially in regard to conciliation and arbitration."

Mr. HIGGINS.—That is, so far as the Conciliation and Arbitration Bill is concerned.

Mr. DEAKIN.—The honorable and learned member, at another stage, said—

The Prime Minister has attempted to apply to our circumstances the United States decisions as to taxing Federal and State incomes, and has given us the benefit of an elaborate argument, which, I understand, has led him to the conclusion that we should violate some mystic Federal principle if we were to include States public servants within the operation of the Bill. I confess that I do not see what the principle adopted in America with regard to taxing Federal income by the State, or State incomes by the Federal power, has to do with the interpretation of our Constitution so far as it relates to our power of legislation in regard to conciliation and arbitration.

So that the difference between the honorable and learned member and myself is that, whilst I quoted a large number of American decisions, which I thought applied to that particular part of the Constitution, the honorable and learned member, in reply, said that he did not think they had any bearing upon the question. In my reference to him I put it, perhaps, with too great generality that his remarks related to the application of the American decisions to the Australian Constitution. I understand that he stands upon the narrow construction that his remarks related only, and specifically, to the provision in the Constitution relating to arbitration and conciliation. That being so, I at once qualify my remarks to the same extent, and say that I do not desire them to have any wider bearing. The honorable member in the remarks which I have just quoted, certainly contended that the United States cases did not apply in this particular instance, and other speakers contended that they did not apply in any instance. Some honorable members argued that the taxing cases which related to the Federal and State Governments of the United States taxing each other's agencies and instrumentalities had no bearing on any part of our Constitution. They took a wider view than did the honorable and learned member. Now, fortunately, we have in the judgments of the High Court, as reported in the newspapers, an indication of the weight which that tribunal is inclined to attach to American cases. In the *Sydney Daily Telegraph* of April 27th, page 10, Mr. Justice Barton is reported, in connexion with what is known as the Sydney rate case, as having said:—

Mr. Wise pointed out that in some judgments reference was made to the possible consequences of decisions which would give licence to invasions of the sphere of the Federal Government, consequences which might amount to the dissolution of the American Union. Mr. Wise inferred that the judgments of the time were given in fear that contrary decisions might bring about that result, with its dread attendant in the shape of civil war. Attentive perusal of the great deliverances would dispel the notion that consequences which were pointed out as possible were the impelling reason of the utterances. In discussing questions of the relative powers of the Union and the States, the exposition of their Constitution by American jurists, whether in their judgments or their commentaries, had always been founded on the principles of construction which had been equally adopted as guides by British lawyers.

I quote these remarks first because they serve as an introduction to the judgment of

the Court, delivered by the learned Chief Justice, who said—

There could be no doubt that the right of taxation was a right of sovereignty. It might be exercised upon all persons, and in respect of all property, within the jurisdiction of the sovereign power which exercised it. It followed that if the authority which assumed to create such a delegation did not itself possess the power the delegation was void, since the spring could not rise higher than the source. In a constitutional instrument, defining and limiting the powers of constitutional authorities, the word "tax" must be construed in the wider sense, and a prohibition of the imposition of a tax must be held to include a prohibition of any such imposition by a delegated authority, by whatever name the tax was called. It was manifest, from the whole scope of the Constitution, that just as the Commonwealth and the States were regarded as distinct and separate sovereign bodies, with sovereign powers limited only to the ambit of their authority under the Constitution, so the Crown, as representing those several bodies, was to be regarded, not as one, but as several juristic persons, to use a phrase which would express the idea. The term "Crown," as used in the Sydney Corporation Act, must be taken to mean the Crown in its capacity as representing the State of New South Wales. The argument, therefore, sought to be founded upon the assent of the Crown, given through the Governor of New South Wales to the taxation of Crown lands, failed, since land vested in the Commonwealth, or the Crown in right of the Commonwealth, was not Crown land within the meaning of the Sydney Act. If the tax was considered merely as a tax upon the Commonwealth, regarded as a juristic power, or upon the officers as persons—a view which he thought erroneous—other considerations would arise. In that view the question for decision would be whether a State or a delegated authority within a State, had power to affect the Commonwealth or its officers in the performance of the duties cast upon them by the Constitution, or by the laws of the Commonwealth. The answer to this question depended upon the further question, whether, under the Constitution of the Commonwealth, the jurisdiction of the States extended to the Commonwealth regarded as a juristic person, or to the officers in the performance of their duties as such officers. On this point his opinion was sufficiently expressed in the judgment in the case of *D'Emden v. Pedder*.

That extract is not altogether apposite, or solely apposite, to the question of the weight which is to be given, or is likely to be given, by the High Court to American decisions. I shall come to that presently. I read the extract by way of introduction, because it has very important bearings, particularly in reference to the Crown as possibly consisting, so to speak, of juristic persons, the Crown acting through the Commonwealth being one juristic person, and the Crown acting through the States Governments being another juristic person. In the course of the

debate on this question, we had a very interesting difference of opinion between honorable and learned members. The honorable and learned member for Bendigo the honorable and learned member for Corinnella, and the honorable and learned member for Indi, on the one side considered that the fact that the States servants were servants of the Crown, as acting through and represented by the States, of itself constituted a vital difference between the extent to which any Commonwealth Act could be taken to apply to them, and the manner in which it could be applied to private persons who were not in the service of the Crown.

Mr. HIGGINS. — The honorable and learned member for Indi did not give an opinion.

Mr. DEAKIN.—Upon that point he did.

Mr. HIGGINS.—He did not go so far as that.

Mr. DEAKIN.—The honorable and learned member himself took the other side, and disposed of the Crown as lightly as he dismissed the American decisions. Under the epithet "pedantry," or something of that kind, he swept it out of his consideration; but the other honorable and learned members to whom I have referred laid great stress upon that point. I quoted the extract from the judgment of the High Court as leading up, not only to the decision in the case of *D'Emden v. Pedder*, but also as bearing upon a line of argument to which the honorable and learned member may yet be called upon to attach more importance than he has hitherto been inclined to do. I did not enter upon it at any great length on the previous occasion, because I thought it was involved in a certain amount of obscurity, and also because I wished to avoid merely legal argument in this Chamber as much as possible. We have now, however, reached a stage at which merely legal argument is likely to become a foundation for the consideration of important constitutional principles, and I desire to refer honorable members to the judgment in the case of *D'Emden v. Pedder*, for the opinion of the High Court as to the manner and extent to which American decisions can be used in the interpretation of our Constitution. I hope that honorable members will excuse me if I trespass upon their patience by reading a very large part of that judgment, because I think its proper place is in the pages of *Hansard*, where it will be available to honorable members, who will require to repeatedly refer to it in

considering, not only this constitutional question, but many others.

Mr. HIGGINS.—For the information of honorable members we propose to circulate copies of that judgment.

Mr. DEAKIN.—I am very glad to hear that. I presume that the Attorney-General means "official" copies.

Mr. HIGGINS.—Yes. Copies of the judgment after it has been revised by the Justices.

Mr. DEAKIN.—I had thought of suggesting the adoption of the same course. In the case of *Pedder v. D'Emden*, which is commonly known as the Tasmanian stamp case, the High Court considered the weight which should properly attach to United States decisions. Still quoting from the *Sydney Daily Telegraph*, I find that the Court said—

We have had the benefit of considering numerous decisions of the Supreme Court of the United States upon analogous questions arising under the United States Constitution, beginning with the celebrated case of *McCulloch v. Maryland* (41., *Wheaton*, 316), decided in 1819, in which Chief Justice Marshall, delivering the unanimous judgment of the Court, enunciated the doctrines which have ever since been accepted as establishing upon a firm basis the fundamental rules governing the mutual relations of that great Republic and its constituent States.

The Attorney-General will forgive me for reminding him that it was that very principle which he referred to as a "mystical Federal principle."

Mr. HIGGINS.—No, no. That was a very different matter.

Mr. DEAKIN.—I think it was the same. The judgment proceeds—

The Attorney-General for Tasmania did not, indeed, suggest that that case was not good law in the United States, but he endeavoured to distinguish the provisions of the United States Constitution from those of the Constitution of the Commonwealth by referring to sections 107, 108, and 109 of the Constitution. He was not, however, able to point out any material difference between the provisions of those sections and the provisions of the Tenth Amendment of the United States Constitution. And we are equally unable to discover any such difference. Some cases were cited to us, in which it has been suggested that decisions upon the construction of the United States Constitution afford no guidance in the construction of other Federal Constitutions, such as that of the Canadian Dominion and that of this Commonwealth. In the case of *Bank v. Toronto v. Lambe* (12, A.C., 575), in which the case of *McCulloch v. Maryland* had been cited before the Judicial Committee of the Privy Council, the Committee, so far from depreciating the authority of that case, intimated their willingness to follow the guidance of the great American Chief Justice in a similar case, but pointed out that the principles laid down in

*McCulloch v. Maryland* threw no light on the question then before them, which was whether a particular form of taxation fell within the express words of the Dominion Constitution, by which the exclusive power to impose direct taxation was conferred upon the provincial Legislatures. It is not easy indeed, to discover the purpose for which *McCulloch v. Maryland* was there cited. We are not, of course, bound by the decisions of the Supreme Court of the United States. But we all think that it would need some courage for any Judge at the present day to decline to accept the interpretation placed upon the United States Constitution by so great a Judge so long ago as 1819, and followed up to the present day by the succession of great jurists who have since adorned the Bench of the Supreme Court at Washington. So far, therefore, as the United States Constitution and the Constitution of the Commonwealth are similar, the construction put upon the former by the Supreme Court of the United States may well be regarded by us in construing the Constitution of the Commonwealth, not as an infallible guide, but as a most welcome aid and assistance. There is, indeed, another consideration which gives additional weight to the authority of the United States decisions with regard to matters in which the two Constitutions are similar. We have already, in discussing the language of section 51 of the Constitution, referred to the inference to be drawn from the fact that a Legislature has deliberately adopted in its legislation a form of words which has already received authoritative interpretation. We cannot disregard the fact that the Constitution of the Commonwealth was framed by a Convention of representatives from the several Colonies. We think that, sitting here, we are entitled to assume—what, after all, is a fact of public notoriety—that some, if not all, of the framers of that Constitution were familiar not only with the Constitution of the United States, but with that of the Canadian Dominion and those of the British Colonies. When, therefore, under these circumstances, we find embodied in the Constitution provisions undistinguishable in substance, though varied in form, from provisions of the Constitution of the United States which had long since been judicially interpreted by the Supreme Court of that Republic, it is not an unreasonable inference that its framers intended that like provisions should receive like interpretation.

Of course the bulk of my argument originally was directed to show that the resemblance between our circumstances and those of the United States is strictly one of substance and not of form. Upon that one connecting principle I based the long series of extracts from American decisions which I read to this House. That is to say, the very essence of any Federal Constitution is to be found in the established principle that the means and instrumentalities of the Federation and of the States—which includes their officers, their servants, and all

their operations—shall be preserved from interference and control the one by the other.

Mr. WATSON.—Except so far as the Constitution provides.

Mr. DEAKIN.—Of course. Wherever specific provision to the contrary is made in the Constitution, we are bound by it. But when, as in this case, there is no specific provision, that great essential principle comes into play. It was upon that principle that I based the whole of my case, and upon that view of it that I justified every extract which I read to this House. My opinion in this connexion is further fortified by the judgment which I have just read, and by another portion which I propose to read. These clearly show that the mind of the High Court is working in the same direction, that its Justices recognise the fundamental principle of all Federal Constitutions, and it seems to me that they should logically apply it in this particular instance, as they have done in others.

Mr. CARPENTER.—Would not the honorable and learned member test a case if a doubt existed?

Mr. DEAKIN.—Yes, but even if we were convinced that we have the power that is claimed, I hold that the circumstances have not arisen which would justify an exercise of it. I have not yet done all the justice that I wish to do my honorable and learned friend. He took exception to my associating him with the cumbrously named doctrine of unification. He protested against being classed amongst the advocates of a unitary as contrasted with a Federal Government. I have not attempted to justify my own memory upon the matter by looking up the official report of the debates in the Federal Convention. I gave the general effect of the impression which was left in my mind, but if the Attorney-General does not accept my classification of him I do not press it. It seems to me, however, that if we make the provisions of this Bill applicable to the railway servants of the States we may as well include all public servants, because having once destroyed the principle upon which I have laid such emphasis, nothing else stands in the way. Of course I admit the significance which attaches to the word "industrial." When once we take up the position of the Attorney-General and are prepared to make all the States subordinate to the majority rule of the Commonwealth—whether that is accomplished by one little step or by many is to me a matter of

indifference—we have passed the Federal boundary and become advocates of a Constitution which is more or less of a unitary character, and which sooner or later will plunge us into complete unification. That is only my reading of the position. But it is my clear, deliberate, and distinct reading, and I still hold to it, although I have, of course, no desire to impose it on the honorable and learned member. In attempting to describe his attitude as an antagonist of the principle of equal representation in the Senate—and I am sure that he has not altered his opinion—and of many other proposals in the Constitution when it was before the people, I referred to him as an advocate of the unitary principle; but if, in doing so, I mistranslated his position in the slightest degree, I, of course, withdraw the remark. On the question of unification, the judgments given by the High Court throw, at all events, a little light. Mr. Justice O'Connor, in the Sydney rating case, said—

From the very nature of the Constitution, and the relation of the States and Commonwealth in the distribution of powers, it became necessary to provide that the sovereignty of each within its sphere should be absolute, and that no conflict of authority within the same sphere should be possible.

That is simply stating, in very clear and concise language, the great doctrine already referred to, and laid down by the United States Supreme Court, through the lips of Marshall, in 1819. But in the decision given by the Court in the Tasmanian stamp case, it seems to me that we approach very closely the particular point which is now engaging the attention of the Committee—the application of the Marshall doctrine to the proposal that public servants of the States shall be brought within the provisions of this measure. I must again crave the patience of honorable members whilst I read extracts from that judgment. Their great importance will, I hope, justify their length. The Chief Justice said—

In considering the respective powers of the Commonwealth and of the States, it is essential to bear in mind that each is, within the ambit of its authority, a sovereign State, subject only to the restrictions imposed by the Imperial connexion and to the provisions of the Constitution, either expressed or necessarily implied. That this is so as regards the Commonwealth, apart altogether from the express provisions of the Constitution, appears too plain to need elaborate argument. It is only necessary to mention the maxim, *quando lex aliquid concedit concedere videtur et illud sine quo res ipsa valere non potest*. In other words, where any power or control is expressly granted, there is included in the

Mr. Deakin.

grant, to the full extent of the capacity of the grantor, and without special mention, every power and every control the denial of which would render the grant itself ineffective. This is, in truth, not a doctrine of any special system of law, but a statement of a necessary rule of construction of all grants of power, whether by unwritten constitution, formal written instrument, or other delegation of authority, and applies from the necessity of the case to all to whom is committed the exercise of powers of Government.

If that means anything, it appears to me to say that the States of the Commonwealth are within the ambit of their authority as sovereign States, and that if it had been necessary to add a grant of anything, to make them sovereign they could not have been so styled.

Mr. CROUCH.—There was no grant to the States; the grant was made to the Commonwealth.

Mr. DEAKIN.—If a grant is made to the Commonwealth, which also by express enactment leaves to the States all rights not so granted, it is equivalent to the regranting of something already possessed by the States. It repeats, so to speak, the grant to the States, defining and protecting it for the future. If there be one thing more than another necessary to the sovereignty of a State, it is the control of its own officers, means, and agencies. The doctrine that has been laid down in unmistakable language in this judgment would be defeated and deprived of all effect if, while the States were glorified with the title of "sovereign," and, apparently, endowed with a large ambit of power, the Parliament of the Commonwealth were left free to intervene between them and the sovereign agencies which they employ, and, if it so thought fit, to intervene for the express purpose of destroying those agencies. If we have the power to interfere in regard to one little point, we have the power to interfere in regard to all. If the States have abandoned something essential to their sovereignty in one particular, they have abandoned it in regard to everything. The name is one which can not be justified. The judgment proceeds—

And without recourse to this doctrine of universal application, the express terms of the Constitution lead to the same conclusion. The words of section 51: "The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to" the several matters enumerated, are not used for the first time in that instrument. The same, or almost exactly similar, words were used in the Constitutions of the Australian and Canadian

think that I shall to-morrow evening be in the happy position of being able to show him by indisputable figures that he is seriously in error.

Mr. TUDOR.—Does the honorable and learned member believe that twenty-two is a fourth of sixty-eight?

Mr. HUGHES.—I think this is a violation of State rights.

Mr. ROBINSON.—I am glad to see that the Minister of External Affairs is an advocate for State rights. Once that honorable and learned gentleman takes up that position there is some hope for the party with which he is associated. If he sees the error of his ways, even at this late hour, there is some chance that the party may yet be converted to reasonable views upon this question. This proposal has been submitted, as we know, not because it has any special virtue as regards the public servants of the States, but simply in order to gain a technical advantage over the dominant party in the State politics of Victoria.

Mr. WATSON.—It is as big a question in the other States as in Victoria.

Mr. ROBINSON.—It is intended as a weapon of revenge to defeat a policy which I feel sure will be indorsed by the electors of Victoria.

Mr. McDONALD.—Victoria is not the Commonwealth.

Mr. ROBINSON.—It is a most unheard of proposal that this Federal Parliament should constitute itself a Court of Appeal against the electors of Victoria upon matters of purely internal concern. That is not a good omen.

Mr. McDONALD.—If the State authorities go on in the way in which they are now going, in two or three years time there will be nobody left in Victoria.

Mr. ROBINSON.—If we are to have the honorable member for Kennedy always here we shall always have some one with us whom we do not want. The practice of constituting the Federal Parliament a tribunal for the consideration of matters of internal concern, relating solely to the States, is a practice liable to great abuse, and it will not remedy many of the evils which it is proposed to remedy. We have already heard that the Premier of Victoria has said that if this proposal is carried he will take such steps as will render it nugatory. There is not the slightest question that whether this proposal to bring the public servants of the States under the operation of the Commonwealth Conciliation and

Arbitration Bill be carried or not, it will be in the power of the Victorian State Government, or any other State Government, by altering the Public Service Act of the State, to make the position of State public servants a very great deal worse than it is now.

Mr. HUGHES.—Is this a threat?

Mr. ROBINSON.—Nobody can deny that, and were I in the position of the gentleman who administers the State affairs of Victoria I should assume exactly the same attitude.

Mr. HUGHES.—Is the honorable and learned member in order in delivering what practically amounts to an election address in connexion with State politics, and, at the same time holding out a threat to the Commonwealth Parliament that, no matter what it does, the State Parliament of Victoria will take care to render its action null and void; and, further, will make the condition of the State servants of Victoria very much worse than it is at present, if the Commonwealth Parliament does a certain thing? That can only be regarded as a threat, and I certainly take exception to it.

Mr. DUGALD THOMSON.—When the honorable and learned gentleman raises a point of order, he should state the facts correctly. I never heard the honorable and learned member for Wannon state that the Victorian Parliament would take any such steps.

Mr. HUGHES.—He said it was contemplated.

Mr. DUGALD THOMSON.—The honorable and learned member for Wannon did not say that he would be prepared to take such steps, but he intimated what might take place in any State. That is the whole question at issue here, and I, therefore, think the honorable and learned member's remarks must be considered pertinent to the question.

The CHAIRMAN.—I did not detect the honorable and learned member for Wannon wandering beyond the limits allowed by the Standing Orders.

Mr. ROBINSON.—It is a pity that those who, outside of Parliament, and, when in opposition in Parliament, are stern advocates of free speech, change their methods so soon as they obtain power. I should have thought that the Minister of External Affairs would have been as ardent an advocate of free speech as is any honorable member, had I not found that a few short weeks of office had made him as autocratic as the present Premier of Victoria. Insistence



sum of money which under the Constitution is set apart for us; and as, under the Constitution, we return to the States what we do not spend ourselves, every increase of expenditure on Federal objects, no matter how legitimate, does operate as a reduction of the receipts of the States. With that we have nothing to do. The Constitution made us masters of one-fourth of the Customs and Excise revenue, and any other sums which we might raise by our own taxation. Of those we dispose freely, and it is only because of the temporary operation of what is sometimes termed the Braddon clause that our expenditure affects the amount which we may return to the States, and not the amount which we must return. But in this arbitration award we shall not deal with our money at all. We do not pay out any money. We impose a burden on somebody else, and we order them to find the money.

MR. CHAPMAN.—What would happen if the State Parliament declined to vote the money?

MR. DEAKIN.—I followed that argument before, and do not desire to repeat my observations. If the State Parliament decided to ignore the award, we should need a Colorado incident to endeavour to bring it into effect. But, putting aside such an improbable contingency as that, the fact remains that the power to make awards, raise wages, and alter the conditions of labour, means a power to direct a State to increase its taxation. That power is derived under this Bill, not in the part which creates a Court, but in the part which requires that that Court shall be allowed to order whatever payment it pleases to think necessary, in the interests of equity and justice, to those persons who bring their causes before it. No such legal obligation exists until that obligation is legally enforceable, but it will exist under this Bill. If that view has not penetrated, as it ought to have penetrated, to the minds of those who discuss our proceedings outside, surely the unfortunate remarks of the Chief Justice of New South Wales, which were quoted by the right honorable member for Swan, at page 1648 of *Hansard*, show, quite apart from any sentiment that they display, what he declared to be the legal effect of such legislation. I need not read his remarks, except his assertion that it did interfere with the liberty of action of employer and employed, that the State Act did create new crimes unknown to the common law, that it did deprive the employer, to a certain extent, of the conduct of

his own business, and vested it in a tribunal. No one can say that the mere creation of a Court would have done that. His Honour is not alluding to the creation of a new Court which left liabilities and obligations as they were, but is stigmatizing, in what appears to me to be injudicious language, the effect of the State Arbitration Act by its imposition of fresh obligations, and new penalties for what hitherto have not been offences. I trust, therefore, that whatever else his *obiter dicta* may have done, they will disabuse the mind of even the man in the street of any suggestion that this is merely the creation of a tribunal, instead of being, as it is, the creation of a tribunal, plus the creation of a new charter of industrial rights, industrial obligations, and penalties for their breach, necessarily of a severe character. If we have a law, and it requires to be made effective, we must provide penalties. This Bill obviously goes far beyond the introduction of a new tribunal. If that was all that it did, there would be very little interest in it here or outside.

MR. CROUCH.—If there were no offences there would be no occasion for Courts in criminal cases.

MR. DEAKIN.—I am not speaking of the necessity for offences. I am saying that if this Bill meant only the creation of a new tribunal, which was to deal with cases which at present go to the ordinary Courts when they relate to industrial matters, just as there has been in Great Britain a Commercial Court, in which now but commercial cases are taken—if this was a Court merely to try industrial cases under the old laws and old obligations, there would be very little interest taken in the Bill; it would mean very little to any one, either here or outside. But it is because it does so much more than create a Court, that our attention is focussed on it, and that that of the public is bound to be. I propose to read another extract from the judgment in the Tasmanian stamp case in order to show that, probably, I was not so far out when, in moving the second reading of the Bill, I quoted a part of the American judgment, which is set out in the report of that case. The High Court says—

We should be prepared, therefore, if it were necessary, and if we found ourselves unable otherwise to come to a clear conclusion, to accept the doctrines laid down in the following passage of the judgment of the Supreme Court of the United States, delivered by Marshall, C.J., in *McCulloch's case* in 1819 (and since that it has often spoken of by that Court as axiomatic), applicable to the interpretation of the Constitution of the Commonwealth:—

Then they proceed to read Marshall's judgment; and it is so important and valuable in its bearing upon Federal affairs, that I will take the liberty of burdening the Committee with it—

The people of a State give to their Government a right of taxing themselves and their property, and, as the exigencies of government cannot be limited, they prescribe no limits to the exercise of this right, resting confidently on the interest of the legislator, and on the influence of the constituents over their representative, to guard them against its abuse. But the means employed by the government of the union have no such security, nor is the right of a State to tax them sustained by the same theory. Those means are not given by the people of a particular State, not given by the constituents of the Legislature, which claim the right to tax them, but by the people of all the States. They are given by all, for the benefit of all; and, upon theory, should be subjected to that government only which belongs to all. It may be objected to this definition that the power of taxation is not confined to the people and property of a State. It may be exercised upon every object brought within its jurisdiction. This is true. But to what source do we trace this right? It is obvious that it is an incident of sovereignty, and is co-extensive with that to which it is an incident. All subjects over which the sovereign power of a State extends are objects of taxation; but those over which it does not extend are, upon the soundest principles, exempt from taxation. This proposition may almost be pronounced self-evident. The sovereignty of a State extends to everything which exists by its own authority, or is introduced by its permission.

That is what I previously read to the House—

But does it extend to those means which are employed by Congress to carry into execution powers conferred on that body by the people of the United States? We think it demonstrable that it does not. Those powers are not given to the people of a single State. They are given by the people of the United States, to a Government whose laws, made in pursuance of the Constitution, are declared to be supreme. Consequently, the people of a single State cannot confer a sovereignty which will extend over them. If we measure the power of taxation residing in a State by the extent of sovereignty which the people of a single State possess, and can confer on its Government, we have an intelligible standard applicable to every case to which the power may be applied. We have a principle which leaves the power of taxing the people and the property of a State unimpaired, which leaves to a State the command of all its resources, and which places beyond its reach all those powers which are conferred by the people of the United States on the government of the Union, and all those means which are given for the purpose of carrying those powers into execution. We have a principle which is safe for the States, and safe for the Union. We are relieved, as we ought to be, from clashing sovereignty, from interfering powers, from a

repugnancy between a right in one Government to pull down what there is an acknowledged right in another to build up, from the incompatibility of a right in one Government to destroy what there is a right in another to preserve. We are not driven to the perplexing inquiry, so unfit for the judicial department, what degree of taxation is the legitimate use, and what degree may amount to the abuse, of the power. The attempt to use it on the means employed by the government of the Union, in pursuance of the Constitution, is itself an abuse, because it is the usurpation of a power which the people of a single State cannot give. We find, then, on just theory, a total failure of this original right to tax the means employed by the government of the Union for the execution of its powers. The right never existed, and the question whether it has been surrendered cannot arise. But, waiving this theory for the present, let us resume the inquiry, whether this power can be exercised by the respective States, consistently with a fair construction of the Constitution? That the power to tax involves the power to destroy; that the power to destroy may defeat and render useless the power to create; that there is a plain repugnance in conferring on one Government a power to control the constitutional measures of another, which other, with respect to those very measures, is declared to be supreme over that which exerts the control, are propositions not to be denied.

I need hardly stop to point out the endless parallels. Honorable members have only to substitute, when Marshall speaks of the Federal Government, the State, and to reverse the position—to imagine the Commonwealth taxing the States, instead of the States taxing the Federal Government, as in this case—and most of the argument and most of the language applies, in my view.

Mr. FRAZER.—Does the question of the power of taxation arise?

Mr. DEAKIN.—Inevitably. The gift to the Arbitration Court of the power to make awards which shall bind a State is meaningless, unless it covers the power to increase, as well as to decrease, the payments of a State.

Mr. HIGGINS.—That is all indirect. It may lead to an increase of taxation, or it may not.

Mr. DEAKIN.—In my judgment, honorable members cannot stop there. Our endowment in the Constitution is not to create a Court at all. The power is to Conciliate and Arbitrate in relation to industrial disputes extending from one State to another. There need be no Court. We can appoint ourselves a Court. We can appoint the Federal Government a Court. We can sit here, if we have this power, and vote to the public servants of any State any sum we like, which sum we shall not

have to find, but which the State affected will be called upon to find. That is direct taxation by a body which has not to find the money.

Mr. HIGGINS.—If we resolve to build a new post-office, it may mean an increase of the taxation of a State.

Mr. DEAKIN.—But only by the exercise of the special powers conferred upon us by the Constitution, and for a time.

Mr. HIGGINS.—That begs the whole question.

Mr. DEAKIN.—In no way; because the increase of taxation, which falls upon a State from the building of a post-office, is under Federal Acts. The post-office must be paid for out of Federal money, and it is only because the money happens to come from the same pockets that it may be said to come out of the pockets of a State.

Mr. HIGGINS.—It comes out of the pockets of the State, because the State has to pay it.

Mr. DEAKIN.—That is only a temporary matter. It comes out of the pockets of their citizens, but that is under a special provision of the Constitution, which applies only for a limited time, although it may be extended indefinitely. The fact remains, that the money in that case is paid by us, and has to be provided by us by some means constitutionally available. In the other case, although the money is voted by us, it has to be found by another body. We, in the one case, take the odium—if there be any odium—of finding the money, because we spend it. In the other case, we order some one else to find the money. We vote the money to be paid by some one else, who has to bear the odium of finding it. Marshall, in his judgment, proceeds to say—

But all inconsistencies are to be reconciled by the magic of the word "confidence." Taxation, it is said, does not necessarily and unavoidably destroy. To carry it to the excess of destruction would be an abuse, to presume which would banish that confidence which is essential to all government. But is this a case of confidence? Would the people of any one State trust those of another with a power to control the most insignificant operations of their State Government? We know they would not. Why, then, should we suppose that the people of any one State should be willing to trust those of another with a power to control the operations of a Government to which they have confided their most important and most valuable interests?

Mr. HIGGINS.—We cannot control where there is only one State; where there are two States concerned we may.

Mr. DEAKIN.—Where there are two States concerned we may, but we cannot where there is only one State concerned. Marshall proceeds, lower down—I am omitting a sentence or two—

This, then, is not a case of confidence, and we must consider it as it really is. If we apply the principle for which the State of Maryland contends to the Constitution generally, we shall find it capable of changing totally the character of that instrument. We shall find it capable of arresting all the measures of the Government, and of prostrating it at the foot of the States. The American people have declared their Constitution, and the laws made in pursuance thereof, to be supreme; but this principle would transfer the supremacy, in fact, to the States. If the States may tax one instrument, employed by the Government in the execution of its powers, they may tax any and every other instrument. They may tax the mail; they may tax the mint; they may tax patent rights; they may tax the papers of the Custom-house; they may tax judicial process; they may tax all the means employed by the Government to an excess which would defeat all the ends of government. This was not intended by the American people. They did not design to make their Government dependent on the States.

Of course, I cannot push that magnificent piece of argument to the same extent. Marshall was dealing with the limited power of taxation possessed by the Commonwealth and the States within their several spheres, whereas I am speaking of the power which incidentally, but essentially, may imply, and must imply, taxation, and which has no meaning if it does not cover the power of taxation.

Mr. FOWLER.—Does the honorable and learned member think that the High Court in dealing with a case under this Bill would consider the ulterior effect of its judgment? The High Court would decide the question of constitutionality, and the ulterior effect might or might not mean taxation. Would it be within the purview of the Court to consider the ulterior effect of its judgment?

Mr. DEAKIN.—The honorable member is asking me how the Court would, and ought to decide. In my opinion, the Court ought to consider, and would consider, what the honorable member calls the ulterior effect; but it must be remembered that this is only my opinion.

Mr. FOWLER.—Ulterior effects are not usually considered in the judgment of a Court.

Mr. DEAKIN.—Calling them "ulterior" effects does not alter them. The effect may be to destroy the sovereignty of the States by stepping in between the States

and their employes—by stepping in between the States and all the means and agencies which the States use which can be brought under the word “industrial” as it is used in the section—so that the Court may determine the conditions of employment, hours of labour, wages, periods of probation, leave, when a man may refuse to work or when he may not, and what are the penalties—in which case the mastership and control of all the industrial agencies, on which the States depend, are taken out of the hands of the States and placed in the hands of another body. How do we make the effect less by calling it “ulterior”? There is an effect, and it seems to me a vital effect; and whether it be called “ulterior” or by some other name, the effect remains. In fact, the Court itself, having finished the quotation from Marshall, goes on to say—

The learned judges who formed the majority of the Supreme Court—

That means the Supreme Court of Tasmania, from which this was an appeal.

seem to have been under the impression that the doctrine of *McCulloch's* case had been considerably modified by later decisions. This is, however, a misapprehension. Although questions have arisen in some cases whether the facts brought the particular case within the doctrine (see *Bank v. Mayor*, 7. *Wall*, 16, 25), neither the authority of the judgment nor the accuracy of the statement of the law contained in it has ever been questioned in the United States, nor have the doctrines enunciated in it ever been qualified. It is true that in *Osborn v. Bank of the United States* (9. *Wheaton*, 738), decided five years later, the Court was asked to reconsider its opinion in the case of *McCulloch v. Maryland*. But the reconsideration asked for, and granted, extended only to the question whether the Bank of the United States was an instrumentality or agency of the Republic in such a sense as to render the taxation of its notes by a State an invasion of the sphere of the national government. So far from combating the doctrine that Federal instrumentalities are not subject to State control, counsel for the bank conceded that “the States cannot tax the offices, establishments, and operations of the National Government” (9. *Wheaton*, 765-6), and so fully granted the position as to state it in terms which seem to us to apply strikingly to the present case. . . . We are fortified in our conclusion by the fact that the doctrines laid down in *McCulloch's* case have been adopted and followed in the interpretation of the Constitution of the Dominion of Canada by the Courts of the provinces of Ontario and New Brunswick since the year 1878, and that their decisions, though uniformly adverse to the provincial Governments, have not been made the subject of appeal either to the Judicial Committee or to the Supreme Court of Canada. (See *Le Prohon v. Ottawa*, 3 *Ont.*, A.R. 520, and the other cases cited by the A.G. for the Commonwealth.)

I think the Attorney-General, when he referred to the American decisions, also added that they had not been accepted as an authority in Australia, but, so far, had been overruled by the States Supreme Courts, and had not been recognised by the Privy Council. I think that now the Attorney-General will admit that the Australian High Court, at all events, does not take that view, but does recognise the American decisions.

Mr. HIGGINS.—I was very guarded, and merely said that “up to the present” the decisions had not been accepted.

Mr. DEAKIN.—The Attorney-General is always guarded, but he will not be able to take the same view now.

Mr. HIGGINS.—Certainly not.

Mr. DEAKIN.—The judgment proceeds—

In no American or Canadian case that we can find has it been denied or even doubted “that the Constitution and the laws made in pursuance thereof are supreme; that they control the constitutions and laws of the respective States, and are not controlled by them.” Nor has it been in any way questioned: “First, that a power to create implies a power to preserve. Second, that a power to destroy, if wielded by a different hand, is hostile to, and incompatible with, these powers to create and to preserve. Third, that, where this repugnancy exists, that authority which is supreme must control, not yield to, that over which it is supreme.” (Marshall, C.J., 4. *Wheaton*, at page 426.) These declarations which are so obvious as to be almost truisms, have found clear expression in the Constitution Act itself, which, in its fifth section, commands that “This Act and all the laws made by the Parliament under the Constitution shall be binding on the Courts, Judges, and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State.”

I do not know that I could advance my argument further by calling attention to the several points of difference and many points of agreement which, it seems to me, are to be found between the case which was before the High Court and the case which is now before the House. To me the parallel is complete. Of course, in saying that, I rely on the fact that express words require, in my opinion, to be used to bind the State under sub-section xxxv. A very lucid classification of the constitutional powers under section 51 was given by the honorable and learned member for Corinella during the recent debate. The honorable and learned member distinguished those cases in which the power is clearly intended to be absolute although the State is not mentioned, those in which the State is clearly not intended to be included and

specific reference is therefore made to the State, and those in which it may be open to argument whether the State is or is not intended to be covered. I have always admitted that sub-section xxxv. is open to argument, but to my mind it is only so open when regarded from a strictly technical point of view. It seems to me that, looked at constitutionally, and in its place as one of the powers of the Commonwealth, and having regard to the sections which are inserted in order to guard the powers of the States—taking a broad view of the Constitution as a whole, and of the necessary doctrine which must be adopted in order to enable both the central and States Legislatures and Executives to perform their work—the proposal put forward by the Government would, if adopted, imply such a breach of that doctrine, and such an invasion of the integral rights of the States in their most vital part, that I find myself unable to attach more than a slight weight to the fact that, technically, the section does not set out, as it might have set out, in express words that it is not intended to apply to States public servants. It appears to me that the whole weight of implication, both regarding them as servants of the Crown and as necessary agencies of the States, or having regard to the great doctrine of Marshall, so often upheld and continually reiterated, requires that this proposal being repugnant to that doctrine, ought not to be entertained by this House, and would not, I think, be entertained by the High Court. But, before I conclude, I should like to read one other passage from this judgment which has been referred to, a constitutional classic, as, in my opinion, it deserves to become, because it deals indirectly with the judgment of the Supreme Court of this State.

It has been suggested, although the point was not pressed by the Attorney-General for Tasmania, that the doctrines enunciated in *McCulloch's* case are not applicable to the Commonwealth by reason of the power of veto reserved to the Crown by the Constitution.

That was the view adopted by the Tasmanian High Court, following the decision of the Victorian Supreme Court in *Wollaston's* case. The judgment proceeds—

It is, however, the duty of the Court, and not of the Executive Government, to determine the validity of an attempted exercise of legislative power. The assent of the Crown cannot, nor can the non-exercise of the power of veto, give effect to an invalid law. And it would be to impose an entirely novel duty upon the Crown's advisers if they were to be required, before advising whether the power of veto should be exercised,

*Mr. Deakin.*

to consider the validity under the Constitution of the provisions of each Act presented for the Royal Assent.

That, as already said, is the function of the Judiciary. And, even if such a duty were cast upon the Executive Government, it could neither relieve the Judiciary of their duty of interpretation nor affect the principles to be applied in that interpretation. It is convenient at this point to advert to another misapprehension into which the learned Judges who formed the majority of the Court seem to have been led. They appear to have thought that, accepting the doctrines of *McCulloch v. Maryland* as sound law, it is a question in each case whether the attempted exercise of State authority actually impedes the operations of the Federal Government—in other words, that the interference must, in its extent, be such as to cause some actual obstruction or hindrance.

Now, by interjection, I have gathered that some honorable members opposite raised that very view in reply to the argument which I am now reading. This is how the High Court deals with it—

Were this the true point of view, the validity of a State law would depend on a question of fact to be determined, presumably, by a jury, who would be charged to inquire whether the attempted control or interference amounted to a substantial obstruction. It is, however, manifest that the extent of an interference is quite a different thing from the existence of interference in fact. A man's enjoyment of a large estate is not appreciably diminished by the occasional passage of a stranger across an unfrequented part of it. But if the stranger passes under a claim of right there is a substantial interference with the owner's right of property. So, the power claimed for the State of Tasmania is, in its nature, in conflict with the exclusive power of legislation given to the Commonwealth over its own departments, and the greater or less extent to which it may be exercised does not enter into the inquiry concerning its existence. Applying then the test already enunciated, does the Tasmanian Stamp Act, assuming it to be applicable to the case, interfere with or exercise control upon the action of a Federal officer in the discharge of his duty to the Commonwealth?

They proceed to answer that, and later on they continue—

Before passing from this branch of the subject, the case of *Bank v. Mayor* (7 *Wallace*, 16, 1868), already referred to, may be mentioned, in which it was pointed out, in a passage which commends itself to our judgment, that taxation of any subject-matter necessarily implies control, and also the case of *Crandall v. Nevada* (6 *Wall*, 35), in which it is shown by very cogent argument that the question in such cases is not the extent to which a tax interferes with or controls freedom of action, but whether there is any power to tax. If the power exists, no Court can inquire into the propriety of its exercise. In several of the American cases cited to us this doctrine has been elaborated, and it has been shown—as is, indeed, almost self-evident—that a power to tax, whether it is exercised to the extent of one penny or ten

in the pound, is equally a power to tax; that, if conceded at all, it must exist in fullness; and that if exercised to its utmost limits it might operate to the destruction or practical prohibition of the thing or transaction in respect of which the tax is imposed. These considerations lead to the inevitable conclusion that the Tasmanian Act in question, if construed as applying to receipts given by a Federal officer to the Federal Treasurer in the course of his Federal duty, would be an interference with him in the exercise of that duty, and would therefore be invalid. It is, however, in our opinion, a sound principle of construction that Acts of a Sovereign Legislature, and, indeed, of subordinate Legislatures, such as municipal authorities, should, if possible, receive such an interpretation as will make them operative and not inoperative.

The question which, by interjection, was raised in this House, was how the demand by a State Government, that a twopenny stamp should be placed on a receipt by a Federal officer for his salary, can be considered an invasion of the Commonwealth power. The last extract I have read supplies the reason. If you can tax to the amount of twopence, you can tax to an indefinite amount, because what the Court is concerned with, is not the propriety or amount of the taxation—that is a matter for the Legislature, or for the authority created—but with the power to tax. If the Court once concedes the power to tax, its operation must be unlimited. In precisely the same way, to fall back upon the same illustration, it may be a question of this Chamber constituting itself an authority in matters of conciliation and arbitration, and raising wages by a single farthing, or a single shilling; because, if we have this power to deal with the servants of a State at all, we possess it absolutely. Instead of adopting the method, which we have proposed here—of creating a Court, and commending these questions to the justice and equity of that Court, we might dispense with such a Court, and substitute other considerations than those of justice and equity, directly embodying our own view as to what ought to be done in such circumstances. We should then possess the power, either by way of increase or reduction, to interfere to any extent with the hours, salaries, and cost of the public servants of the States. If we possess it at all, we possess it altogether, and no Court can put any limit to its exercise. I have, for what I hope are not improper purposes, probably wearied, and certainly lessened the number of my hearers, by the long extracts which I have made from these judgments. The Federal questions involved appear to me to possess such a

magnitude of meaning that I offer no other apology for making those quotations. I may have wearied the Committee, but at all events I have now taken advantage of the official record of the debates of this House to place within the reach of honorable members what appear to me to be the most cogent parts of some of the first judgments of the High Court of Australia, which will probably remain among the greatest judgments the Court will give for a long time to come. It appears to me that they show that, in contesting this proposal as I do at every stage on constitutional grounds, I have done no more than was my duty to those who sent me here, to the Federal Constitution by which we are bound, and to this House, which ought to be warned against those possible steps beyond its own boundaries which may lead to its action being rendered nugatory by judicial procedure, and which then will have brought it into conflict with other organizations representing our own electors in another sphere. This Bill, it has been jocularly remarked, though brought in for conciliation, has had the most stormy and most dissonant passage that could possibly be conceived. We lost an old and valued colleague, and we lost the Bill itself in the last Parliament because of this clause. We have lost a Ministry in this Parliament.

Mr. HIGGINS.—But we have gained another, and a very good one.

Mr. DEAKIN.—Not in this respect. If they had adopted our views we should have gained another. As it is, we have lost the provision of caution which we made, and we may lose more. Honorable members opposite must see that they are putting the whole of this Bill in peril by insisting upon the insertion of this proposal, because on this question, and, so far as I know, on this question only, they are forcing into the ranks against them men who, on this measure in all its cardinal principles—and indeed, so far as I know, in all its main details—are entirely in its favour. They are proposing to insert in the measure what certainly is not essential in order to make it effective, which can be withdrawn and still leave it, one of the most beneficial measures ever passed by this or any other Parliament. Pass it, relating as it does to every dispute extending beyond a single State which may occur throughout all the realms of private employment, and you pass it in such a form as will enable it to deal with every dispute that has ever occurred.

in Australia up to the present time—until recently, it might be said, everything that looked like a possible dispute extending beyond a single State. You will have passed a measure which will meet the public demand where it is keenest, because the urgency is greatest. Otherwise you will imperil and overload it to benefit classes of the community some of which are already dealt with by Arbitration Acts of the States, all of which can be so dealt with, whose members, whatever their grievances, would not assert that they are comparable with the grievances which the Bill was in the first instance introduced to remedy. These call for redress at a very early date. That is why I appeal to honorable members opposite to consider if it is a reasonable course which they are following. They have it within their power, I believe, to pass the measure without material amendment.

Mr. HIGGINS.—Does the honorable and learned member seriously suggest that we should at this stage abandon the amendment now before the Committee?

Mr. DEAKIN.—I would have the Government say to its followers that, realizing the value of the Bill, they are discharged from their obligations in respect to the amendment, so that the House may be free to pass a measure which every one wishes to see passed, without an addition which involves a dangerous constitutional problem, and which, if valid, will precipitate a conflict with the States which we do not desire, and for which we are not prepared.

Sir JOHN FORREST.—We have already asked them not to do it.

Mr. DEAKIN.—I am reminded that this is not the first appeal that has been made to honorable gentlemen opposite. It is an appeal which I have made at every stage of the consideration of the measure, and I repeat it now only because I feel so strongly upon the subject. In following the course which they are now adopting, honorable members opposite are not treading the path of practical wisdom, but are allowing the substance to be sacrificed for the shadow. If the Government were content to pass the measure as it stands, and to deal with these classes of the community by a separate Bill, all the objections which I have urged against their present action would still have force, with one exception, and this is that the passing of the measure now before us would not be imperilled. However, they must be the judges of their own action. It is deliberate action, and I,

therefore, feel it idle to make a further appeal. They will admit that I am not taking this course because I adopted it before, and that I am not persisting in an opinion merely because it is my own. Weigh the matter as I may, listen as I have listened to every argument urged in favour of the amendment, the more I study the whole issue the more I think the proposal fraught with danger to the Commonwealth, both as a matter of expediency, and still more as a matter of principle. As the result of my ripest consideration, and of an examination of the judgments to which I have referred, I must record my unhesitating and unequivocal opposition to the amendment.

Mr. HIGGINS (Northern Melbourne—Attorney-General).—I have first to thank the honorable and learned member for Ballarat for his kind endeavour to remove any misapprehension which may have arisen with regard to my attitude as to the decisions of the great American jurists. To come to the substance of his speech, I cannot understand his anxiety to prevent the inclusion in the Bill of a provision which, at the worst, will, in his opinion, be harmless, since he feels confident that as soon as it is tested by the High Court the decision will be given that we had no power to put it into the measure; though, with his usual frankness, he admits that there is a doubt on the subject. But, notwithstanding this view, he has, in grave tones, prognosticated a cataclysm. I understand him to fear that there will be almost a civil war in the States if the amendment is carried. He read an extract from a report of the strike in Colorado, with which I was pleased, because I thought the moral to be drawn was that anything was better than the position of affairs permitted where there is no Court of Arbitration. But instead of drawing the moral that we should experiment even, to prevent such disasters, he wound up with the suggestion that at this time of day, after one Ministry has been displaced and another come into office upon the issue, we should abandon the amendment.

Sir JOHN FORREST.—The Government have already abandoned part of it—that relating to the public servants.

Mr. HIGGINS.—Whatever faults we may have, we shall not be so dastardly as to adopt such a policy. We believe in the amendment, and intend to push it. If honorable members have changed their

minds in regard to it, let us know it. We have made the Conciliation and Arbitration Bill the first business to bring before the House.

Mr. DEAKIN.—But we are given to understand that the amendment is not a Government one in the sense of involving the fate of the Administration.

Mr. HIGGINS.—We have brought it forward for consideration at the first opportunity. Honorable members have voted for it once, and will, no doubt, do the same thing again. The principal point made by the honorable and learned member was that the amendment is an invasion of States rights. I have turned the words over in my mind again and again, but I do not understand what he means by them. I deny that in this Constitution the State has any rights. The only rights the Constitution recognises are the rights of the people, under different classifications. There is no State right. There is simply a right in the people to express themselves in the two Houses of the Parliament, one of which we may call the States' House and the other the people's House.

Mr. McWILLIAMS.—The States have a right to all the powers which they have not conceded under the Constitution.

Mr. HIGGINS.—They have the right to retain all that they have not conceded; but in this Parliament there are no States rights. The States rights, that is the powers of the States, are all reserved to them, and are exercised by the local Parliaments. If the amendment would seriously damage States rights, if it would be an invasion of them, why have not the States spoken against it? But we have had an election upon the issue, and the result has been that more members have been returned who favour the amendment than there were in the former Parliament who favoured it. Under the Constitution a States' House—the Senate—is provided to look after what are called States rights, to see that there is no trenching upon the separate rights and powers of the States. But if there is any contrast between the House of Representatives and the Senate, it is that there is a greater majority in favour of the amendment in the Senate than there is in this House. What is the reason for the great anxiety of the honorable and learned member for Ballarat to prevent the passing of the amendment? He has read passages from the great judgments of Marshall and others about "fettering," "controlling," and "interfering

with" the States agencies and instrumentalities, but he is trying to push the application of those cases and great utterances to extremes. If you said to six children, "Here are some lollies," and the fond parent came along and said, "No; it is for me, not for you, to give them lollies," would that be an invasion of the rights of the children? The test is: "Are you, by the action you are taking, hampering the States, or are you helping them?" The theory underlying the power of conciliation and arbitration is that it will provide a means of helping, not of hampering, industries. Does the honorable and learned member mean to say that he regards an Arbitration Court as an obstacle to industry, as something which is calculated to hamper or injure industry? I apprehend not. He is a sincere advocate of Arbitration Courts for the purpose of helping industries, both employers and employes. It may be right or wrong.

Mr. DEAKIN.—If the honorable and learned member's argument is correct, as I put it, we do not need a Court at all. There is no obligation to create a Court.

Mr. HIGGINS.—No, there is no obligation.

Mr. DEAKIN.—I am entirely in favour of this form of exercising our power, but we have much greater powers which it might be proposed to use in a way of which I would not at all approve.

Mr. HIGGINS.—One of the means of promoting conciliation and arbitration is by creating a Court, and that seems to be the common-sense course to adopt under present conditions. If that device is a good thing for private industries, it may be a good thing for States industries. If it may be a good thing for public industries, why should we not give the King the benefit of it? The position which I have taken up under the Constitution is not that sub-section xxxv. necessarily includes the States, but that it may or may not include the States. The question is, however, whether in making a law under that sub-section we are necessarily compelled to exclude from its operation all public servants. We are dealing with a Constitution, not with a law, and in making laws we must remember that not only the two Houses of Parliament are concerned. If honorable members will look at section 1 of the Constitution they will find that all our laws are made by the King, the Senate, and the House of Representatives. From the point of view of the law, the King has the right to interfere



and exercise his power of pressure with regard to the making of our laws. Therefore, when we find that we have power under the Constitution to provide for conciliation and arbitration with regard to industrial disputes extending beyond the limits of any one State, and that the authority involves the power to create Courts of Conciliation and Arbitration, then, and then only are we required to consider the question: "Ought we to apply this to the case of the King's servants as well as of those engaged in private enterprises?"

Mr. McWILLIAMS.—Is the amendment necessary?

Mr. HIGGINS.—Yes, because we ought to make it perfectly clear that we intend to include States servants. If the King's servants were not specially mentioned in this Bill it might be urged with more or less force that they were not to be affected. I do not mean to say that that argument would be absolutely valid, but I think it is our duty, when making laws, to do what we can to prevent questions from arising under them. Therefore, we propose to include in the Bill a provision that it shall apply to the King's railway servants, and to others of his servants who may be engaged in industrial enterprises. We have, under the Constitution, a number of powers. One power is to legislate for conciliation and arbitration without any express limit beyond that which provides that our control shall be exercised only over disputes extending beyond any one State. We are also empowered to legislate in regard to banking and insurance. In the two latter cases it is expressly provided that our legislation shall relate only to banking other than State banking, and to insurance other than State insurance; and inasmuch as the Constitution does not provide that our control by means of Conciliation and Arbitration Courts shall be limited to disputes other than disputes in which public servants are engaged, we are entitled to include public servants within the operation of the law which we are now making. There is one point in regard to which I think that the honorable and learned member for Ballarat has been under the glamour of Marshall's judgments for some time. I regret that he has allowed these judgments—if I may say so respectfully—to influence his mind too much. If he were to approach this subject free from such influence, I believe he would come to the conclusion that there is nothing in the Constitution to forbid us to apply this law to the railway servants.

The honorable and learned member will find that Marshall's judgments, and the decisions which are based upon Marshall's views, are all founded upon the principle that one Government is not to hamper the operations of the other. Various expressions are used, such as "fettering," "controlling," "interfering with"; but we may look through all the cases without finding one instance in which the Federal Government was held not to be entitled to help a State Government, or in which a State Government was held not to be entitled to help the Federal Government. The whole theory underlying sub-section xxxv. of section 51 of the Constitution, is that conciliation and arbitration helps industries—helps employers as well as employes. Would it not be helpful to the Railway Commissioners if they knew that none of their employes could strike, except under a penalty. Under the measure, as drawn by the late Government, railway servants were free to strike. It was provided in clause 6—

No person or organization shall, on account of any industrial dispute, do anything in the nature of a lock-out or strike.

Now, "industrial dispute," according to the definition clause of the Bill, meant only a dispute in which private employers were concerned. I ask, "Why should we not give to the Railway Commissioners, and to the States Governments through them, the advantage of a provision which will prevent their employes from striking?" Had some such legal restraint been imposed upon the Victorian railway servants in the unhappy events of last year, had they felt that they could appeal to a Court of Arbitration for the redress of their grievances, and had the Railway Commissioners been secure in the knowledge that any of their employes who went upon strike would be guilty of an offence and liable to a penalty, that strike, with its lamentable results, would not have occurred. We should not have been called upon to endure the loss which was sustained consequent upon the check which was given to business operations and the stoppage of our mails. I know, from personal experience, that letters which were going northwards were delayed considerably, and that very serious complications ensued.

Mr. McLEAN.—Have not the States themselves power to make these laws if they want them?

Mr. HIGGINS.—They have not the power to deal with disputes which extend beyond their own territorial limits.

Mr. McLEAN.—But cannot they deal with disputes which occur within their own borders?

Mr. HIGGINS.—The honorable member's interjections are always pertinent, and I shall deal with that point presently. I regard provisions which are designed to secure conciliation and arbitration in industrial disputes, not as being calculated to hamper the States, but rather as being calculated to assist them. Until the honorable and learned member for Ballarat shows that their effect is to hamper the States in their operations he has no justification for applying the American authorities which he has cited. It is true that in America the Courts have decided that a State cannot tax a Federal officer upon his income, or levy a tax upon Federal notes. Similarly it has been held that a State cannot levy a tax upon any sort of Federal bonds, instrumentalities, or agencies. If a tax were imposed upon bonds their value would decrease, and the Federal power, when borrowing again, would have to accept a less sum for its bonds. But I would point out that in every case in which decisions have been given against this power of dealing with instrumentalities, they have been based upon the ground that the interference has been by way of restraint, or hindering, or hampering. The speech of the honorable and learned member for Ballarat was largely composed of legal quotations. The more I heard of it, the more I regretted it. I think it is a pity that long discussions should take place in Parliament upon legal matters—upon what is within the scope of the powers conferred by the Constitution, and what is not. The more closely I watch the work of this Parliament the more I am convinced that it is detrimental to the advance of Australia that we should continually be pulled up by the question. "Is this within the letter of the Constitution, or is it not?"

Sir JOHN FORREST.—If the Attorney-General argues one way in the Court and another way in Parliament, his position is rendered rather awkward.

Mr. HIGGINS.—I have not argued one way in Court and another way in this House, but even had I done so I should not feel my position an awkward one, because I have observed that the right honorable member for Swan speaks in one fashion when he occupies a seat upon this side of the House and in another fashion when he is in Opposition.

Mr. McWILLIAMS.—Is it not very regrettable that the legal aspect of this question was not discussed at the Federal Convention?

Mr. HIGGINS.—There was plenty of discussion upon legal matters in the Convention—indeed, there was too much of it. It is a pity that this matter was not discussed, but it is a fault of the Constitution, which we cannot overcome, except by adopting a more elastic power of amendment. The honorable and learned member for Ballarat spoke of the impossibility of the Commonwealth controlling States agencies. He said that, under the Constitution, we could not control those agencies. But it is obvious from several sub-sections of section 51 of the Constitution, that the Commonwealth is to control those agencies. For instance, with regard to railways, we have power to control States railways for the purposes of naval and military defence. That may necessitate extra taxation being imposed upon the States, by involving additional expense in the working of the railways, the laying down of heavier rails, and a larger supply of rolling-stock.

Sir JOHN FORREST.—We should have to pay the States, I suppose?

Mr. HIGGINS.—Not necessarily.

Sir JOHN FORREST.—I think so. It would be unfair to make them work for nothing.

Mr. HIGGINS.—All I contend is that there is full power for us to control the States railways for the transport of the Naval and Military Forces of the Commonwealth. We can also compel the States railways to carry our mails. Moreover, every tax that we levy interferes with States agencies. The States can impose direct taxation only; but we can levy taxation either by direct or indirect methods. We have power to impose direct taxation, and if we levied a direct tax of a certain sort, it would *pro tanto* diminish the power of the State to levy taxation. That, again, might be said to constitute an interference with a State agency, but, nevertheless, we have power to so intervene. The whole matter resolves itself into a very simple one. Seeing that there is a restraint upon our power to enact banking laws which interfere with State banking, and upon our power to legislate upon insurance matters, is it to be implied by sub-section xxxv. of section 51 of the Constitution, that a similar restriction is applicable to a law for arbitration which prevents it from being extended to disputes in which

the public servants of a State are involved? The right honorable member for Ballarat pointed out that, by adopting the proposal of the Government, the Commonwealth may increase the cost of a State Department. Of course it may. But it may do that in many directions. Let us suppose, for example, that we determined to build a post-office in Tasmania. The carrying out of that work would involve a debit of the cost of the building against Tasmania.

Sir JOHN FORREST.—Only temporarily.

Mr. HIGGINS.—No. The law would remain until it was changed by us.

Mr. DEAKIN.—No. That part would remain only until we settled the method to be adopted in paying for the transferred properties.

Mr. HIGGINS.—As far as the Constitution is concerned, that provision would remain until we made an alteration in it.

Sir JOHN FORREST.—It would remain for five years only.

Mr. HIGGINS.—It must remain for five years, but after the lapse of that period it will remain until we make other provision.

Mr. DEAKIN.—The section in the Constitution which provides for debiting the cost of any Commonwealth building to the State in which it is erected, will remain only until we decide upon the means to be adopted in paying for the transferred properties.

Mr. HIGGINS.—Is the honorable and learned member aware that when the Commonwealth erects a new post-office the cost can be debited against the State in which it is built?

Mr. DEAKIN.—That is only until we have settled the system to be adopted in regard to the transferred properties.

Mr. HIGGINS.—Every new undertaking upon which we enter by virtue of our powers may or may not mean an increase in taxation.

Mr. DEAKIN.—Not in this way.

Mr. HIGGINS.—If we have to choose between an increase of taxation involved by creating an Arbitration Court to deal with wages, and an increase of taxation as the result of strikes, such as those which have occurred in Colorado, I prefer the former. In industrial, as in other matters, any peace is, in the long run, much cheaper than war. The mere fact that under this Bill the Court might decide to increase wages, and that that increase might mean increased taxation is not, in my opinion, a reason for saying that there is no power to create a Court that would apply to the different States.

The honorable and learned member may look, not at indirect, but only at direct results. We cannot be prevented from building a new post-office, and yet by erecting one we might compel the State to remove its Government quarters to another part of the town, or practically force it to transfer its building to the next site. But we have nothing to do with considerations of that kind. These are not touched by the Constitution. The question is whether, by virtue of what we do, there is anything directly and necessarily hampering the operations of a State. I do not think that it is a question of taxation. The honorable and learned member for Ballarat has been much impressed by the judgment in the Tasmanian stamp case, but I take it that he will not find anything in it that goes beyond the American decisions, that if the Federal power is able to operate in one sphere, and the State power to operate in another, then, in the absence of any express power being given under the Constitution, the Federal power cannot affect the State power. I do not intend to discuss this matter at any length, for I believe that we have all made up our minds on the subject; but I would appeal to my honorable and learned friend to say why, if he is so confident of the meaning of the provision in the Constitution on which we rely, he is not prepared to leave the matter to the decision of the High Court. He was a main instrument in the creation of the Court, and knows that this question can be left with confidence to the decision of that tribunal. In order to obtain the ruling of the Court, it would merely be necessary to apply to have some penalty inflicted or some award applied. It would be necessary only to ask the High Court to apply these powers, or to ask an inferior Court to do so, and on the decision of the lower Court the question could be brought before the High Court of the Commonwealth and determined. The whole question could be tested without any fraction. If this proposal is in itself a good thing, why should we not accept it, and test whether there is power to adopt it?

Mr. McWILLIAMS.—But could not the point be tested by dealing with the public servants of the States in a separate Bill?

Mr. HIGGINS.—I do not think it would be well to do anything of the kind. I think the honorable member will admit that it would certainly not become us to do anything of the sort, and that we should be breaking our pledges if we were to say to

ir constituents—"We were in favour of a provision of this kind, but omitted it from the Bill." The honorable and learned member for Ballarat has urged that we should exhibit the best practical wisdom by dropping this proposal. I feel satisfied, however, that he would not say that the Government would show the best practical wisdom by doing so; that we would not ask us to be such astards—even if we thought that it would be a good thing to do so—as to put it aside at the present stage. We could not do that. It seems to me that inasmuch as there are so many persons anxious for this provision, we shall display the best practical wisdom by passing it and leaving it to be the highest Court to determine whether or not it is constitutional. Having regard to the pledges given at the last elections, and knowing the pressure which electors brought to bear upon candidates in connexion with this matter, I feel that there would be a tremendous outcry if the proposal were dropped at the present stage, and that we should incur a very grave responsibility if we neglected to push this measure through by all the means and influence in our power. I am amazed to find that so many lawyers hold that we have not the power to give effect to this proposal. In view of their opinion, it would be idle for me to refuse to admit that there must be some doubt on the point; but until I heard these honorable and learned members I did not entertain the slightest doubt in regard to it. I gladly recognise at the same time that they are as a body at least as competent as I am to judge. I feel that if honorable members still feel any doubt in the matter it would be important that a test case should be brought about as soon as possible, in order that the decision of the High Court might be obtained.

Sir WILLIAM LYNE.—How could we bring about a test case?

Mr. HIGGINS.—By attempting to enforce a penalty or to apply an award.

Sir JOHN FORREST.—By creating a strike extending beyond the boundaries of any one State.

Mr. HIGGINS.—The right honorable member's influence is so great that I feel sure he would be able to at once create a strike. In Western Australia, at all events, it would merely be necessary for him to put up his finger, and, if he desired it, there would at once be a strike.

Mr. McWILLIAMS.—How could we have a test case?

Mr. HIGGINS.—I have not thought that matter fully out; but, if there were a strike, and an application were made under the provisions of clause 6 for the imposition of a penalty, the Court would be asked to say whether the law was valid.

Sir WILLIAM LYNE.—That would not take place until a serious position arose.

Mr. HIGGINS.—I admit that this measure is to operate only in relation to serious matters; but I feel little doubt that by arrangement between the parties some facts might easily be admitted upon which a test case could be brought before the Court. I would only say in conclusion that if we are to adopt the best practical course, we should leave out of consideration the fine arguments of law that we have heard, as well as the great utterances of Chief Justice Marshall and others to which reference has been made, and, without regard to what the lawyers say, go forward on lines which we think most expedient, without regard to even our own views of the law, but simply going on the question of expediency. Let us fight it out on that question—is it advisable or not? Let those who are in favour of the view that it is expedient go on one side, and those who are against that view, go on the other side, and then let us leave the point as a doubtful one, to the Court to decide, as early as possible.

Mr. CROUCH (Corio).—I feel that, after the great speech and splendid arguments we have heard this afternoon from the honorable and learned member for Ballarat, it is almost an intrusion on my part to speak. Those of us who are here, do feel very greatly privileged to have heard it. In regard to the very copious extracts which the honorable and learned member made from judgments delivered in Tasmania, and which he described as monumental, and such as would be stored up for years to come, certainly some of those judgments seemed to me to have the familiar ring of his own speeches in this House, just as if some of their Honours had stored their memories with words and phrases which he had addressed to this House.

Mr. DEAKIN.—That is because I quoted Marshall so much.

Mr. CROUCH.—Possibly so. I tried to make an interjection, of which the honorable and learned gentleman did not seem to see the point when he was referring to that extract from the *Age*, in which it was stated that, in Colorado recently, and perhaps now, 300,000 persons and £10,000,000

worth of property were affected by a strike. What I interjected was that, twelve months ago in Victoria, 1,250,000 persons and £40,000,000 worth of property were affected by a strike, I wished him to try to apply the same state of things that he wants to apply to Colorado, to prevent a recurrence of the railway strike, which threw that large number of persons out of employment and brought that vast amount of property into peril here. I must, however, do him the justice to say—and I think he did so state when he was Prime Minister—that if this were a State Parliament dealing with this subject he would include State railway servants.

MR. DEAKIN.—Hear, hear.

MR. CROUCH.—I am glad that the honorable and learned gentleman assents to that statement. But I want to take him further than that. Knowing that this Government propose to extend the area of the Commonwealth Public Service, that they intend to have a bank-note factory, a clothing factory—at least, the erection of such a factory was proposed last session, with the approval of some Ministers—and a tobacco factory, and to increase largely the number of Commonwealth public servants in these directions, I think that we can take the late Prime Minister this far, that in order to be consistent with his statement—that if he were a member of a State Parliament, he would include State railway employes in this legislation—he should go with us to the extent of including in the Bill those men who are distinctly under our jurisdiction, and all those other phases of Commonwealth industrial life which, under the advanced socialistic and nationalistic policy of the Government, seem to be coming. Certainly the honorable and learned gentleman should be only too glad and ready, if he is logical, to include those persons in the scope of this Bill. So far as that part of the amendment I have given notice of is concerned, he should be with me. When the present Prime Minister was announcing to the House the policy of the Government, he told us then—for the first time to my knowledge—that he would not propose to include all public servants in the Bill.

MR. WATSON.—I expressed a doubt on the point in September last.

MR. CROUCH.—And I interjected, "Then you abandon the public servants"? His reply is not completely recorded in

*Hansard*, because, to the best of my recollection, he said, "Well, we do not abandon them," and then he added, "We abandon nobody." There is no doubt that there has been an abandonment by the Ministry of public servants, State and Commonwealth, in this matter. I need not refer to the speech which the Minister of Trade and Customs made on the 19th April last, when he was moving the amendment which, on being carried, dispossessed of the Treasury Bench the late Government—

If a Conciliation and Arbitration Act is desirable, I claim that its provisions should be applicable to the whole of the workers, irrespective of whether they are in the employ of private individuals, of the States, or of the Commonwealth. I should like to know the difference between an employe in the service of the Commonwealth and an employe in the service of a private individual.

So that we can take it that, so far as he was concerned, he was only too agreeable to include, not only the industrial portion of the States employes, but the whole of the public servants. Speaking on the same date, to the amendment of the honorable member for Wide Bay, which included public servants, the present Prime Minister is reported at page 1061 of *Hansard* to have said—

I do not wish to do more at this stage than to say a few words with regard to the expediency of this amendment. Of course, I make no appeal to honorable members who, like the honorable member for Wannon, are opposed lock, stock, and barrel to the Bill. We cannot hope to convince them of the desirability of making the Bill harmonious and complete. We must leave them to the judgment of their consciences, and the tender mercies of the electors a little while hence. But to the other members of the House—and I am glad to say that there is an overwhelming majority in favour of the principle of compulsory conciliation and arbitration—I certainly do appeal not to leave outside the provisions of a measure which they declare to be beneficent in its action a large proportion of the members of this community. If strikes are disastrous—and I think there are but few persons in the community to-day who will not admit that they are—this measure is the best one that can be devised under present conditions to try to prevent their occurrence. I ask why should many thousands of those engaged in industries be excluded from the operation of its provisions?

Speaking on the 19th April, the Minister of External Affairs said—

We now ask that the pledges given to the people shall be respected—

I intend to ask that the pledges given to the people—the pledges that induced me

vote against the last Ministry—shall be respected—

and that the civil servants of the Commonwealth and the States, together with the railway employes of the States, shall be included in its provisions. So far as any constitutional difficulties are concerned, if they exist, I do not regard them as serious,

Here is a lawyer—the only lawyer at that time in the Labour Party—saying that he thinks that both Commonwealth and States public servants should be included in the Bill, and that he does not regard constitutional difficulties, if they exist, as serious—because in the last resort the High Court is the only tribunal which can decide the issues involved.

Afterwards the Minister of Trade and Customs spoke to the amendment. I am only referring to the speeches of Ministers. No doubt, if I were to go through the speeches of those supporters of the Government who spoke on that occasion, I should find that one after the other rose here and said, "I think that every public servant should be included; but my desire is to leave this question to the High Court to decide." I believe that all the members of the Labour Party who spoke took up that position, and supported the amendment. I find that on the 21st April the Minister of Trade and Customs summed up the position of his party, just before the vote was taken on his amendment to include public servants, in these words—

My own idea is that a Bill of this kind should contain no restrictions whatever. The limitation which is contained in clause 4 is one to which I particularly object. I hold that we ought not to insert any restriction which will have the effect of preventing the public servants of the Commonwealth and the States from coming under its operation.

I was anxious to see to what extent the present Ministry, and my late colleagues in support of including public servants in the Bill, intend to be consistent, and consequently I gave notice of an amendment for that purpose. I move—

That the amendment be amended by the insertion, after the word "employment," of the words "in the Public Service of the Commonwealth."

At the request of the Prime Minister, and certainly without a desire to embarrass anybody, I do not propose to strike out the subsequent words. That amendment, I think, sufficiently meets my position. A newspaper said this morning that in moving this amendment, as far as the Public Service is concerned, I am out-Heroding Herod. I think that the writer of that

statement has gone astray in his scripture, because I am really trying to bring the Government back to their position of pristine purity and consistency, so that instead of being described as out-Heroding Herod, I should rather be described as a John the Baptist.

Mr. DEAKIN.—Why, is the honorable and learned member going to have his head off?

Mr. CROUCH.—I should be described as one who is trying to bring the Ministry back to that primitive state of consistency and honest conviction which I think they had before they got into office. As I have shown from their speeches, every member of the present Ministry, except the Attorney-General, was strongly in favour of including the public servants under the Bill. I must say that it is a compliment to those of us who regard ourselves as democrats that as soon as the Attorney-General, who is a true democrat, got into the midst of the Labour Party, he was able to lead not only the Government, but the caucus as he pleased. I do not think that the Labour Party is always democratic. I think that its members are too much tied, and that it is too autocratic in its methods for free men. The Attorney-General was able to point out, when sitting behind the late Ministry, that there was a constitutional difficulty. He is the one consistent free man in the present Government. He said definitely that the Arbitration Bill should extend to all industrial workers in the Commonwealth, but not to all public servants. But I never heard any other member of the present Government say that. Every one of them said—"Let us leave it to the High Court. We are quite willing to include all public servants; we do not know whether we have power to do that or not. But as a matter of expediency, let us include not merely railway men; let us make absolutely no exceptions. Let us include every man, woman, or child who has the possibility of striking, and give them the right to come to the Court." That is the position which I intend to take up to-day. I am going to see what those honorable members who made such statements a month ago are going to do when the division is taken. I wish to know whether they intend to be consistent or to swallow their convictions. I take it that if the solid band of twenty-three members who support the Labour Party meant what they said when they gave their pledges to their electors, and what they said when

they declared that they were sorry to turn out the Deakin Government, they will vote for my amendment.

Mr. WATSON.—The honorable and learned member for Ballarat objects even to one public servant being included under the Bill.

Mr. CROUCH.—Quite so; and he has always taken up that position, but, on the other hand, the Labour Party were always claiming to be the friends of the public servants. They go upon every platform in this State and say that they are the friends of the public servants. During my election I was charged with inconsistency because I was not prepared to support everything that the Public Service demanded. In consequence of a belief that the Labour Party are the strong supporters of the Public Service, I find the railway servants selecting labour men as their candidates for election at the forthcoming State elections. The bulk of the public servants will probably support labour men, and every labour man makes an appeal for the Public Service vote. Yet the first time the members of the Labour Party have an opportunity of showing their sincerity in this direction the Government—I hope not the supporters of the Government—throw the public servants overboard, and say that they intend to limit the Bill to what a democrat—a man who is not in chains, and was not a member of the labour caucus—said was the true position. They will have to depend upon the votes of the Opposition, and the men they displaced, in order to carry their first division. It seems to me that the Government are anxious to get out of a difficult position by accepting a constitutional view which previously they were only too ready to reject. I am anxious to see whether the honorable member for Melbourne Ports and others who were with me previously will be consistent in their votes on the present occasion. I desire to explain that in moving this amendment I am not acting only in the interests of the public servants. I am acting just as much in the interests of the States, and believe that I am protecting States rights and privileges just as much as is the honorable and learned member for Ballarat. I take it that honorable members who support my amendment do not desire to support whatever the public servants want. My view is that whatever is right for an ordinary tradesman, or an ordinary employer, is equally right for the public servants of the States. Honorable members are well aware

that when the Public Service Bill was before Parliament we were inundated with letters from public servants informing us what they required, what their position was with regard to shorter hours, and higher schedules, and every thing else affecting their positions. They informed us of their opinions concerning the appeal board, for example. Every privilege which public servants claim was put before us. Occasionally the Minister in charge of the Bill made certain concessions, though he did not know what their effect was likely to be. I think that that was a very great pity. We are too unwieldy a body to deal with the Public Service of this country in a proper manner. We treat some very unjustly, and others with undue generosity. A court with assessors representing the Government on the one hand and the Public Service on the other is the proper tribunal to deal with such questions. Before such a body the Public Service could be represented by counsel, and the Commonwealth Government could also be represented by counsel. Then, instead of having the lobbying which undoubtedly took place when the Public Service Bill and other measures of the kind were before Parliament, issues in dispute would be brought before a properly constituted tribunal, at whose hands both parties would receive justice. It may be argued that my amendment is unconstitutional, but if so I am merely in the position which the members of the Government took up previously. I am well aware that we shall be in a hopeless minority. It is impossible to expect that all of those who voted with us on the last occasion will vote with us now. But I believe that there are members of the Labour Party who, although following the Government, will not swallow their convictions simply because it is inconvenient to the Government that this amendment should be moved. The public servants have always been regarded as the special protégé of the Labour Party, and those who held that position will, I hope, vote with me, and be consistent.

Mr. ROBINSON (Wannon).—I wish to again voice the objection I raised at the second-reading stage of the Bill, namely, that insistence on the exercise of this power by the Government and their supporters is an undoubted infringement of States rights and is bound to land the Commonwealth in serious difficulty, and conflict with the State authorities. In the early stages of the Commonwealth, it seems to me essential that every effort should be made to induce the

smooth working of the Constitution, as between the Federal Government and the States Governments. We know, from our experience of Federation—

The CHAIRMAN.—I draw the attention of the honorable member to the fact that the amendment before the Committee relates solely to members of the Public Service of the Commonwealth.

Mr. ROBINSON.—Do I understand that we are not permitted, at the present stage, to discuss the amendment moved by the Prime Minister?

The CHAIRMAN.—We must first dispose of the amendment moved by the honorable and learned member for Corio.

Question—That the words “in the Public Service of the Commonwealth” proposed to be inserted in the amendment be so inserted—put. The Committee divided.

Ayes	...	...	10
Noes	...	...	37
Majority	...	...	27

AYES.

Brown, T.	McDonald, C.
Crazer, C. E.	Wilks, W. H.
Hutchison, J.	
Saunders, I. A.	<i>Tellers:</i>
Sydney, Sir W. J.	Crouch, R. A.
Maloney, W. R. N.	O'Malley, K.

NOES.

Latchelor, E. L.	McCay, J. W.
Longthorn, Sir J. L.	McColl, J. H.
Carpenter, W. H.	McLean, A.
Chanter, J. M.	McWilliams, W. J.
Chapman, A.	Poynton, A.
Culpin, M.	Robinson, A.
Deakin, A.	Skene, T.
Edwards, G. B.	Smith, S.
Ewing, T. T.	Spence, W. G.
Fisher, A.	Thomas, J.
Forrest, Sir J.	Thomson, D.
Fysh, Sir P. O.	Thomson, D. A.
Higgins, H. B.	Watson, J. C.
Hughes, W. M.	Webster, W.
Kelly, W. H.	Wilkinson, J.
Knox, W.	Wilson, J. G.
Lee, H. W.	<i>Tellers:</i>
Mahon, H.	Cook, J. H.
Manger, S.	Tudor, F. G.

PAIR.

Ronald, J. B.	Harper, R.
---------------	------------

Question so resolved in the negative.

Amendment of the amendment negatived.

Amendment (by Mr. CROUCH) proposed—

That the amendment be amended by the insertion after the word “employment” of the words “in the Public Service of a State and.”

Mr. ROBINSON (Wannon).—Am I to understand that this amendment will cover the whole ground of the debate which we

previously had upon the amendment moved by the present Minister of Trade and Customs some time ago?

Mr. DEAKIN.—Yes.

Mr. ROBINSON.—I desire to make plain the statement that I was making when the division took place. It seems to me in the highest degree desirable that we should bring about as good a feeling as possible between the Federal Government and the Governments of the States. We know from the experience of other federations that their initial stages have been marked by a certain amount of clashing between the Federal and States Governments. If we are to learn anything from experience, what has occurred in those countries should make us sensible of the advisability of going slowly in matters of this description. Yet the Commonwealth is not more than three or four years old, when it is proposed to plunge us into a war—a paper war, doubtless, but still in fact a war—between the Federal and States Governments. It is here proposed to take out of the hands of the States Governments the sole control of their finances, which has been guaranteed to them by the Imperial Parliament, and which they now have, and to hand it over to a tribunal created by the Federal Parliament. I am quite sure that there is no State Government in Australia that will submit to that without a very strong effort to prevent it. Honorable members are, no doubt, aware that a united protest on the subject was made only a few months ago by the States Premiers, some of whom are men of pronounced radical leanings. An interjection which I made during the last debate on the question, to the effect that insistence on this amendment would provide a certain Victorian political leader with a very strong weapon, has been proved to have been absolutely correct, and to-morrow will show that honorable members who have insisted upon this provision being inserted in the Bill have, so far as Victoria is concerned, made a very bad error of judgment. I do not think the most sanguine of them pretends to imagine that the Labour Party will be able to return one-fourth of the members of the State Parliament.

Mr. TUDOR.—We know that we shall return many more than we have had up to the present.

Mr. ROBINSON.—There will be sixty-eight members, and if the honorable member means to say that twenty-two members of the Labour Party will be returned, I



think that I shall to-morrow evening be in the happy position of being able to show him by indisputable figures that he is seriously in error.

Mr. TUDOR.—Does the honorable and learned member believe that twenty-two is a fourth of sixty-eight?

Mr. HUGHES.—I think this is a violation of State rights.

Mr. ROBINSON.—I am glad to see that the Minister of External Affairs is an advocate for State rights. Once that honorable and learned gentleman takes up that position there is some hope for the party with which he is associated. If he sees the error of his ways, even at this late hour, there is some chance that the party may yet be converted to reasonable views upon this question. This proposal has been submitted, as we know, not because it has any special virtue as regards the public servants of the States, but simply in order to gain a technical advantage over the dominant party in the State politics of Victoria.

Mr. WATSON.—It is as big a question in the other States as in Victoria.

Mr. ROBINSON.—It is intended as a weapon of revenge to defeat a policy which I feel sure will be indorsed by the electors of Victoria.

Mr. McDONALD.—Victoria is not the Commonwealth.

Mr. ROBINSON.—It is a most unheard of proposal that this Federal Parliament should constitute itself a Court of Appeal against the electors of Victoria upon matters of purely internal concern. That is not a good omen.

Mr. McDONALD.—If the State authorities go on in the way in which they are now going, in two or three years time there will be nobody left in Victoria.

Mr. ROBINSON.—If we are to have the honorable member for Kennedy always here we shall always have some one with us whom we do not want. The practice of constituting the Federal Parliament a tribunal for the consideration of matters of internal concern, relating solely to the States, is a practice liable to great abuse, and it will not remedy many of the evils which it is proposed to remedy. We have already heard that the Premier of Victoria has said that if this proposal is carried he will take such steps as will render it nugatory. There is not the slightest question that whether this proposal to bring the public servants of the States under the operation of the Commonwealth Conciliation and

Arbitration Bill be carried or not, it will be in the power of the Victorian State Government, or any other State Government, by altering the Public Service Act of the State, to make the position of State public servants a very great deal worse than it is now.

Mr. HUGHES.—Is this a threat?

Mr. ROBINSON.—Nobody can deny that, and were I in the position of the gentleman who administers the State affairs of Victoria I should assume exactly the same attitude.

Mr. HUGHES.—Is the honorable and learned member in order in delivering what practically amounts to an election address in connexion with State politics, and, at the same time holding out a threat to the Commonwealth Parliament that, no matter what it does, the State Parliament of Victoria will take care to render its action null and void; and, further, will make the condition of the State servants of Victoria very much worse than it is at present, if the Commonwealth Parliament does a certain thing? That can only be regarded as a threat, and I certainly take exception to it.

Mr. DUGALD THOMSON.—When the honorable and learned gentleman raises a point of order, he should state the facts correctly. I never heard the honorable and learned member for Wannon state that the Victorian Parliament would take any such steps.

Mr. HUGHES.—He said it was contemplated.

Mr. DUGALD THOMSON.—The honorable and learned member for Wannon did not say that he would be prepared to take such steps, but he intimated what might take place in any State. That is the whole question at issue here, and I, therefore, think the honorable and learned member's remarks must be considered pertinent to the question.

The CHAIRMAN.—I did not detect the honorable and learned member for Wannon wandering beyond the limits allowed by the Standing Orders.

Mr. ROBINSON.—It is a pity that those who, outside of Parliament, and, when in opposition in Parliament, are stern advocates of free speech, change their methods so soon as they obtain power. I should have thought that the Minister of External Affairs would have been as ardent an advocate of free speech as is any honorable member, had I not found that a few short weeks of office had made him as autocratic as the present Premier of Victoria. Insistence

upon provisions such as the Ministry are attempting to embody in the Bill is likely to make the position of States servants worse than it is at the present time. This continual interference by Federal members in States affairs is most ill-advised, and likely to work harm on those in whose interests it is sought. I was never an advocate of State interference in Federal affairs, and while a member of the Parliament of Victoria I endeavoured to restrict myself solely to State matters. Neither am I an advocate of Federal interference in States affairs. I think that members of this Parliament should restrict themselves to Federal affairs, instead of endeavouring to take the management of States affairs out of the hands of those to whom they are properly intrusted. It is lamentable that there should be such attempts at interference with the States authorities by Federal members, and especially by the members of the Labour Party in this Parliament. For the past six weeks the members of the Federal Labour Party have been interfering in the Victorian electoral campaign to an unprecedented extent. They have been denouncing the present Government of Victoria in language almost as strong as that which they have used in regard to my honorable friends the members for Bourke, Corio, and Melbourne Ports.

Mr. TUDOR.—Quite right, too.

Mr. ROBINSON.—It is an extraordinary thing that these honorable gentlemen, who have been elected to do Federal work, should neglect that work, and spend all their time denouncing the Victorian Government. Such interference is a counter-part of the deliberate interference with the functions of the States now proposed. The members of this Parliament should bend all their energies and efforts to the forwarding of Federal affairs, and should not interfere in States politics, or in the management of the Departments of the States. There is plenty of Federal work to be done, and if we wish to do it well, we shall confine ourselves to our own affairs, instead of wandering into realms where we have no concern. Many of the Labour Party are absent to-night, howling on various platforms in denunciation of the present Victorian Government. The result of such action can only be to stir up feeling against Federation and against this Parliament, and will not improve the position of the servants of Victoria or any other State.

Mr. TUDOR.—Will it improve the position of the Victorian Labour Party?

Mr. ROBINSON.—I do not think it will. They will be in the same hopeless minority in the next Parliament as they were in the last. I do not think that the most sanguine of their barrackers expect anything else. If the amendment is carried, it will be within the power of the Governments of the States to take such action as will nullify the decision of any Commonwealth tribunal which may be created under this measure. At the present time the Victorian public servants have security of tenure and other rights, but if the State Government found the administration of its Departments hampered or interfered with by the action of the Federal Government, it would be the simplest thing in the world by a mere stroke of the pen to take away from its public servants privileges which they have enjoyed for years past, and to put them on the same footing as ordinary individuals who do not know from week to week how long they will keep their billets.

Mr. FOWLER.—The honorable member says that the Government of Victoria would retaliate on its servants for an act of the Federal Parliament?

Mr. ROBINSON.—If the Federal Government interferes in a matter of States concern, it is in the power of the States Governments to protect themselves. Were I a member of such a Government, I should endeavour to take action to protect myself from interference. I should not permit a third party to interfere. If an outside body tried to dictate to me as to rates of remuneration or other matters connected with the administration of the public Departments, I should think it high time to take effective action to check-mate such a proceeding. The adoption of the provision under discussion is likely to be more harmful than beneficial to the servants of the States. In one State a large body of public servants has protested against being brought under the Bill.

Mr. THOMAS.—In which State?

Mr. ROBINSON.—In New South Wales.

Mr. TUDOR.—When?

Mr. ROBINSON.—Quite recently. The honorable member seems to pay very little attention to the facts of daily life. The inconsistency of his party has been well exposed by the honorable and learned member for Corio, who pointed out that one member of the present Government—I think the Minister of External Affairs—stated that the Labour Party were determined to wreck

provisions of the Bill. Why did the Government vote against the amendment? That amendment was split into two parts, the public servants of the Commonwealth and the public servants of the States being dealt with in separate proposals. Why did the Government vote against the proposal to include the public servants of the Commonwealth? Was it because the Government thought it expedient so to vote? Was it because the Government believed that the Commonwealth Parliament is better able, or, at any rate, is as well able, to deal fairly with its servants as could be any Arbitration Court? That seems to me a reasonable explanation. I do not know, however, whether the Government will accept such an explanation; but if that be the case the Government is in the position of saying, "The Commonwealth Parliament is quite able to deal fairly with its own servants, but the States Parliaments are not able to so deal with their own servants." Is that the taunt which is flung at every State Government, namely, "We are the real Simon Pure, and can deal fairly with our employes, and, therefore, shall not bring them under the provisions of our own Bill"?

Mr. HUGHES.—That is not at all the attitude of the Government.

Mr. McCAY.—I should be very pleased to hear any member of the Government give an explanation which would be satisfactory to anybody, even to themselves. I confess that the action of the Government to-night does not increase my admiration for them.

Mr. HUGHES.—The honorable and learned member's admiration for the Government was, originally, very great.

Mr. McCAY.—In many respects I have great admiration for the party of which the Minister of External Affairs is such a distinguished ornament. But when I find the members who are chosen to fill the responsible position of Ministers, running away from the trust they have voluntarily undertaken, that is not calculated to increase my admiration for them. One may admire the policy of the Government without admiring the exposition of the policy. I must confess that I am utterly at a loss to understand how the Government can vote against the inclusion of the public servants of the Commonwealth; for the inclusion of any section of the public servants of the States, and against the inclusion of a section, in regard to whom, at any rate, there is some doubt as to the constitutional position, except on the ground that the Commonwealth Parliament does not require to delegate to

another tribunal the power to deal with Commonwealth servants, while, in the interest, possibly, of the States as well as in the interests of the States servants, it is necessary to delegate to another tribunal, and to one not approved in any shape or form by the States, the power to deal with States servants. I shall, of course, vote against the second amendment just as I voted against the first, and as I shall vote against any further amendment proposed by the Government. I have heard or read nothing to alter the opinion I before expressed that this is an attempted exercise of power which is beyond that conferred by the Constitution. Without endeavouring to discuss the legal aspect of the question, I may say that so far as one can judge, the trend of the decisions of the High Court, which is helping to develop the Constitution, are, at any rate, in the direction of confirming the view that I, as well as others, have taken of this particular question. I am puzzled to understand the action of the Government, though, of course, the Government are under no obligation to relieve my mind of its state of puzzlement.

Mr. HUGHES.—The honorable and learned member said that before.

Mr. McCAY.—I did not.

Mr. HUGHES.—The honorable and learned member said something very like it.

Mr. McCAY.—I did not say that before, though I may have said something very like it. What I say now is as little like what I said before, as the action of the Government before they took office, is like their action at the present moment.

Mr. FISHER (Wide Bay—Minister of Trade and Customs).—The honorable and learned member for Corinella is quite right in his right in expressing sympathy with the Government, and also his astonishment at what has taken place. I suppose the astonishment arises from the present Government being in power.

Mr. McCAY.—No.

Mr. FISHER.—And that his sympathy arises from the fact that the honorable and learned member finds himself in a difficulty. The honorable and learned member is good enough to say that he will support the principles in which he believes; and if he does so, he will support the Government. I suppose the honorable and learned member has been a member of a Government?

member the strength and fervour with which he, as well as other members of his party, explained that no citizen of the Commonwealth was to be deprived of the benefits of this Bill. I am the more puzzled to understand the present attitude of the Government, when I recall the statement made by the Prime Minister this afternoon that the intention of the Government, not to include all public servants within the scope of the Bill, was due to an opinion given by the Attorney-General that, probably, they would not all come within the express provisions of the Constitution. I am sorry that the Attorney-General is not present, because I should like to know whether he has expressed the opinion that the proposition that no public servant outside of the railway servants of the States can come within the provisions of the Constitution relating to conciliation and arbitration, is not open to argument.

Mr. DEAKIN. — The Attorney-General thought that some of the post-office employés might be brought within the scope of the Bill.

Mr. McCAY. — Those employés would be servants of the Commonwealth. I am puzzled, for example, to know how to distinguish between a State railway servant and a State compositor, or employé in a Government Printing Office. On what grounds do the Government base their objection to give certain privileges to employés in the Government Printing Offices, whilst they are prepared to grant them to railway servants? It is true that Government Printing Offices are not spread so widely over the land as are the railway services, but I should not dream that any consideration of that kind would influence the Government. If, however, the matter is not perfectly clear, I should like to know how the Government and their supporters justify their present attitude, in view of the opinion expressed by nearly all of them, that doubtful questions of law, on which honorable and learned members have given varying expressions of opinion, should be left to the decision of the official arbiter of the Constitution, namely, the High Court. I remember the honorable member for Hindmarsh stating that the only effect of the opinions which had been expressed by honorable and learned members had been to make the darkness more profound, and that he for one desired to leave the question to the High Court, which was the only tribunal able to give an authoritative decision. Surely the Government are not

going to shelter themselves behind the fact that the Attorney-General has given an opinion which makes the matter doubtful, and to decide against the very people in whose interests they fought so vigorously and so nobly a few weeks ago. When the Attorney-General of the late Administration gave a strong opinion against the proposal to bring railway servants within the scope of the measure, they paid no heed to him. Is it because the opinion given is that of the Attorney-General of the present Administration that it should be obeyed without question? Are we to understand that an opinion given by an Attorney-General in another Administration is not to be treated with respect; or are opinions to be followed only when they suit? Such a course may be very convenient for the time being, but if that principle is to be invariably adopted, the Government may find themselves in a very unhappy position. I am surprised at the attitude assumed by the Government in this matter. I differ from them fundamentally on this question, because, in my opinion, their proposal is contrary to the spirit and letter of the Constitution. I have no ground of complaint against them because they differ from me, but I am very much disappointed to find them acting contrary to the professions which they recently made. I am disappointed that the party who, above all others, have, I venture to think, adhered to their professions, their solidarity, and continuity of purpose, should, at the very first test, be found lacking in that courage which they have always insisted the dominant party should have—the courage to carry into practice the principles which they profess. Only this evening I voted with the Government; but that was because I had voted in the same way before. I did not do as the bulk of their supporters had to do, change my vote all of a sudden because of the change in conditions here. I voted against the amendment of the honorable and learned member for Corio; but I should like to know why the Government voted against that amendment. Surely the Attorney-General has not given an opinion that it is unconstitutional to bring the servants of the Commonwealth under the operation of the Bill. I do not believe that the present Attorney-General, or any conceivable Attorney-General, in the House, or at present in his cradle, would give any such opinion as that none of the public servants of the Commonwealth could constitutionally be brought within the

general discussion. The matter is well understood, and I trust that honorable members will come to the conclusion that our proposal is a reasonable and just one, that will cover all for which we have ever contended.

Mr. KELLY (Wentworth).—It seems to me that the Minister's explanation of the change of front on the part of the Ministry is hardly satisfactory. Had he been of the same belief before that he is now he would have allowed his amendment to go by the board, and have waited patiently for another amendment which specifically mentioned railway servants. We all know, however, that he pressed his amendment.

Mr. FISHER.—The honorable member was not a member of the first Parliament, in which I moved my amendment.

Mr. KELLY.—I am speaking of the Parliament of which I know. A change of front which takes place within a fortnight is far more a matter for self-congratulation than is one which extends over nine months or a year, and in that respect the honorable gentleman is more worthy of congratulation from me than he would have been if I had been a member of the first Parliament and had listened to the opinions which he then expressed. I do not wish to press this matter home.

Mr. PAGE.—Do.

Mr. KELLY.—I hear another Minister speaking from the back benches, but I was referring to the Minister of Trade and Customs. I shall turn over a new leaf, if the honorable member for Maranoa will permit me, and proceed with a general outline of my views on the question of the inclusion of railway servants, rather than discuss the attitude of the Ministers and the party generally on this question. When we are considering a measure it is well to look at the views of those to whom it is meant to apply, and for that reason I have glanced at the published views of the railway servants of New South Wales. We find that at the last elections a circular was sent out by the railway servants of that State, asking all candidates, firstly, whether they were in favour of a Federal Conciliation and Arbitration Bill; secondly, whether they were in favour of—

the full inclusion therein of the railway services by a specific clause, bringing them under the operations of the Act.

Thirdly, they asked—and this shows the true spirit for arbitration that prompted the leaders of these men—far be it from me to

attribute it to the men themselves—whether candidates were in favour of—

Restriction of the powers of the Inter-State Commission, or, in the event of the railways being taken over by the Commonwealth, of the powers of the Railway Commissioners, so as to prevent them in any way increasing hours of duty, reducing wages, or interfering with rights, privileges, or immunities now enjoyed, and the insuring that all such matters shall only be dealt with, either by legislation on the part of Federal Parliaments, or by regulations framed and issued by the Federal Ministry, which before being in force shall be subject to approval by the Federal Parliaments.

I take it that a Federal Arbitration Court will arbitrate in the true sense of the word—that it will not arbitrate on only one side of the sheet—but if this circular evidences the spirit which actuates these men, then, with all deference to what is perhaps the finest body of men in New South Wales, it seems to me that they are not yet ripe to come under a Federal Conciliation and Arbitration Act. I do not think, however, that it does evidence the spirit which really actuates the men. If they come under the Act I believe they will be actuated by a spirit of fair play; that when they bring their affairs before the Court they will be quite prepared to abide by its decision, whether that decision be to their detriment or advantage. This circular, to which candidates were asked to subscribe, was signed by Robert H. L. L., honorary secretary of the Federated Railway Locomotives Association of Australia.

The CHAIRMAN.—I would point out to the honorable member that we are now dealing with the Public Service as distinct from the Railway Service.

Sir JOHN FORREST.—The railway servants are included in the term "Public Service."

The CHAIRMAN.—Do I understand that the honorable and learned member Mr. Corio desires not to eliminate from the amendment moved by the Prime Minister the words, "upon State railways," but only to insert in it the words "in the Public Service of the State and"? I take it that the discussion is going directly on the lines of the desirableness of including the Public Service as distinct from Railway Service.

Mr. HUGHES.—Are we to understand, Mr. Chairman, that in the event of the amendment being carried it will be necessary to submit a further amendment to include railway servants? If this amendment includes railway servants it must obviously be in order for the honorable member

Wentworth to discuss it, although, incidentally, it also includes other public servants.

The CHAIRMAN.—The amendment moved by the Prime Minister relates to employment upon State railways." I take it that the honorable and learned member for Corio does not desire to eliminate the words "upon State railways or" but wishes to interpose other words which will include the Public Service of a State as distinct from railway servants.

Mr. CROUCH.—And the railway servants.

The CHAIRMAN.—If the honorable and learned member holds that "Public Service" includes railway servants, and desires to include all, he could move for the elimination of the words, "upon State railways" with a view to insert in lieu thereof the words "in the Public Service of a State."

Mr. CROUCH.—I desire that the amendment moved by the Prime Minister shall be amended so as to read—

After "State" insert "including disputes in relation to employment in the Public Service of a State and upon State railways. . . ."

I desire that the amendment shall include not merely those engaged upon State railways, but public servants other than those included in the Government amendment, the latter part of which strictly limits the provision to those engaged in industrial matters.

The CHAIRMAN.—I take it, then, that the honorable and learned member for Corio desires to move that the amendment be amended by the insertion of the words "in the Public Service of a State and," and that if that amendment be carried, he will move a further one. Do I understand him to desire to include railway servants within the words "Public Service of a State?"

Mr. CROUCH.—The word "and" is at the end of my amendment, which will, therefore, include railway servants.

Sir WILLIAM LYNE.—I submit, sir, that if the amendment of the honorable and learned member for Corio is to include railway servants as public servants, and it is rejected, it will be difficult for the Committee to deal with railway servants specifically at all. Unless it is clearly understood that the phrase "Public Service of a State" does not include railway servants, it will be far better not to test the question on an amendment of this kind. Otherwise I do not think that the question of including railway servants could be raised if this amendment were rejected.

The CHAIRMAN.—I think it will be more convenient if the debate is confined strictly to the inclusion of public servants as distinct from railway servants. If that course is not taken and the honorable and learned member's amendment is rejected, the Committee might be debarred from including railway servants in the Bill, because it cannot reverse a vote at which it has arrived.

Mr. CROUCH.—Apparently, sir, I have not conveyed to you what I intended to propose. The words which I propose to have inserted after the word "employment" are "in the Public Service of a State, and," so that if carried the amendment of the Prime Minister would then read—

Including disputes in relation to employment in the Public Service of a State, and upon State railways.

If my amendment is lost, it will not follow that railway servants are not then included.

The CHAIRMAN.—That will be the inevitable result.

Mr. CROUCH.—No; because if those words are not inserted the amendment of the Prime Minister will remain at it is.

The CHAIRMAN.—If the phrase "Public Service of a State" is adopted, it will include, according to the honorable and learned member's contention, railway servants of the States.

Mr. CROUCH.—No, or I would not have put the word "and" in my amendment.

The CHAIRMAN.—Then I think that the discussion should be confined to the inclusion of public servants, as distinct from railway servants.

Mr. McCAY.—No matter what the honorable and learned member for Corio intends the words to mean, they include railway servants. I do not think that the Court would take any notice of the fact that he did not mean the provision to include railway servants. A railway servant is not a public servant, if he is employed under an authority created by the State, and in some States I believe there is no interposing Railway Commissioner, so that, as a matter of strict interpretation, sir, the forms of the House may require you to hear the discussion over again, if honorable members should so desire.

The CHAIRMAN.—It is not a question of my hearing the discussion over again, but a question of arriving at what is the sense of the Committee, and I think that I can best do so by confining the debate

this amendment to the inclusion of public servants as distinct from railway servants.

Sir WILLIAM LYNE.—Suppose that is done, sir, the Committee cannot say afterwards that railway servants are not public servants. If the question of the inclusion of public servants is dealt with, and railway servants are public servants, then the Committee will have dealt with the inclusion of railway servants. I think it should be decided first whether railway servants are public servants or not, because after the rejection of this amendment, the question will be raised again, and if there is an appeal to Mr. Speaker he must hold that railway servants are public servants, with whom we shall have dealt. A complication might then arise which would be very serious. We should adopt words that would preclude the possibility of a misconception which might have dire results afterwards.

Mr. G. B. EDWARDS.—I quite agree with the honorable member for Hume that, if we were to take the largest extension first, it would prevent any subsequent consideration of a less extension. The simplest way out of the difficulty, I think, is to take a division on the amendment of the Prime Minister as far as the words "upon State railways." If we do not agree to that amendment, everything will go by the board, but if we do it will be open to the honorable and learned member for Corio to move a further extension by inserting the words "and in the State Public Service," or some words to that effect. If we can agree on the first amendment so far as the words "upon State railways," we shall settle the question of the narrowest distinction which any one wishes to make, and we shall be sure of what we are doing in voting.

Mr. KELLY.—I take it, sir, that your ruling is that the discussion should be restricted to the words "Public Service of a State."

The CHAIRMAN.—No; that is a suggestion which I made to the Committee. I cannot give a ruling that would be strictly correct, as the Public Service of some States includes railway servants.

Mr. KELLY.—If I can in any way help to convenience the Committee, I shall be only too glad. As my views on the broader aspect of the question of the inclusion of Public Services of the States—that of Federal expediency—have been so well and so fully put by able members, both in this Committee and in the House, and as my main objection to the

inclusion of States servants is based on the ground of Federal expediency I shall not detain the Committee at this stage, but reserve all my forces for the question of the inclusion of railway servants when I get an opportunity to speak thereon shortly.

Mr. WATSON.—The honorable and learned member for Corio might, to avoid confusion, adopt the suggestion of the honorable member for South Sydney.

Mr. CROUCH.—I am not inclined to withdraw my amendment.

Mr. WATSON.—There would be no objection to its withdrawal, I presume?

Mr. CROUCH.—Except my own objection.

Mr. WATSON.—I thought the honorable and learned member might do so, if he was convinced it was a proper course to take. It would get over the difficulty.

Sir JOHN FORREST (Swan).—No doubt the Prime Minister would be very glad if the honorable and learned member for Corio were to withdraw his amendment.

Mr. WATSON.—He could move it again.

Sir JOHN FORREST.—It would relieve honorable members opposite perhaps of a little difficulty in which they find themselves.

Mr. PAGE.—No difficulty at all.

Mr. ROBINSON.—They are in the soup now.

Mr. TUDOR.—No; do not worry about us.

Sir JOHN FORREST.—It is true that this question was before the electors in Western Australia, but they did not trouble very much about it. I desire to remind the Minister of Trade and Customs—who is not here, I am sorry to see—of the saying—

By their fruits ye shall know them.

The honorable gentleman said something about my being the last person to say anything about inconsistency. I have yet to learn that I have ever voted in different ways in this House, and if anything I have ever said here in my outspokenness has been misunderstood by honorable members, of course I cannot help that. I am not accustomed to change my vote or my opinion without a very good reason, and I have never done so, in this House at any rate. I have not done what the Minister of Trade and Customs has done to-night—voted in a different way from what he did six weeks ago. The proposal of the late Government was that Commonwealth and States employes should be excluded from the operation of the Bill. The

Wentworth to discuss it, although, incidentally, it also includes other public servants.

The CHAIRMAN.—The amendment moved by the Prime Minister relates "to employment upon State railways." I take it that the honorable and learned member for Corio does not desire to eliminate the words "upon State railways or" but wishes to interpose other words which will include the Public Service of a State as distinct from railway servants.

Mr. CROUCH.—And the railway servants.

The CHAIRMAN.—If the honorable and learned member holds that "Public Service" includes railway servants, and desires to include all, he could move for the elimination of the words, "upon State railways" with a view to insert in lieu thereof the words "in the Public Service of a State."

Mr. CROUCH.—I desire that the amendment moved by the Prime Minister shall be amended so as to read—

After "State" insert "including disputes in relation to employment in the Public Service of a State and upon State railways. . . ."

I desire that the amendment shall include not merely those engaged upon State railways, but public servants other than those included in the Government amendment, the latter part of which strictly limits the provision to those engaged in industrial matters.

The CHAIRMAN.—I take it, then, that the honorable and learned member for Corio desires to move that the amendment be amended by the insertion of the words "in the Public Service of a State and," and that if that amendment be carried, he will move a further one. Do I understand him to desire to include railway servants within the words "Public Service of a State?"

Mr. CROUCH.—The word "and" is at the end of my amendment, which will, therefore, include railway servants.

Sir WILLIAM LYNE.—I submit, sir, that if the amendment of the honorable and learned member for Corio is to include railway servants as public servants, and it is rejected, it will be difficult for the Committee to deal with railway servants specifically at all. Unless it is clearly understood that the phrase "Public Service of a State" does not include railway servants, it will be far better not to test the question on an amendment of this kind. Otherwise I do not think that the question of including railway servants could be raised if this amendment were rejected.

The CHAIRMAN.—I think it will be more convenient if the debate is confined strictly to the inclusion of public servants as distinct from railway servants. If that course is not taken and the honorable and learned member's amendment is rejected, the Committee might be debarred from including railway servants in the Bill, because it cannot reverse a vote at which it has arrived.

Mr. CROUCH.—Apparently, sir, I have not conveyed to you what I intended to propose. The words which I propose to have inserted after the word "employment" are "in the Public Service of a State, and," so that if carried the amendment of the Prime Minister would then read—

Including disputes in relation to employment in the Public Service of a State, and upon State railways.

If my amendment is lost, it will not follow that railway servants are not then included.

The CHAIRMAN.—That will be the inevitable result.

Mr. CROUCH.—No; because if those words are not inserted the amendment of the Prime Minister will remain at it is.

The CHAIRMAN.—If the phrase "Public Service of a State" is adopted, it will include, according to the honorable and learned member's contention, railway servants of the States.

Mr. CROUCH.—No, or I would not have put the word "and" in my amendment.

The CHAIRMAN.—Then I think that the discussion should be confined to the inclusion of public servants, as distinct from railway servants.

Mr. McCAY.—No matter what the honorable and learned member for Corio intends the words to mean, they include railway servants. I do not think that the Court would take any notice of the fact that he did not mean the provision to include railway servants. A railway servant is not a public servant, if he is employed under an authority created by the State, and in some States I believe there is no interposing Railway Commissioner, so that, as a matter of strict interpretation, sir, the forms of the House may require you to hear the discussion over again, if honorable members should so desire.

The CHAIRMAN.—It is not a question of my hearing the discussion over again, but a question of arriving at what is the sense of the Committee, and I think that I can best do so by confining the debate on



to tell the High Court what we want in definite terms. If we overstep the mark—as I hope we shall not do—the High Court will pull us up. But it is not a proper way to legislate to use expressions of which we do not know the meaning, leaving it to the High Court to interpret them. I should imagine that it will be news to the public servants when they learn that they are excluded. It will be rather a shock to them to find that they are not included in specific terms in this Bill. After all the talk which has taken place, and all the speeches which have been made as to the great advantage of including them all, and of how ameliorating and how just, and how far-reaching a measure like this, which included them, would be, the public servants of the States will be amazed to discover that they are left out altogether. I do not think that will satisfy those of the public servants of the Commonwealth and the States, who have been promised all sorts of advantages by those who advocate their inclusion in this Bill. It seems to me that honorable members opposite have altogether abandoned the views to which they previously gave expression. They now desire to limit the application of the measure to railway employes, and such other members of the Public Service as the High Court may decide are engaged in industrial enterprise.

Mr. HUTCHISON.—That is specifically stated.

Sir JOHN FORREST.—The honorable member for Hindmarsh, who is very apt at interjecting, will, perhaps, tell me where it is specifically stated.

Mr. HUTCHISON.—I shall speak presently.

Sir JOHN FORREST.—The honorable member would be wise if he expressed his own views when he addressed the Committee instead of interjecting so frequently. I have noticed that he interrupts even when the Attorney-General is expounding the law upon the subject. What is the reason for this lightning change on the part of honorable members opposite, after advertising throughout the length and breadth of the country the great good which this measure would confer upon all public servants? I observed that there was some little dissension in their ranks when the division was taken, and I wonder that there was not more. Evidently some honorable members did not like the idea of stultifying themselves immediately they had attained to seats upon the Treasury benches, because a few

of them refused to vote with the Government. Perhaps they were aware that the position was perfectly safe. On this very question they were very solid a few weeks ago when they saw a possibility of securing control of the affairs of this country; but they are not so united now. All the compliments which I paid to them on a former occasion when I told the present Prime Minister that the Labour Party was acting in a perfectly straightforward manner must now be withdrawn.

Mr. BATCHELOR.—That was before the Government, of which the right honorable member was a Minister, was "out."

Sir JOHN FORREST.—Yes, and before the present Government was "in." When the party with which I am associated is out of office its members stick to their guns. But when honorable members opposite have secured office they effect a lightning change. I chiefly rose to address a few words to the Minister for Trade and Customs. I have always been consistent in this House, and no fault has ever been found with me by those to whom I owe allegiance. Therefore, I consider that his reflections upon my loyalty were undeserved. I am opposed to making this measure applicable either to Commonwealth or State public servants, for the reasons which I have advanced. I hold that the proposal is unconstitutional, and that even if it were not it is inexpedient for us to adopt it. In this matter honorable members opposite have not been consistent. I have not heard anything which can justify the course of action which they have adopted. They voted for including within the provisions of this Bill the public servants of the Commonwealth, and of the States, and we opposed it. Now that the honorable and learned member for Cork submits a similar proposal, they are prepared to absolutely reverse their previous votes.

Sir WILLIAM LYNE (Hume).—Although I listened attentively to the references made by the right honorable member for Swan to the Government and their action in this matter, he failed to convince me either that they have committed any grievous wrong or that they have departed seriously from their previous attitude. He asked "Why is this matter to be left to the decision of the High Court?" But I would point out that that tribunal alone can interpret the Constitution. He referred to the word "industrial" which it is proposed to insert in this Bill—

Sir JOHN FORREST.—Are you a member of the Government? I think that they can defend themselves.

Sir WILLIAM LYNE.—The right honorable member implied that the word "industrial" was not used in the Constitution.

Sir JOHN FORREST.—The honorable member misunderstood me.

Sir WILLIAM LYNE.—I was under the impression that I heard the right honorable member challenge an honorable member opposite to show where it was used.

Sir JOHN FORREST.—The honorable member misheard me.

Sir WILLIAM LYNE.—I am prepared to accept the disclaimer. The word "industrial," I would point out, is used in sub-section xxxv. of section 51 of the Constitution. If that term be inserted in this clause, it will have the effect of bringing every industry within the scope of the Bill, and it will be for the High Court to interpret the meaning of "industrial." I take it that is the intention of the Government. The sub-section in question declares that the Commonwealth Parliament shall have power to make laws relating to "conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State." Should the High Court declare that the carrying on of the Public Service, either of the Commonwealth or of a State, is an industry, the Bill will be applicable to all public servants. In my judgment, the proposal of the Government is a wise one. It is all very well for the right honorable member for Swan to say that members of this Parliament should tell the High Court what they want. What the High Court has to decide is what the law is, and not what the members of this Parliament want. We can put anything we like into the Statute, but we cannot direct the High Court as to how it shall interpret any of its provisions.

Sir JOHN FORREST.—We should make our Acts as unintelligible as possible?

Sir WILLIAM LYNE.—If the present Ministry carry the proposal to insert the word "industrial" and the question is subsequently raised, it will be for the High Court and not this Parliament to decide what the meaning of the section is. I was a little amused at the anxiety with which the right honorable member desired to impress on the Committee his view that the Ministry and certain members of the Labour Party have "jumped Jim Crow," so far as

their opinions on this matter are concerned. The suggestion is absolutely incorrect. They take exactly the same position as before. I have no doubt that the vote which they gave earlier in the evening was intended to prevent the same thing being inserted in the Bill twice.

Sir JOHN FORREST.—The honorable gentleman is an apologist for them.

Sir WILLIAM LYNE.—I wish also to point out that the right honorable member for Swan knows quite well that the present Ministerial Party in the action they took previously were concerned, not so much for the members of the public servants generally of the States, as for the railway servants of the States.

Sir JOHN FORREST.—I deny that absolutely.

Sir WILLIAM LYNE.—I hope the right honorable member will not lose his temper. I know that he was perfectly well aware that it was upon the inclusion in the Bill of the railway servants of the States that members of the Labour Party were particularly strong.

Sir JOHN FORREST.—That shows how strong we were the other way, or we should have given in to it.

Sir WILLIAM LYNE.—Even supposing that the members of the present Ministry are caving in, as the right honorable member suggests, he ought to meet them with open arms, because they are now doing what he wished them to do before. If they have turned round to accept the right honorable member's view, he should not take them to task, but should rather commend them. I fail to see that on this particular question the members of the present Ministry, or honorable members supporting them, have turned round at all. If the word "industrial" is inserted in the Bill, it will have to be construed by the High Court. If the High Court regards the railway services of the States as "industrial" services, the railway servants will be brought under the Bill. If it holds other branches of the Public Service to be "industrial," those engaged in those branches will also be brought under the Bill. All things considered, the right honorable member for Swan should rejoice at the attitude which he believes the Ministry to have taken up, instead of catechizing them on having done something which they should not have done.

Sir JOHN FORREST.—The honorable gentleman is a good apologist for the Labour Party.

Sir WILLIAM LYNE.—At all events, I do not "jump, Jim Crow" like some other persons.

Mr. HUTCHISON (Hindmarsh).—The right honorable member for Swan appears to be grievously disappointed that the present Government should propose to do what the Government of which he was a member refused to do. If the right honorable member and his colleagues had brought forward this clause in the form in which the present Government suggested that it should read, he would have been in office to-day.

Sir JOHN FORREST.—We could not do that.

Mr. HUTCHISON.—I for one have not altered my views. The position I took up while the amendment proposed by the honorable member for Wide Bay was under discussion, was that, while I had some doubt whether all State public servants other than railway servants could be included, on account of the use of the word "industrial" in the Constitution, I preferred to give them the benefit of the doubt, knowing that their inclusion would not destroy the measure, since the High Court, if my doubts were justified, would declare only that portion of the Act to be *ultra vires*. The present Government have introduced an amendment which meets my difficulty. I think it was the duty of the honorable and learned member for Corio, who seems to me to have desired simply to make political capital out of, and not to improve the measure—

Sir WILLIAM LYNE.—No, I do not think so.

Mr. HUTCHISON.—Nothing else could be assumed of any honorable member who moved such an amendment as that submitted by him. He should have pointed out the particular public servants who would be excluded from the operation of the Bill. I challenge any honorable member to show me what particular public servants will be excluded under the amendment proposed by the present Government. I stated from the election platform that I thought every employer and employé in the Commonwealth should be included in the measure, and that we should not have any class legislation. The present Government propose to do this, if it is competent for the Federal Parliament to do it; and it is perfectly legitimate for any honorable member to say that he believes every employer and employé can be included, in spite of the use of the word

"industrial" in the Constitution. We have listened to legal members of the Committee, and what have we learned? We have learned only of the confusion of opinion existing amongst them in regard to it. The honorable and learned member for Wannon, in a cold-blooded way, told us that he would exclude everybody from the measure. I can quite understand the honorable and learned member's position. I have been astonished to find that even some of the legal members of the Committee are not prepared to say that, if it is not illegal to include certain public servants of the States, it is not expedient to do so, and it will be an infringement of State rights. Is there anything in that argument? The States Governments will take very good care that we do not interfere with State rights, so long as we have a High Court. If we interfere with their rights they will appeal to the High Court. Any honorable member who voted against the clause as submitted by the late Government will be acting consistently in supporting the present Government upon it. I feel that I am pursuing a course which I can justify to my constituents, and that I shall not be subjected to the reproach of having been inconsistent.

Mr. WILKS (Dalley).—I have listened very carefully to the speeches of the honorable member for Hindmarsh, and other honorable members opposite, on this question, and I cannot agree with them. I voted for the inclusion of the State servants on the first occasion. I intend to do so again. I have been very pleased with the way in which the honorable and learned member for Corio has submitted the matter to the Committee. Those who vote for his amendment will not need to recognise the difficulties of the Government, whether it be the Watson Government, the Deakin Government, or any other. So far as I am concerned, when I voted on the last occasion for the inclusion of State public servants I did not do so for the purpose of displacing the members of the Deakin Ministry, although I admit that I was not consumed with grief to see them displaced. I had on that occasion the double joy of voting for an amendment in which I believed and against a Government in whom I did not believe. It is possible that the members of the present Ministry did not consider that the amendment introduced by the honorable member for Wide Bay would be carried. I believe that they were of the opinion that the only

Sir JOHN FORREST.—Are you a member of the Government? I think that they can defend themselves.

Sir WILLIAM LYNE.—The right honorable member implied that the word "industrial" was not used in the Constitution.

Sir JOHN FORREST.—The honorable member misunderstood me.

Sir WILLIAM LYNE.—I was under the impression that I heard the right honorable member challenge an honorable member opposite to show where it was used.

Sir JOHN FORREST.—The honorable member misheard me.

Sir WILLIAM LYNE.—I am prepared to accept the disclaimer. The word "industrial," I would point out, is used in sub-section xxxv. of section 51 of the Constitution. If that term be inserted in this clause, it will have the effect of bringing every industry within the scope of the Bill, and it will be for the High Court to interpret the meaning of "industrial." I take it that is the intention of the Government. The sub-section in question declares that the Commonwealth Parliament shall have power to make laws relating to "conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State." Should the High Court declare that the carrying on of the Public Service, either of the Commonwealth or of a State, is an industry, the Bill will be applicable to all public servants. In my judgment, the proposal of the Government is a wise one. It is all very well for the right honorable member for Swan to say that members of this Parliament should tell the High Court what they want. What the High Court has to decide is what the law is, and not what the members of this Parliament want. We can put anything we like into the Statute, but we cannot direct the High Court as to how it shall interpret any of its provisions.

Sir JOHN FORREST.—We should make our Acts as unintelligible as possible?

Sir WILLIAM LYNE.—If the present Ministry carry the proposal to insert the word "industrial" and the question is subsequently raised, it will be for the High Court and not this Parliament to decide what the meaning of the section is. I was a little amused at the anxiety with which the right honorable member desired to impress on the Committee his view that the Ministry and certain members of the Labour Party have "jumped Jim Crow," so far as

their opinions on this matter are concerned. The suggestion is absolutely incorrect. They take exactly the same position as before. I have no doubt that the vote which they gave earlier in the evening was intended to prevent the same thing being inserted in the Bill twice.

Sir JOHN FORREST.—The honorable gentleman is an apologist for them.

Sir WILLIAM LYNE.—I wish also to point out that the right honorable member for Swan knows quite well that the present Ministerial Party in the action they took previously were concerned, not so much for the members of the public servants generally of the States, as for the railway servants of the States.

Sir JOHN FORREST.—I deny that absolutely.

Sir WILLIAM LYNE.—I hope the right honorable member will not lose his temper. I know that he was perfectly well aware that it was upon the inclusion in the Bill of the railway servants of the States that members of the Labour Party were particularly strong.

Sir JOHN FORREST.—That shows how strong we were the other way, or we should have given in to it.

Sir WILLIAM LYNE.—Even supposing that the members of the present Ministry are caving in, as the right honorable member suggests, he ought to meet them with open arms, because they are now doing what he wished them to do before. If they have turned round to accept the right honorable member's view, he should not take them to task, but should rather commend them. I fail to see that on this particular question the members of the present Ministry, or honorable members supporting them, have turned round at all. If the word "industrial" is inserted in the Bill, it will have to be construed by the High Court. If the High Court regards the railway services of the States as "industrial" services, the railway servants will be brought under the Bill. If it holds other branches of the Public Service to be "industrial," those engaged in those branches will also be brought under the Bill. All things considered, the right honorable member for Swan should rejoice at the attitude which he believes the Ministry to have taken up, instead of catechizing them on having done something which they should not have done.

Sir JOHN FORREST.—The honorable gentleman is a good apologist for the Labour Party.

Mr. WILKS.—Does the honorable member call every public servant an industry, or an industrious man?

Mr. FOWLER.—The interjection hardly requires a serious answer, and, as I am generally regarded as a somewhat serious individual, it will hardly be considered extraordinary if I ignore it. At the last elections I strongly advocated the inclusion of railway employés in the Bill. I still hold that it is perfectly constitutional to bring them within the scope of the Bill. I have, however, grave doubts as to whether we could apply the provisions of the measure to other public servants. As the honorable member for Grey has stated, the Government have, by adopting the form of words embodied in their amendment, rendered it possible for us to realize, at the earliest possible moment, precisely where we stand in connexion with the constitutional aspect of this matter.

Sir JOHN FORREST.—When a strike takes place.

Mr. FOWLER.—Not necessarily then. We shall not need to wait for a strike, in order to arrive at a settlement of this question. The course which I am now taking in support of the Government is perfectly in accord with the opinions which I expressed during the last electoral campaign.

Mr. McWILLIAMS (Franklin).—When this subject was under discussion before, I expressed the opinion that, even if we had the power, it would not be advisable for us to interfere with the States' servants at present. It is impossible for us to ignore the fact that it was never even suggested at the Federal Convention that the power of the Commonwealth in regard to conciliation and arbitration, would extend to the public servants of the States. It may be said that the High Court has nothing to do with the intentions of those who framed the Constitution, but has to be guided by a strict reading of its provisions; but we, as a Parliament, have to be guided by the spirit, as well as the letter, of the Constitution. The records of the Federal Convention show that not one word was expressed during its debates that would convey the impression that sub-section xxxv. of section 51 of the Constitution was intended to embrace the public servants of the States. I regard the Attorney-General as one of the most able, and also one of the most straightforward members in this Chamber, and I cannot believe that he proposed the amendment now embodied in sub-section xxxv., with the knowledge that the powers of the Com-

monwealth would extend to the public servants of the States, and that he deliberately withheld this fact from his fellow-members of the Convention. It cannot be pretended that the States knowingly surrendered to us the right to control their public servants. I make bold to say that if the members of the Convention had declared prior to the referendum that the States were asked to surrender to a Federal Court the right to control the relations between them and their public servants, not one State would have accepted the Commonwealth Bill.

Mr. HUTCHISON.—The general opinion was that the Commonwealth tribunal would have the power to deal with all disputes.

Mr. McWILLIAMS.—I question very much whether the honorable member could show me that any advocate of the Commonwealth Bill pointed out that amongst its provisions was one which would enable a Federal tribunal to decide all questions between the States and their servants with regard to wages, hours, and other conditions of labour. As the editor of a newspaper at the time of the Federal referendum, it was my duty to closely watch the course of events, and I did not notice any reference to this particular point in any of the speeches, either at the Convention or outside. Even if it were within our power to extend the provisions of the measure now before us to the public servants of the States, it would not be expedient for the Commonwealth to insist on a full exercise of its authority at the present stage. In the early days of a Federation, a certain amount of friction has taken place between the Federal and the States Governments, and I am afraid that if we show an undue desire to exercise our authority in this and other matters we shall make Federation even more unpopular than it is at present. It is idle for us to close our eyes to the fact that Federation is not so much admired, at least in some of the States, as it was when the referendum took place for the adoption of the Commonwealth Bill.

Mr. HUTCHISON.—It is as well thought of by the masses of the people.

Mr. McWILLIAMS.—I think I am correct in saying that if the Constitution were now submitted for acceptance by the people we should not be able to secure a majority in at least some of the States, in favour of Federation. Therefore, I ask honorable members whether it is wise to push this matter to extremes? If the States have surrendered their right to fully control their

amendment which was likely to be carried was that for the inclusion of the railway servants of the States. The amendment of the honorable member for Wide Bay having been carried, I expected that the Watson Administration would give effect to it. The proposal which they have put before us, however, does not do so. My view is that all officials of the States and of the Commonwealth should come under the Bill. When I hear the argument used that the High Court might declare such a provision invalid, I am reminded of the fact that a few weeks back the same argument was employed by the Deakin Government as a shield against the attacks of the members of the Labour Party. Those who are now sitting behind the Government considered that such a shield should not be used. But, as they would not allow it to be used by the Deakin Administration, they have no right to use it themselves. We found the legal members of the Chamber divided as to the constitutionality or unconstitutionality of applying the provisions of the measure to all Commonwealth and States servants, and it was therefore left to the general body of members, who are without training in legal matters, to deal with the question. As a lay member. I was not prepared to accept the onus of deciding the legal point involved; but I felt it my duty to leave it to the High Court, and to vote as I thought best in the interests of the Commonwealth. Accordingly, I voted for the amendment of the honorable member for Wide Bay, upon the ground that a beneficent measure should be extended to all classes of the community, without exception. That is the position I intend to take up now. In my opinion, no class should be excluded. The Government, however, propose to exclude many of the servants of the States and of the Commonwealth. They excuse their action on the ground that the word "industrial" will not apply to all public servants. When they supported the amendment of the honorable member for Wide Bay, however, they wished to bring all public servants, both Commonwealth and State, within the scope of the Bill, and I voted with them then, even though it meant the defeat of the Deakin Government. Tonight I am ready to vote again for the same proposal, even though it may mean the defeat of the Watson Government. I regret this watering of the legislative plans of the Labour Party. If the present Ministry keep on watering their plans as they have

been doing during the last few days, I am afraid that they will lose support outside, because the people will think that they are not the "real Mackay." I realize that, as Ministers, they have great difficulties to face in the piloting of the Bill through Committee, but the difficulties of the Deakin Ministry did not prevent the members of the Labour Party, when in opposition, from doing what they considered to be their duty, and the difficulties of the Watson Administration will not now prevent me from doing my duty. The Labour Party, having gained office by the carrying of a certain amendment, should be prepared to stake its retention of power upon giving effect to the proposal which they then supported. For these reasons I shall vote with the honorable and learned member for Corio.

Mr. POYNTON (Grey).—Instead of the Ministry being condemned for the manner in which the amendment before the Committee has been worded, I think they should be commended by every honorable member. The amendment will certainly improve the original Bill, and it contains a safer provision than any other which has been put before us. It copies practically the words of the Constitution, which I may call the principal Act. It is of no avail for honorable members to argue the constitutional position here. The Government, however, have not given up a single point. It is only so far as this measure is consistent with the principal Act that its provisions can operate, so that everything hinges upon the interpretation given to the word "industries." I commend this young Ministry for the brains and ingenuity employed in dealing with a difficult problem.

Mr. WILKS.—I admit their ingenuity.

Mr. POYNTON.—They have put before the House a proposal for which every honorable member can vote with safety. I shall not consider myself inconsistent in supporting them.

Mr. FOWLER (Perth).—The amendment of the honorable and learned member for Corio is so meaningless that I should have no hesitation, even apart from party considerations, in voting against it, and in supporting the proposal of the Government. The honorable and learned member's amendment would not bring within the scope of the Bill any public servant to whom the Ministerial proposal does not apply. Under these circumstances, I fail to understand the argument of the honorable member for Dalley.

Ministry and their supporters, even at the risk of defeating the late Government to which they had very often given most loyal assistance, regarded the amendment as one of sufficient importance on which to insist. But now we are told that it is an utterly inconsequential amendment. The position requires a much more lucid explanation than has hitherto been given. All this, however, deals with what, to my mind, is a secondary question. I opposed the inclusion of the States public servants, firstly, because I accepted the authority of those who are, in my opinion, the ablest leaders on constitutional matters, and who hold that the inclusion of the States public servants is unconstitutional; secondly, because there is the much broader view that on the strength of something placed unintentionally in an Act, we are seeking to deprive the States Governments of the absolute control of their own public servants.

Mr. HUTCHISON.—It might be said that half of the Constitution is unintentional.

Mr. McWILLIAMS.—I believe there was no section in the Constitution to which less attention was given at the Federal Convention than this.

Mr. HUTCHISON.—There were the sections dealing with the water question.

Mr. McWILLIAMS.—The water question was threshed out over and over again.

Mr. HUTCHISON.—We do not yet know what the sections dealing with the water question mean.

Mr. McWILLIAMS.—The water question was threshed out by the best men in the Convention, who, as a result, arrived at a deliberate determination. Will the honorable member say that the section we are now discussing was debated at the same length?

Mr. HUTCHISON.—I say that nobody knows what is the meaning of the sections dealing with the water question. Tell us what they mean.

Mr. McWILLIAMS.—In the first place, I am not an authority on the water question, and, in the second place, I am quite certain that if I attempted to wander from the question before the Committee, I should very properly be called to order. I say, deliberately, that there is no comparison whatever between the consideration given to the water question and that given to the section of the Constitution now under discussion. I challenge any honorable member to show me any deliberate intention on the part of any member of the Convention, or of any one who supported the

Constitution Bill before the electors to hand over to the Federal Government the control of any public servants, except those who were transferred with the Customs, Defence, Post and Telegraph, and other Departments. To my mind, an attempt is being made to deliberately take advantage of the States in a way that was never intended by the Constitution; and, further, it is inexpedient at the present time to force on the inevitable conflict between the States and the Commonwealth. If that be the position, I must vote against the inclusion of any portion of the States public servants in the operation of the Bill. But if we do include any branch of the Public Service, I shall vote for any amendment which will have the effect of including the whole. I take that attitude, not with any intention of killing the Bill; because that is not my way of attaining such an object. If I desired to kill a Bill, I should take the very pronounced step which, under the circumstances, ought to be taken. If I had been responsible for the management of affairs, the whole of last week would not have been wasted, as it was, in this House. When it is desired to kill a Bill or Government, the proper way is to do the killing straight out. When, therefore, I say that, under certain circumstances, I am prepared to vote for the inclusion of the whole of the public servants, I do so, not with any intention—I am sure honorable members will acquit me of that—to kill the Bill, but because I believe, speaking in a purely democratic spirit, that there should be one law throughout all the States for all the people. I shall be no party to picking out any particular branch of the service, especially if it be the branch that can carry most votes to the poll. That is not the section of the Public Service which we need to protect. The public servants who need this protection are not those who are protected by their trades unions, and carry a huge bunch of votes at election time; but rather those who have no political power, and are not bound by unions. They are the public servants who should receive, if anything, the greatest consideration of the Committee. I repeat that, if this amendment be carried, I shall support any proposal that will refuse to allow any Act passed by this Legislature to be degraded by drawing any class distinction between any section of State or other servants.

own servants, there is no doubt that such surrender was unintentional. I supported the late Government when this question was before us on a former occasion, because I thought they were constitutionally right, and because I approved of their attitude on the ground of expediency. That brings us to the amendment; and, despite what the honorable member for Hume has said, I have never seen so sudden a change of front as has been shown by the present Ministers and their supporters on this question. I shall not occupy time in quoting *Hansard*—that has already been done by the honorable and learned member for Corio—but the Minister of Trade and Customs delivered a thoroughly honest speech. His position was, as he said, just as consistent as my own. I believe that no State servants should come within the operation of the Bill, while he contended that all public servants should be included. Then there was the speech of the honorable member for Maranoa, whom we all regard as one of the most outspoken members in this House. That honorable member said that his constituents told him that if all public servants were not included they did not want the Bill, and that he must vote against it.

Mr. DAVID THOMSON.—The honorable member for Maranoa did not vote to-night.

Mr. McWILLIAMS.—I think very much less of a man who refuses to vote when he—

Mr. TUDOR.—The honorable member for Maranoa had left the House when the division was taken.

Mr. WATSON.—The honorable member for Maranoa did not expect a division.

Mr. McWILLIAMS.—It is not like the honorable member for Maranoa to refuse to vote. There is no man in the House who has a higher opinion of him, or, I might say, a greater personal liking for him, than myself. The Minister of External Affairs voted, and he was as pronounced as the honorable member for Maranoa in the contention that there should be no aristocracy of labour. Mr. Hyndman, one of the ablest writers on Socialism, has denounced, as an outcome of the aristocracy of labour, the preference of members of trades unions to ordinary workers. So long as I am a member of this House I shall object to any distinction being drawn between the man who works with his hands and the man who works with his brains. In a community such as this we are all workers; and the man who

drives the engine is no more entitled to the sympathy and support of this House than is the man who drives the quill. But Ministers, in giving, or attempting to give, an explanation of their change of front to-night, have certainly not been happy in their expressions. There has been a distinct change of front, as compared with the position put forward when the Labour Party were ramming home the amendment of the present Minister of Trade and Commerce, an amendment which was clear in itself.

Mr. FOWLER.—We all regarded that amendment as quite inconsequential.

Mr. McWILLIAMS.—It is not possible to regard an amendment as inconsequential when there depends on it the very life of the Government—when Ministers say that if it be carried they will not continue in office, because they cannot pass a Bill which, in their opinion, ought to become law.

Mr. FISHER.—The late Government would have been defeated on the question of the inclusion of the railway servants.

Mr. KELLY.—Then why not have waited for an amendment to include railway servants?

Mr. FISHER.—The supporters of the amendment were not allowed to wait.

Mr. FOWLER.—There is no doubt the late Government would have been defeated on the next amendment.

Mr. McWILLIAMS.—I am quite confident that the amendment was earnestly put forward by the present Minister of Trade and Customs, and it was accepted by the late Prime Minister as a motion of want of confidence. In that light the amendment was dealt with, and some honorable members voted for it because of the very fact that it was accepted as a motion of want of confidence. It is idle to say that it was an inconsequential amendment, and that honorable members did not care whether it was carried or not. I do not believe that that amendment was pressed with the deliberate intention of defeating the late Government.

Mr. FISHER.—Hear, hear!

Mr. McWILLIAMS.—But the amendment was thought of sufficient importance to press home, although the late Prime Minister said that if it was carried the Government would resign. We cannot take into consideration what was the intention of honorable members as to any subsequent amendment; we can only take the intention as deliberately expressed. The present



first dealt with. The Bill was before a Committee of this House on the 19th of April last, and the clause then read—

"Industrial dispute" means a dispute. . . . extending beyond the limits of any one State, but does not include a dispute relating to employment in the Public Service of the Commonwealth, or of a State, or to employment by any public authority constituted under the Commonwealth or a State.

At page 1043 of *Hansard* the present Minister of Trade and Customs is reported as follows:—

I move—That after the word "State," line 12, the words "but does not include" be omitted, with a view to insert in lieu thereof the words "and includes."

The honorable gentleman then said—

If a Conciliation and Arbitration Act is desirable, I claim that its provisions should be applicable to the whole of the workers, irrespective of whether they are in the employ of private individuals, of the States, or of the Commonwealth. I should like to know the difference between an employé in the service of the Commonwealth and an employé in the service of a private individual.

At page 1044 he is reported as saying—

I contend that Parliament is not a competent Court to deal with any of our public servants.

And again on the same page—

That is surely an additional reason why we should endeavour to extend the operation of this Bill to all public servants.

Later on he said—

Why deny public servants the right to participate in such legislation? Why deny a particular body of public servants the right to come under a measure which is to embrace all servants in private employment?

Then he went on to discuss the constitutionality of the question, and said—

If the Parliament exceeds its rights by extending the operation of the Bill to the public servants of the States, the corrective will be administered by the competent Judges of the High Court.

Further on he said—

We should endeavour to place the Public Service upon such a footing that they will have no cause to fear vindictive or unfair treatment. Their rate of pay and conditions of labour should be determined not by Parliaments, which may be called upon to act at a time of political panic, but by a judicial body, capable and competent to determine what is just.

There is, therefore, no doubt whatever that the Minister of Trade and Customs in moving his amendment desired to include every public servant. That view is further demonstrated by the speech made on the same day by the present Minister of External Affairs. By referring to page 1089 of *Hansard* it will be found that the honor-

Mr. Robinson.

able and learned gentleman took up the same position.

I am rather inclined to adopt the attitude of the honorable member for Bland, and say that that is a matter entirely within the province of the High Court. We have heard from the honorable and learned member for Bendigo a long and learned disquisition about the law on this point. We have had some excellent reasons put forward to show why it could not apply; but nevertheless one thing is abundantly clear. The gentleman, methinks, doth protest too much. If it was as clear as we have been asked to believe, why these long disquisitions, why these references to authorities, and why not, relying entirely upon the weakness of the other side, put the provision in the Bill, resting calmly on the assurance that the High Court will throw it out with contempt? But my friend, the honorable and learned gentleman at the head of the Government, knows full well, and indeed admitted it this afternoon, that the danger is not that the High Court will throw it out, but that they will keep it in.

This was his position then. Again, on page 1092 he states—

We who believe in the extension of the functions of the State have set ourselves against the interference of politicians in State management.

That is a very humorous remark after several experiences in New South Wales—

Have we not handed over to Commissioners the control of many departments? Are we to suppose that they will not make errors, as other men do? Are not we to believe that they will sometimes be guided perhaps by a regard for commercialism rather than for the true interest of the State or the community.

At page 1093 he says—

When I said that five-sixths of the newly-elected senators were supporters of the proposal to include the Commonwealth and State public servants under this Act, my statement was challenged by the Minister of Home Affairs.

He goes on to say at page 1094—

I repeat that an overwhelming majority has been returned to the Senate who will vote for the application of this measure to the public servants of the Commonwealth and of the States.

Further on he says—

We ask now that the pledges given to the people shall be respected, and that the civil servants of the Commonwealth and the States, together with the railway employes of the States, shall be included in its provisions.

Mr. HUGHES.—How long is it since I spoke?

Mr. ROBINSON.—The speech was delivered on the 19th April.

Mr. HUGHES.—I am still of the same opinion.

Mr. ROBINSON.—At that time the honorable gentlemen opposite pledged themselves to include in the Bill all public servants, and on the first opportunity they have to give effect to their pledge, as shown

Mr. CARPENTER (Fremantle).—I am glad to have the assurance of the honorable member for Franklin that he is with the Government in the object they have in view, in submitting their amendment. I do not know whether the honorable member has read the amendment, but, during the evening, several challenges have been thrown out to those who oppose it, to point to any class of public servants which should be excluded from the provisions of the measure, if the proposal were carried. So far there has been no reply to that challenge. I would therefore ask the honorable member whether, on his reading of the Government's amendment, he is able to point to any body of public servants, State or Federal, that would not be included in the Bill.

Mr. MCWILLIAMS.—The Prime Minister said that it would probably include State railway servants, as well as the officials of the Post and Telegraph Department.

Mr. CARPENTER.—The Prime Minister stated that its purpose was to cover every Commonwealth and State Public Service that could be included. I contend that there is no other form in which this provision could be framed in order to bring about that result. I have not been accustomed to sit behind Governments. During the few years of my parliamentary career, I have occupied a seat either on the crossbenches or in direct opposition, and consequently it is a new experience to me to be supporting a Ministry, and sharing, as I suppose I must, the responsibility of sins that are charged against them. When honorable members opposite charge the Government with inconsistency in regard to the question of the inclusion of States employes, I feel that their attack is made in only a very playful spirit. My own position is that of many other honorable members. Although not a member of the first Federal Parliament, I read very closely the reports of the debates on this Bill, and particularly the debates on the question of the inclusion or non-inclusion of States employes. Having read what, so far as I could judge, were the opinions of the ablest legal members of this House, my mind was firmly made up at the date of the elections that there was no possible reason for the exclusion of railway employes. On the broader question of the inclusion of States servants generally, I made a reservation. I was asked on more than one occasion during the election campaign whether I favoured the inclusion of all States employes within the scope of this Bill, and I replied that I

did, provided that that there was no constitutional objection in the way. So far as any doubt was concerned, I held that provision should be made for the inclusion of all States servants, leaving it to the High Court to determine whether such a provision was valid. I am not going to discuss at this stage the general question, although I may have something to say later on in relation to that aspect of the matter. I wish to say, however, that even if there were a doubt as to our power to insert some provision in a Bill, I should never allow that doubt to prevent me from discharging my duty and supporting the inclusion of that provision. I care not for all the talk about friction between the Commonwealth and the States, or the invasion of States rights. My constituents know that I am as strong a defender of State rights as any man could be; but I am not going to allow any parrot cry of States rights to prevent me exercising to the full every power that the Constitution gives us. We should not be doing our duty to our constituents if because of the cry in regard to States rights we refrained from inserting in a measure something which we honestly believed the High Court would hold to be in accordance with the provisions of the Constitution. Even if we have doubts in regard to the matter, we should insert the provision, allow the point to be determined by the High Court, and accept its decision whether it be in our favour or not. The right honorable member for Swan has said that the people of Western Australia do not care much about the matter, and I believe that he has made that statement on more than one occasion. I have had to remind him that as he was returned unopposed at the last elections he hardly came into contact with public opinion as fully as did those who had a contest. Those who advocated the inclusion of States servants in the Conciliation and Arbitration Bill were returned by overwhelming majorities. I am quite sure that throughout Western Australia the feeling to-day is quite as pronounced as it was last December, and that if the Government amendment is carried, as I hope it will be, it will give unbounded satisfaction to the electors generally of that State.

Mr. ROBINSON (Wannon).—A glance at *Hansard* has enabled me to verify the statement made by the honorable and learned member for Corio that the Government have apparently run away from the position they took up when this matter was

Mr. WATSON.—There is no objection to recommit the clauses preceding that under consideration.

Mr. DUGALD THOMSON.—Many of the observations made by the Prime Minister have been replied to, and I shall not take up the time of the Committee by repeating the arguments. I will merely allude to what the honorable gentleman said, to the effect that those who supported the amendment of the honorable and learned member for Corio would be acting as though they were determined to kill the Bill. Although I am an opponent of the proposal of the honorable and learned member for Corio, I in no way seek by indirect means to kill the measure. I made my attitude perfectly clear to the House on a former occasion. No one desires to see strikes abolished—whether they be on the part of States employes or private employes—more ardently than I do. I doubt, however, whether such a measure as this will accomplish that end. I consider that it would be better to wait until we have had some experience of Acts already in existence such as the New South Wales Act. In the light of that experience we could probably arrive at a more effective measure for accomplishing the purpose that those who support this measure—honestly I believe—desire to accomplish. But I accept the decision of the House. So far as I am concerned resistance to the Bill had gone when the House, by a large majority, accepted its general principles. I shall do nothing to destroy the Bill, but shall adopt such an attitude as will, in my opinion, make it a better measure and more effective for the avowed purpose of those who are supporting it. I think that most honorable members are taking up that attitude. They made their position clear at an earlier stage. I have no doubt that they will honestly support anything which they consider will have the effect of improving the Bill. The Prime Minister has said that my statement that he had abandoned his position in connexion with the States servants was not justified. I should be very sorry to misrepresent the honorable gentleman in any way. But I will read a few lines from the remarks of the present Minister of Trade and Customs when he was moving the amendment which led to the defeat of the late Government. I will also read a few lines from the speech of the Prime Minister in support of that amendment. As has already been pointed out, the amendment did not merely propose the

omission of certain words, although the division was taken on the question of their omission. We also had to deal with the words proposed to be inserted. What were they? The words would have made the clause read:—

And includes a dispute relating to employment in the Public Service of the Commonwealth or of a State, or to employment by any public authority constituted under the Commonwealth of a State.

The arguments used throughout the debate were to the effect that there should be no restriction on the part of this Parliament with regard to the provisions of the Bill—that the fullest powers should be claimed, and that it was only after they had been claimed that the High Court should settle whether Parliament possessed those powers. It was said that any relinquishing of that position would have an influence on the High Court, and that it ought to be shown by every means which we possess that our reading of the Constitution was, that the Federal Parliament could, under its conciliation and arbitration powers, control all States or Commonwealth servants. It was urged that any withdrawal from that position was a sign of weakness which would lead to the defeat of those who supported the amendment moved by the Minister of Trade and Customs. But what was said to-night? It was contended that we cannot go beyond the meaning of the word "industrial" in the Constitution. The Prime Minister used these words:—"That he, in his position, and his Ministry, must observe the Constitution in regard to the manner in which they interpreted it," that is to say, that they must create an interpretation of the Constitution for themselves.

Mr. WATSON.—Every Ministry is bound to do that. I suppose?

Mr. DUGALD THOMSON.—I will show that the late Ministry were rebuked for doing it. The late Prime Minister argued that the late Government must themselves interpret the Constitution, and, having done so, must in their measures stand by the meaning which they applied to it. Why were the Deakin Ministry attacked for adopting that very attitude?

Mr. WATSON.—I think that I attacked them only because they made a vital question of it six months ago.

Mr. DUGALD THOMSON.—I do not say that the Prime Minister attacked them. At the same time, I can quote his words to show the opinions which he entertained.

He, too, has changed his views on some matters. When he spoke on this subject he said—

But the question which is immediately at issue—that of whether we have power to extend the provisions of this Bill to the public servants of the States, and of the Commonwealth, admits of no doubt whatever—

Mr. WATSON.—I was referring then to our general power.

Mr. DUGALD THOMSON. — The honorable gentleman continued—

because the limitations and exemptions which appear in other sub-sections of section 51 of the Constitution are absent—and I say significantly absent—from this particular provision.

Mr. WATSON.—I was speaking there of the general power of the Commonwealth to include within the scope of the Bill any civil servants. That was the point at issue.

Mr. DUGALD THOMSON. — The power to include any of the public servants of the States would, I take it, mean the power to include all.

Mr. WATSON.—Not necessarily. The question then being argued was as to whether the Commonwealth have a right to include even the railway employes.

Mr. DUGALD THOMSON.—If we have power to include any of the public servants we must have power to include all.

Mr. WATSON.—That depends on the interpretation which is placed on the word “industrial.”

Mr. DUGALD THOMSON. — The Deakin Ministry was taken to task for refusing to allow the High Court to decide this matter. On that occasion the Minister of Trade and Customs said—

It is illogical to include railway servants within its provisions—

They are included in this Bill—

and to exclude from its operations the employes of printing offices, wharf labourers, dock labourers, and others.

Mr. FISHER.—They are all included in this Bill.

Mr. DUGALD THOMSON. — The honorable gentleman continued—

Let us include the whole of them. Let us wipe away all restrictions, and allow the High Court to determine whether or not our action is constitutional.

Mr. FISHER.—Does the honorable member argue that the term “industrial” may not cover the whole of them?

Mr. DUGALD THOMSON.—On that point I am prepared to accept the opinion of the Prime Minister and the Attorney-General, who both say that it will not. They urge that such large Depart-

ments as the Customs, which is under the control of the Commonwealth, and the Education Department, which is in the hands of the States, will be excluded. Personally, I am inclined to think that they are right; but, in such matters, I do not set the same value on my own opinion as on that of the Attorney-General. The Ministry therefore, speak to some extent with two different voices. I should not take exception to the utterances of the Minister of Trades and Customs, who, doubtless, on many questions, has to subordinate his individual opinion to that of the Cabinet majority, were it not for the fact that the whole Ministry previously entertained and expressed the same ideas. I remember the Prime Minister asking, by way of interjection—I do not know whether he did it in the course of his speech, because I am speaking from memory and not quoting from *Hansard*—“Why not allow the High Court to decide this matter?” That is a change of position which, I think, fully substantiates the accuracy of my statements, when speaking on the policy of the present Administration. The Attorney-General has urged that the whole of the decisions of Chief Justice Marshall on questions as between the State and Federal Governments were based on the principle that one Government may assist another, but must not hamper it. From that stand-point, he argued that it was not only right, as a matter of expediency, to include in the provisions of this Bill certain public servants of the States, but that it was perfectly constitutional. I wonder what could be more hampering to a State than the Government proposal? The States Legislatures naturally exclaim—“The railways have been left in our hands. We are representatives of the people just as much as is the Commonwealth Parliament.” Marshall did not say that the Federation could not hamper private concerns. As was pointed out by the Attorney-General, he based his decisions on the ground that one Government should not do anything to hamper another, unless that Government had agreed to be so hampered. “What,” they ask, “could be more hampering to States than to have the control of all these services, which the Constitution specifically left in their hands, practically taken away from them. Naturally they urge that such a step ought not to be taken. They ask, “Can it be taken in the absence of specific warrant for it in the Constitution?” I shall be surprised, indeed, if the High Court decides that it can.

The very fact emphasized by the Attorney-General as constituting the basis of Marshall's judgments, and which the honorable and learned gentleman used as an argument in favour of the inclusion of State public servants, is, to my mind, an argument in favour of the illegality of such a step. If the Ministry entertains the idea that all State public servants who can be constitutionally included within the provisions of this Bill, will be so included if the amendment proposed by them be adopted, where is the need for specifically naming the railway employes? Consequently that plea, which is raised by a new special pleader on a new side—I refer to the honorable member for the Hume—falls to the ground. The Minister of Trade and Customs said that, in his opinion, the amendment would include almost all State and Commonwealth servants. The honorable member for Hindmarsh said that none of the speakers had mentioned any body of State or Commonwealth servants that would be excluded. According to the dictum of the Prime Minister, and also of the Attorney-General, such enormous Departments as the Commonwealth Customs Department, the Departments of Home and External Affairs not so large, but still of some size and growing, the Education Departments of the States, and many other State Departments, employing thousands of hands in one State alone, are excluded. If there be occasion for an alteration of the Constitution, it must be when it is shown that injustice exists. The inequality of this proposal is shown by the fact that a clerical hand in the Railway Department, or in the Post and Telegraph Department, will, in the opinion of these honorable gentlemen, come under the operation of the Bill, whilst clerical hands in other Departments to which I have referred, doing practically similar work, will not. A man in the Post and Telegraph Department who is engaged only in handling mail-bags, will come under this provision, whilst men in the Customs Department handling packages, seeing them opened, and examining them, will not. There is a marked inequality there, and although I am against the interference with the States Governments involved in the inclusion of States public servants, I am still more against, and would remove, if I could, the inequality involved in bringing some States and Commonwealth public servants under this measure, and allowing others, similarly placed, and equally entitled to consideration, to re-

main beyond its pale. I again emphasize the statement that, considering that this is not the Bill of the late Government, or, at any rate, that, taken with the schedule of amendments submitted, it is the Bill of the present Ministry, it ought to have been introduced in the ordinary way as a new measure, and should have gone through a second reading, in the course of the debate on which we might have had information laid before us which we ought to have before we deal with the clauses in detail. A few words suggested as an amendment to a clause do not always fully disclose the intention or effect of the amendment. I contend that we should have had a full statement as to an opportunity of considering the words of each particular amendment, and the effect of the alterations which the present Government propose in the Bill.

Mr. WATSON.—There are not many important amendments proposed.

Mr. DUGALD THOMSON.—Some of the amendments proposed may not be important, but one or two of them appear to me to involve considerable alteration in the measure.

Mr. WATSON.—I admit that.

Mr. DUGALD THOMSON.—I confess that I have not had time to carefully consider all the amendments. I am not complimenting the Prime Minister when I say that he can make a very clear explanation. If the honorable gentleman could, even now, under the forms of the House, or by special permission, make a statement regarding all amendments of importance, their intention and effect, it would, I am sure, be of much assistance to the Committee.

Mr. CROUCH (Corio).—I appeal to the Prime Minister to vote on this occasion in the way in which he induced me to vote on the 21st April.

Mr. WATSON.—I trust I did not induce the honorable and learned member to vote against his convictions.

Mr. CROUCH.—No; those were then mine and his principles. I also asked the Minister of Trade and Customs to vote as his convictions led him to vote on the 21st April. I ask honorable members generally of the Labour Party to see whether in this matter they cannot be consistent. It is not too late even now for them to withdraw from their present position. Although on the previous occasion to which I refer it was necessary for me to vote against my party, I was expressing my honest convictions upon the matter. It is very unfair of the present Government to

make a vigorous whip of their supporters to get them to desert the position they previously took up. I need not remind honorable members that twenty-three members of the Labour Party voted on the 21st April for the absolute inclusion of all the public servants of the Commonwealth and of the States. I intend to press my amendment on a division, if I can get only one honorable member to assist me, in order that we may discover how many of those twenty-three honorable members have any conscience in this matter, or whether they are prepared to eat their own words at the suggestion of one honorable and learned gentleman who has been included in the Ministry, and who would appear to have swallowed up the whole of the twenty-three. Some time ago I had here a visitor from Geelong, who does not know much about politics. He happened to be in the public gallery when the honorable member for Bland was speaking, and he asked me on what subject the honorable member was speaking. I told him that it was clause 4 of the Conciliation and Arbitration Bill. Strange to say, on the 19th April he came in here again, and he said to me—"Oh, I see, the same gentleman is speaking. On what is he speaking?" I said—"Still on clause 4 of the Conciliation and Arbitration Bill." This gentleman was in again this afternoon, and he asked me what the Prime Minister was speaking about? I said—"Clause 4 of the Conciliation and Arbitration Bill." He listened a few minutes, and then he said—"If he has been speaking all the time, he has not only changed his seat at the table, but he has also changed his opinions."

Mr. WATSON.—He must have come from Geelong.

Mr. CROUCH.—Probably so; because there they recognise honour in election pledges. I trust that my appeal will not be in vain. The members of the Labour Party have promised, for the last three years, not only at the Commonwealth elections, but during the State elections, that the public servants of the States, as well as of the Commonwealth, would have their consideration. They have said that they believed that, not only the railway servants, but every one else should be included in the Conciliation and Arbitration Bill. I hope that we shall find that they are men of conviction, that those who have held the democratic flag so high for so many years will be found to be really staunch in their democracy, and that on this occasion I shall find not more than one or two voting for my

amendment, but, possibly, also some of the missing twenty-three.

Mr. O'MALLEY (Darwin).—I shall vote against the amendment of the honorable and learned member for Corio, and I shall in one second show why. It is a marvellous thing that so many honorable members who have criticised the action of the Government have had so much to say about sticking to the letter of the Constitution. No laws can be enacted by this Parliament which are not either impliedly or directly allowed by the Constitution. But in the amendment moved by the Prime Minister the very words of the Constitution have been adopted. The Constitution empowers us to legislate in regard to—

Conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State.

That is the essence of the whole business. If the public servants come within that provision of the Constitution, the Bill will apply to them. That is the stand taken by the members of the Labour Party.

Mr. CROUCH.—The honorable member took a different stand when the matter was last under discussion.

Mr. O'MALLEY.—The honorable and learned member is fooling himself. I remember that on one occasion a Justice of the Peace in Western America, who was about to impose a trivial fine upon a prisoner, said to him—"I will sentence you to the extreme of the law." The Labour Government are carrying their proposal in regard to the Bill "to the extreme of the law." If the Constitution includes public servants, the provisions of the Bill will extend to them. The Government in framing their amendment were too cute for honorable members opposite, who must recognise their defeat.

Amendment of the amendment negatived.

Question—That the words "including disputes in relation to employment upon State railways," proposed to be inserted, be so inserted—put.

Mr. KELLY (Wentworth).—Mr. Chairman—

The CHAIRMAN.—I cannot hear the honorable member, as I have put the question.

Mr. DUGALD THOMSON.—Both the honorable member for Wentworth and myself rose before you put the question, Mr. Chairman.

Mr. DEAKIN.—The question, undoubtedly, was put; although, like other honorable members, I was not aware that it was the main question before the Committee.

The very fact emphasized by the Attorney-General as constituting the basis of Marshall's judgments, and which the honorable and learned gentleman used as an argument in favour of the inclusion of State public servants, is, to my mind, an argument in favour of the illegality of such a step. If the Ministry entertains the idea that all State public servants who can be constitutionally included within the provisions of this Bill, will be so included if the amendment proposed by them be adopted, where is the need for specifically naming the railway employés? Consequently that plea, which is raised by a new special pleader on a new side—I refer to the honorable member for the Hume—falls to the ground. The Minister of Trade and Customs said that, in his opinion, the amendment would include almost all State and Commonwealth servants. The honorable member for Hindmarsh said that none of the speakers had mentioned any body of State or Commonwealth servants that would be excluded. According to the dictum of the Prime Minister, and also of the Attorney-General, such enormous Departments as the Commonwealth Customs Department, the Departments of Home and External Affairs not so large, but still of some size and growing, the Education Departments of the States, and many other State Departments, employing thousands of hands in one State alone, are excluded. If there be occasion for an alteration of the Constitution, it must be when it is shown that injustice exists. The inequality of this proposal is shown by the fact that a clerical hand in the Railway Department, or in the Post and Telegraph Department, will, in the opinion of these honorable gentlemen, come under the operation of the Bill, whilst clerical hands in other Departments to which I have referred, doing practically similar work, will not. A man in the Post and Telegraph Department who is engaged only in handling mail-bags, will come under this provision, whilst men in the Customs Department handling packages, seeing them opened, and examining them, will not. There is a marked inequality there, and although I am against the interference with the States Governments involved in the inclusion of States public servants, I am still more against, and would remove, if I could, the inequality involved in bringing some States and Commonwealth public servants under this measure, and allowing others, similarly placed, and equally entitled to consideration, to re-

*Mr. Dugald Thomson.*

main beyond its pale. I again emphasize the statement that, considering that this is not the Bill of the late Government, or, at any rate, that, taken with the schedule of amendments submitted, it is the Bill of the present Ministry, it ought to have been introduced in the ordinary way as a new measure, and should have gone through a second reading, in the course of the debate on which we might have had information laid before us which we ought to have before we deal with the clauses in detail. A few words suggested as an amendment to a clause do not always fully disclose the intention or effect of the amendment. I contend that we should have had a full statement as to an opportunity of considering the words of each particular amendment, and the effect of the alterations which the present Government propose in the Bill.

Mr. WATSON.—There are not many important amendments proposed.

Mr. DUGALD THOMSON.—Some of the amendments proposed may not be important, but one or two of them appear to me to involve considerable alteration in the measure.

Mr. WATSON.—I admit that.

Mr. DUGALD THOMSON.—I confess that I have not had time to carefully consider all the amendments. I am not complimenting the Prime Minister when I say that he can make a very clear explanation. If the honorable gentleman could, even now, under the forms of the House, or by special permission, make a statement regarding all amendments of importance, their intention and effect, it would, I am sure, be of much assistance to the Committee.

Mr. CROUCH (Corio).—I appeal to the Prime Minister to vote on this occasion in the way in which he induced me to vote on the 21st April.

Mr. WATSON.—I trust I did not induce the honorable and learned member to vote against his convictions.

Mr. CROUCH.—No; those were then mine and his principles. I also asked the Minister of Trade and Customs to vote as his convictions led him to vote on the 21st April. I ask honorable members generally of the Labour Party to see whether in this matter they cannot be consistent. It is not too late even now for them to withdraw from their present position. Although on the previous occasion to which I refer it was necessary for me to vote against my party, I was expressing my honest convictions upon the matter. It is very unfair of the present Government to

make a vigorous whip of their supporters to get them to desert the position they previously took up. I need not remind honorable members that twenty-three members of the Labour Party voted on the 21st April for the absolute inclusion of all the public servants of the Commonwealth and of the States. I intend to press my amendment to a division, if I can get only one honorable member to assist me, in order that we may discover how many of those twenty-three honorable members have any conscience in this matter, or whether they are prepared to eat their own words at the suggestion of one honorable and learned gentleman who has been included in the Ministry, and who would appear to have swallowed up the whole of the twenty-three. Some time ago I had here a visitor from Geelong, who does not know much about politics. He happened to be in the public gallery when the honorable member for Bland was speaking, and he asked me on what subject the honorable member was speaking. I told him that it was clause 4 of the Conciliation and Arbitration Bill. Strange to say, on the 19th April he came in here again, and he said to me—"Oh, I see, the same gentleman is speaking. On what is he speaking?" I said—"Still on clause 4 of the Conciliation and Arbitration Bill." This gentleman was in again this afternoon, and he asked me what the Prime Minister was speaking about? I said—"Clause 4 of the Conciliation and Arbitration Bill." He listened a few minutes, and then he said—"If he has been speaking all the time, he has not only changed his seat at the table, but he has also changed his opinions."

Mr. WATSON.—He must have come from Geelong.

Mr. CROUCH.—Probably so; because there they recognise honour in election pledges. I trust that my appeal will not be in vain. The members of the Labour Party have promised, for the last three years, not only at the Commonwealth elections, but during the State elections, that the public servants of the States, as well as of the Commonwealth, would have their consideration. They have said that they believed that, not only the railway servants, but every one else should be included in the Conciliation and Arbitration Bill. I hope that we shall find that they are men of conviction, that those who have held the democratic flag so high for so many years will be found to be really staunch in their democracy, and that on this occasion I shall find not more than one or two voting for my

amendment, but, possibly, also some of the missing twenty-three.

Mr. O'MALLEY (Darwin).—I shall vote against the amendment of the honorable and learned member for Corio, and I shall in one second show why. It is a marvellous thing that so many honorable members who have criticised the action of the Government have had so much to say about sticking to the letter of the Constitution. No laws can be enacted by this Parliament which are not either impliedly or directly allowed by the Constitution. But in the amendment moved by the Prime Minister the very words of the Constitution have been adopted. The Constitution empowers us to legislate in regard to—

Conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State.

That is the essence of the whole business. If the public servants come within that provision of the Constitution, the Bill will apply to them. That is the stand taken by the members of the Labour Party.

Mr. CROUCH.—The honorable member took a different stand when the matter was last under discussion.

Mr. O'MALLEY.—The honorable and learned member is fooling himself. I remember that on one occasion a Justice of the Peace in Western America, who was about to impose a trivial fine upon a prisoner, said to him—"I will sentence you to the extreme of the law." The Labour Government are carrying their proposal in regard to the Bill "to the extreme of the law." If the Constitution includes public servants, the provisions of the Bill will extend to them. The Government in framing their amendment were too cute for honorable members opposite, who must recognise their defeat.

Amendment of the amendment negatived.

Question.—That the words "including disputes in relation to employment upon State railways," proposed to be inserted, be so inserted—put.

Mr. KELLY (Wentworth).—Mr. Chairman—

The CHAIRMAN.—I cannot hear the honorable member, as I have put the question.

Mr. DUGALD THOMSON.—Both the honorable member for Wentworth and myself rose before you put the question, Mr. Chairman.

Mr. DEAKIN.—The question, undoubtedly, was put; although, like other honorable members, I was not aware that it was the main question before the Committee.



Perhaps the Prime Minister will give another opportunity for a call for a division.

Mr. WATSON.—I understand that the opportunity to call for a division has not passed; but to permit of the re-opening of the debate, after it has been closed by the putting of the question, is another matter. No one rose to speak.

Mr. DUGALD THOMSON.—I did.

Mr. WATSON.—Then I did not see the honorable member. However, as I have no desire that any honorable member shall be prevented from expressing his views on this subject, I shall not object to the putting of the question again. I did not see any one rise to speak when the Chairman put the question, and I took it that the Committee was ready to come to a division, since a number of honorable gentlemen have spoken, although the time occupied by the debate has been comparatively short.

The CHAIRMAN.—The question was put from the Chair, and I thought that I gave time enough for any honorable member to rise. I was actually declaring the result, and giving the vote to the ayes, when the honorable members for Wentworth and North Sydney rose simultaneously. The putting of the question again is not a matter within the province of the Prime Minister, but, if he, as the leader of the House, has no objection, I will put it again, and then, if any one rises, I will, of course, hear him.

(Question.—That the words proposed to be inserted be so inserted—again proposed.)

Mr. KELLY (Wentworth).—I was speaking earlier in the debate, when the amendment of the honorable and learned member for Corio was before us, upon the propriety or otherwise of applying the provisions of the Bill to the railway servants of the States; but it was held that it would be more convenient for the Committee to deal first with the broader question of the propriety of bringing all public servants within the scope of the measure. Personally I was of the opinion that the whole included the part, and I think that many honorable members agreed with me; but to meet the general convenience I agreed to delay the exposition of my views on the subject until later. I was at the time pointing out what seemed to me the view taken by the railway men of New South Wales in regard to the proposal to apply the provisions of the measure to them. Through their properly elected secretary, they sent every candidate at the last elections a circular making certain demands which a

few minutes ago I characterized as distinctly unfair, and as hardly the kind of demands which men should make on submitting themselves to the jurisdiction of an Arbitration Court. I drew attention to the fact that, not only did this circular require candidates to affirm that the railway servants should be brought within the scope of a Federal arbitration measure, but it also required them to promise that no reduction of wages, no increase in the hours of work, and, in fact, no disabilities of any kind, should accrue ever hereafter to those who made the demand. It was a "heads I win, tails you lose" sort of proposition. I do not think that the men themselves were responsible for it, because I am convinced that there is no finer body of men in any service in the world than are the railway servants of the State from which I come.

Mr. STORRER.—I suppose they have a right to ask for what they desire?

Mr. KELLY.—They have no right to ask that all disputes shall be submitted to the Arbitration Court, but that their working hours shall not be increased, or their wages reduced, even though the Arbitration Court may so decree. What would be the use of arbitration in such a case? The employes could then go to the Court without running the risk of losing anything. I do not regard that as arbitration. I do not attribute the blame for this curious letter to the railway servants, but I refer to it as showing how the leaders of the union have approached the subject. I have also had my attention directed to another curious point which may throw some light on the constitutional aspect of this matter. The *Sydney Daily Telegraph*, of 25th April, 1904, contains a report of an interview which was granted to one of its reporters by Mr. Robert Hollis, the Secretary of the Amalgamated Railway Unions of Australia. Mr. Hollis is represented as saying—

So far as the regulation of wages is concerned, I agree with Mr. Wise, who wrote to Mr. Hume Cook, one of the Victorian Federal members, that the Arbitration Court would have no power to interfere with the wages of the railway employes. I have always held the opinion that the Court is not competent to deal with the wages of railway servants, because the service is governed by a special Act of Parliament.

Honorable members will notice that Mr. Hollis expresses the view that the Federal Arbitration Court will not be competent to regulate the wages to be paid to the railway servants of New South Wales. In order to ascertain how far that view could be sup-

ported, I have referred to the Government Railways Act of New South Wales, No. 6, of 1901. It is therein provided, in section 72—

The Commissioners shall pay such salaries, wages, and allowances to officers as Parliament appropriates for that purpose.

That is evidently the provision upon which Mr. Hollis bases his opinion, but, apparently, he did not look at the first part of the section which reads as follows:—

The Commissioners shall appoint or employ such officers to assist in the execution of this Act as they think necessary, and every officer so appointed shall hold office during pleasure only.

Therefore, if Mr. Hollis is right in his contention that the provision, which gives the Commissioners power to pay such salaries, wages, and allowances to officers as Parliament appropriates for that purpose, would preclude the Commonwealth Court from interfering with wages, surely the first part of the section would prevent the Federal Court from exercising any authority with regard to the appointment or employment of railway servants who hold office only during the pleasure of the Commissioners. In the same Act we find that the Commissioners are authorized to make regulations—

For regulating the duties to be performed by officers in the railway service, and the discipline to be observed in the performance of such duties, the granting of leave of absence from time to time, and arranging for the performance of duties during holidays, and for the affixing to breaches of regulations, according to the nature of the offence, such penalties as by this Act are authorized.

So that if the view taken by Mr. Hollis is correct, every matter affecting the daily lives of the railway servants of New South Wales, upon which the Federal Arbitration Court could be asked to adjudicate, would be absolutely removed from its purview.

Mr. MAHON.—But the State Act would be overridden by the Federal Act.

Mr. KELLY.—I am not offering any opinion on the legal aspect of the question, but I am quoting the argument used by Mr. Hollis. Surely he ought to know what his union wants, and he ought also to know what the members of that union believe in, because he probably, to a large extent, moulds their opinions. It is further provided in the Act to which I have referred, that—

\* All such regulations (*i.e.* of the Commissioners) when confirmed by the Government shall have the same force and effect, as if they had been contained in this Act.

If Mr. Hollis is right the Federal Court would obviously have no power to interfere with any of the industrial arrangements of the New South Wales railway service. I do not base my objection to the inclusion of railway servants within the scope of this Bill altogether upon constitutional grounds. I confess that, as a layman, I cannot grapple with all the subtleties of the constitutional question, but, at the same time, I have formed a deep conviction that the Constitution precludes us from bringing the public servants of the States within the scope of the Bill. My objection to their inclusion is still more firmly founded upon public expediency. The honorable and learned member for Ballarat has so ably and eloquently addressed himself to this aspect of the question that I should only be tiring the Committee if I dwelt upon it any further. My principle object in speaking was to acquaint honorable members with the views held by the secretary of the Railway Union of New South Wales. Mr. Hollis desires that the wages of the railway servants of that State shall not be interfered with, probably because the rates ruling there are considerably higher than those paid in any other part of the Commonwealth. I admit that the view taken by Mr. Hollis does not sway me very much, because I do not think that his opinion on the constitutional question would be worth much more than that of the average layman. On the ground that it would be unconstitutional and inexpedient I feel compelled to vote against the Government proposal.

Mr. WILSON.—At this late hour I ask the Prime Minister to allow progress to be reported.

Mr. WATSON.—It is not fair to ask for an adjournment when only one honorable member has announced his intention to speak.

Sir JOHN FORREST.—A great many honorable members will speak.

Mr. WATSON.—I do not take the right honorable member's assurance on that point so confidently as I should in regard to other matters. The right honorable member has already spoken, and I do not know how far he has consulted others as to the number of honorable members who desire to speak. I have been assured by one or two honorable members, who are looked on as having some authority on the Opposition side, that no one desires to speak except the honorable member for Corangamite. Under the

circumstances I do not think it is proper to ask for an adjournment.

Mr. WILSON (Corangamite).—I regard this question as one of very great importance to the Commonwealth, and I agree with all that has fallen from the lips of the honorable and learned member for Ballarat. The whole of the States are looking to this Parliament in order to ascertain what is going to be done in the matter of conciliation and arbitration. There is a great deal of difference of opinion amongst legal authorities as to whether the proposal to include States public servants or railway servants is or is not constitutional. It is contended that the question should be settled eventually by the High Court; but, as a layman, I conceive that it is not for the High Court to determine what were the intentions of Parliament. A great deal has been said by honorable members about the desire of railway servants to be included in the operation of the Bill; but there is, by no means, unanimity of opinion amongst those public servants on the point. A great many railway servants, not only in Victoria, but also, to my knowledge, in New South Wales, do not want to come under the Bill. Employés in the railway services have written and spoken to honorable members to the effect that in their unions and at union meetings they have a certain fear of expressing their opinions in opposition to the Bill—that they run a danger of being called opprobrious names, which I do not wish to mention, because these are always, to my mind, very unpleasant.

Mr. SPENCE.—Surely the honorable member does not swallow that tale?

Mr. WILSON.—I rely on what I have been told directly by railway servants in Victoria.

Mr. HUTCHISON.—Mere rumour!

Mr. WILSON.—It is not rumour, because I had the information direct from a railway servant.

Mr. CHAPMAN.—We do not want that sort of thing to go on.

Mr. WILSON.—I find I am supported in my remarks by the honorable member for Eden-Monaro; and I know that other honorable members have received letters from railway men dealing with this particular matter. There have been private conversations with railway men, who, because of a certain holy fear imposed on members of this particular class of union, do not care to express their opinions at the meetings to which I have referred.

Mr. HUGHES.—That would seem to indicate that the majority of the members are in favour of being included.

Mr. WILSON.—It may be as the Minister of External Affairs suggests. But there is a fear amongst railway servants in New South Wales that, if they are compulsorily brought under the operation of this Bill, their wages may be reduced to the Victorian level, which, I understand, is somewhat lower than that in the adjoining State.

Mr. SPENCE.—The railway men of New South Wales are at present under an Arbitration Act, and they do not object.

Mr. WILSON.—But there is a great difference between being under an Act of the State Parliament, and being under an Act of the Commonwealth Parliament. This brings us to the main point, that the Commonwealth Parliament is attempting to override the States in this matter.

Mr. CHAPMAN.—We in New South Wales are not prepared to bring the wages down to the level of other States.

Mr. WILSON.—That is another point on which I receive assistance from the honorable member for Eden-Monaro, who informs us that the Conciliation Board in New South Wales is not prepared to bring down the wages level to that of any other State or to raise the level—the desire is to keep the wages to the New South Wales standard. The amendment proposed by the Prime Minister is one which will be resisted by every State throughout the Commonwealth; and each State has already attempted to make its influence felt. Another and very important question has been raised in relation to the Appropriation Bills in the States Parliaments. Each, as we are well aware, is a sovereign State; and how can we, as a Federal Parliament, attempt to dictate to the States in what way their Appropriation Bills shall be arranged? The raising of the wages of public servants would, of course, seriously interfere with these financial measures. If the wages were lowered under such a Bill as that now before us, it would simply give to some States a larger surplus, which I do not suppose would be objected to by any except the railway employés.

Mr. CHAPMAN.—If wages are raised under a Commonwealth law, how can the States be compelled to pay?

Mr. WILSON.—I only wish that the honorable member for Eden-Monaro, instead of myself, were addressing the Committee; and I again ask the Prime Minister

to report progress. I wish to be allowed to continue my speech to-morrow.

Mr. HUGHES.—The honorable member must know that he can speak as often as he chooses in Committee.

Mr. CROUCH.—Not if a division is taken to-night.

Mr. HUGHES.—I shall offer no objection to the request to report progress, although it is rather extraordinary that the honorable member, having started with such a good head of steam, should now apparently not be ready to go on.

Mr. G. B. EDWARDS (South Sydney).—I am favorable to the Ministerial proposal; but I would ask the Minister to consent to progress being reported. Certain remarks have been made in regard to the opinion of railway employes on this question, and, as the representative of one of the largest railway constituencies in the Commonwealth, I should like to reply to them. I do not think that there is anything to be gained by continuing the debate to-night. If progress were now reported, I do not think that much time would be occupied in dealing with this matter to-morrow.

Mr. GROOM (Darling Downs).—A good many honorable members from the more distant States have been in attendance here for some considerable time, and, without desiring to unduly press the amendment to a division to-night, I certainly think that these honorable members should be shown some little consideration. I would not raise my voice in opposition to the request that progress be reported if I thought that by doing so I should block a genuine discussion on the measure. But the matter was before us last session, and has been under our consideration for some time during the life of the present Parliament, and if it is possible to speedily conclude this debate and to proceed with other business, we shall gain more credit for ourselves, and create in the minds of the people more confidence in our proceedings. It can be said to the credit of the Ministry that they apparently desire to expedite business. If there is any wish to challenge the Ministry, that, of course, is another matter; but there is apparently a desire on the part of honorable members on all sides of the House that a Conciliation and Arbitration Bill shall be passed irrespective of what party is in power. I therefore think that we should come to a division on this question to-night, and deal with the measure as far as we can.

Mr. McCOLL (Echuca).—The division which was taken to-night showed that there were only forty-seven out of seventy-five honorable members present.

Mr. MAUGER.—The others have a right to be here.

Mr. McCOLL.—It has been the custom since the establishment of this Parliament to allow a certain amount of consideration to honorable members on Tuesday evenings, for many have to travel long distances by rail in order to reach here. This is the most important matter that has been discussed during this or last session, and it is not fair for the Government to seek to take a snatch vote. This is the first occasion on which the House has met for the proper discussion of business since the incoming of the present Ministry. I desire to address myself to the matter before the Chair, and I think that nothing will be gained by pressing the amendment to a division to-night.

Mr. WATSON (Bland—Treasurer).—I was given to understand a quarter of an hour ago that there was only one honorable member who wished to speak to the question, and, therefore, I did not think I should be justified in agreeing to report progress at that stage. I can assure the honorable member for Echuca that there is no desire on the part of the Government to take a snatch vote. So far as I am aware, all absentee honorable members are either paired or otherwise accounted for. The present Government would be the last to attempt to secure a snatch vote, because my experience of parliamentary work has been that in doing so a Government runs the risk of much trouble, and that even from the most sordid or selfish aspect of the matter, nothing is gained by resorting to such a practice. As I am now assured that several honorable members still wish to address themselves to the question, I have no objection to progress being reported.

Progress reported.

## ADJOURNMENT.

### CONCILIATION AND ARBITRATION BILL:

#### COMMONWEALTH COINAGE.

Mr. WATSON (Bland—Treasurer).—In moving—

That the House do now adjourn,

I desire to intimate that I am hopeful that a division will be taken later to-morrow on the amendment which I have moved on the Conciliation and Arbitration Bill. I quite sympathize with the view put

forward by the honorable and learned member for Darling Downs, that it is about time that the House settled down in some form or other to the discharge of public business. The question of the inclusion, or non-inclusion of public servants in the provisions of the Conciliation and Arbitration Bill has been before honorable members for a considerable period on several occasions, and it is only reasonable that the public should expect a determination in regard to it at an early date. I trust, therefore, that the Government will receive the assistance of all sections of the House in its desire to reach a division to-morrow, so that we may get on with the consideration of other portions of the Bill.

Mr. G. B. EDWARDS (South Sydney).—I wish to ask the Prime Minister whether he will consider, prior to the resumption of the debate on the subject of Commonwealth coinage, the expediency of laying on the table any correspondence that has passed between the late or the present Government and the Imperial authorities, or any persons in Great Britain, in regard to the coinage question generally. There may, of course, be some papers which it would not be altogether expedient to publish, but I should like him to consider to what extent it is open to him to impart to the House such information as he has, prior to the resumption of the debate.

Mr. WATSON (Bland—Treasurer).—I shall look into the matter mentioned by the honorable member, and if there is nothing confidential I shall be glad to lay the papers on the table.

Question resolved in the affirmative.

House adjourned at 10.49 p.m.

## Senate.

Wednesday, 1 June, 1904.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

### INDUSTRIALISM AND EDUCATION.

Senator DOBSON.—I desire to ask the Vice-President of the Executive Council, without notice, will he obtain and lay on the table of the Senate a copy of the report of the two Mosely Commissions on Industrialism and Education, which sat in America?

Senator MCGREGOR.—I should like the honorable and learned senator to give notice of the question, and if the Government are agreeable I shall have the papers procured as soon as possible.

### FEDERAL AND STATE ELECTIONS.

Senator DOBSON.—I desire to ask the Vice-President of the Executive Council, without notice—

1. Is he aware that during the recent Federal elections many electors supporting the Labour Party prevented the free expression of opinion at election meetings by candidates not belonging to such party, and that similar tactics were recently adopted to prevent the Premier of Victoria from placing his policy before the electors of his State?

2. Do the Government approve of such conduct?

3. Have the Government or the leaders of the Federal Labour Party protested against such conduct, and have they or any of them taken any steps, and if so, what steps, to prevent a repetition of such conduct at Federal elections?

Senator MCGREGOR.—The Government have taken no steps.

Senator DOBSON.—That is not an answer to my question.

Senator PEARCE.—I desire to ask a question arising out of the question just asked by Senator Dobson.

Senator DOBSON.—I would point out to you, sir, that the Vice-President of the Executive Council has not answered my question.

The PRESIDENT.—I cannot make the Minister answer a question.

Senator DOBSON.—No, sir; but Senator Pearce is about to ask a question relative to my question.

The PRESIDENT.—Senator Pearce can ask, without notice, any question whether it arises out of the question of the honorable and learned senator or not.

Senator PEARCE.—I wish to ask the Vice-President of the Executive Council, if the attention of the Government has been drawn to the fact that when members of the Labour Party deliver electioneering addresses, they are continually boycotted by the press, and their speeches are never reported; and if they intend to take any steps to compel the press to cease this boycott of Labour?

Senator DOBSON.—I do not think that that is correct.

Senator MCGREGOR.—I have no official knowledge of such conditions.

## SUBLETTING OF POST OFFICES.

Senator FINDLEY asked the Vice-President of the Executive Council, *upon notice*—

1. The number of post-offices in the State of Victoria which have been "farmed out" or let to applicants at an annual rate of remuneration fixed by the Department?

2. The reasons which led to the adoption of such a system by the Hon. the Postmaster-General?

3. If the system referred to has been adopted on the score of economy, then is it the intention of the Hon. the Postmaster-General to extend its operations to include the more important offices controlled by his Department?

4. In the event of no suitable applicant tendering his services to the Commonwealth at the remuneration originally fixed, has it been the practice of the Department to increase the amount and invite applicants afresh on the system known to commerce as the "Dutch auction"?

5. The amount or the average percentage ordinarily saved by the letting of offices in the way indicated as compared with the amounts payable by way of salary if the same services were performed by regular officers of the Department?

Senator MCGREGOR.—The answers to the honorable senator's questions are as follow:—

1. There are sixty-seven post-offices in the State of Victoria under the contract system, that is, they have been placed in charge of the most eligible applicant at an annual rate of remuneration determined by the Department. Of these, forty-eight were previously staff officers, and nineteen were advanced from the allowance system.

2. The contract system was adopted before the Department was transferred to the Commonwealth, and the reason for its adoption was to afford to the public all the facilities for the transaction of postal and telegraphic business at a cost proportionate to the revenue produced.

3. The extension of the system to the more important offices has not yet been considered by the Postmaster-General.

4. The Postmaster-General is not aware that it has been the practice to increase the amounts determined. In all the cases which have come under his observation there have been an excessive number of applicants.

5. The average percentage ordinarily saved so far as it can be given, as compared with the amount payable by way of salary, if the same services were performed by officers of the Department, is 33 per cent.

## SUMMER SESSIONS.

Senator PEARCE asked the Vice-President of the Executive Council, *upon notice*—

Will the Government take into consideration the advisability of the Sessions of Parliament being held in the summer months as far as practicable?

Senator MCGREGOR.—The answer to the honorable senator's question is as follows—

Members of the Government are in favour of an arrangement such as that suggested.

## IMMIGRATION RESTRICTION ACT.

Senator GUTHRIE asked the Vice-President of the Executive Council, *upon notice*—

1. Were the crew of the Norwegian s.s. *Inger* mustered before being permitted to clear out before leaving Sydney on the 3rd ult., in accordance with the provisions of section 3, paragraph 4 of the Immigration Restriction Act 1901?

2. If so, was any report made by the officer to the effect that thirteen of the original crew were left on the wharf stranded penniless, even without their kits, and unable to speak English?

3. If not, will the Government cause a full inquiry into this matter?

Senator MCGREGOR.—The answers to the honorable senator's questions are as follow—

1. No. It has not been the practice to muster crews of vessels on which no coloured men are employed.

2. It is stated that a number of the crew deserted when the vessel was on the point of leaving.

3. The men are now in the Seamen's Home, Sydney, and are reported to be without money or extra clothes.

Senator GUTHRIE.—The third question has not been answered.

Senator MCGREGOR.—If the honorable senator desires it, I shall endeavour to give a fuller answer as soon as possible.

## PAPERS.

Senator MCGREGOR laid upon the table the following papers:—

Amended regulations under the Public Service Act relating to Life Assurance.

Paper relating to the proposed retirement of Mr. Sholl, Deputy Postmaster-General for Western Australia.

## SEAT OF GOVERNMENT BILL.

## SECOND READING.

Debate resumed from 26th May (*vide* page 1604), on motion by Senator MCGREGOR.

That the Bill be now read a second time.

Senator DOBSON (Tasmania).—I have to thank the Senate for allowing me permission to continue my speech, although it was nearly completed when the debate was adjourned on the 25th May. With regard to the amendment, which was ruled out of order, it appeared to me, sir, that the reasons which you gave were such that I could hardly answer, but I propose to move an amendment to the motion for the second reading, and I shall point out why I do not feel at liberty to move that the Bill be read a second time this day six months. If I moved an amendment of that kind, my very

sensitive friends on my right would say that I desired to repudiate the bond which they are pleased to say is in the Constitution. But, for some reasons, I desire to see the Bill laid aside, and I think that the amendment I have in my hand will be found by you to be relevant to the Bill.

The PRESIDENT.—According to the Standing Orders it must be strictly relevant to the Bill.

Senator DOBSON.—It is strictly relevant to the Bill. I propose to move—

That all the words after the word "That," line 1, be left out, with a view to insert in lieu thereof the following words:—"in view of the expense of carrying on the Federal Government, and the financial position of the Commonwealth, the Senate is not prepared to proceed with this Bill at present."

The PRESIDENT.—There is nothing in the Bill about any expenditure. It is merely a Bill for the purpose of choosing a site for the Seat of Government that may or may not be followed by expenditure. I do not think that the amendment is strictly relevant to the subject-matter of the Bill.

Senator MULCAHY.—Not the acquisition of 900 square miles of territory?

Senator Sir JOSIAH SYMON.—It involves expense.

Senator DAWSON.—That is another matter.

Senator DOBSON.—It appears to me that in its very nature the Bill must involve enormous expense.

The PRESIDENT.—Not necessarily.

Senator DOBSON.—Practically the Prime Minister has admitted that it will, and my honorable friends on my right say that unless that enormous expense is proceeded with at once it will be regarded by them as a repudiation of the compact which they say is contained in the Constitution. The mere acquisition of an area of 900 square miles must involve a considerable expense, and it appears to me that I ought to be allowed to move an amendment, taking it for granted, as we must do, that the Bill does involve a considerable expense. I submit, sir, with all respect, that, for the reasons I have mentioned, I ought not to be placed in the position of having to move that the Bill be read a second time this day six months, and that I ought to be allowed to place on our records such an amendment as will show to the Commonwealth the reasons why, if it does, the Senate has come to that decision. It appears to me that the amendment is in order, as it is strictly relevant to the Bill.

Senator DAWSON.—Is the honorable and learned senator disputing the ruling?

Senator DOBSON.—No. If the President has absolutely made up his mind that it cannot be moved, of course I must accept his decision.

The PRESIDENT.—The honorable and learned senator consulted me on this amendment before the Senate met this afternoon, and I told him then, and I say now, that if we can have an amendment of this nature concerning this Bill, we can have an amendment of a similar nature concerning every Bill, and the consequence will be that, in discussing the question of whether a Bill should be read a second time, we shall discuss the general financial proposals of the Commonwealth, and other measures for expenditure which may or may not come before us. I think that the rule is a good and salutary one—it has been applied in the House of Commons, and in all the States Legislatures that I know of—that the amendment must be strictly relevant to the Bill. Therefore, I rule that the honorable and learned senator cannot move the amendment.

Senator DOBSON.—May I, sir, without disputing your ruling on that point, remind you that the acquisition of the enormous territory which the Bill provides for, to some extent involves a large question of expenditure?

The PRESIDENT.—The honorable and learned senator will see that that expenditure must be authorized by an appropriation of revenue or a loan.

Senator DOBSON.—I quite understand that; but when I desired to move an amendment before to the effect that the terms and conditions on which we could acquire the land from the mother State ought to be gone into before we pass the Bill, it was ruled out of order. I am inclined to think that it was more relevant to the Bill than the one I wished to submit this afternoon. I must admit that I wrapped up that amendment with two or three others. I desire to move—

That all the words after the word "That," line 1, be left out, with a view to insert in lieu thereof the following words:—"this Senate is of opinion that the Bill should be postponed until the Government have found out on what terms, and whether they can acquire the land mentioned in the Bill from the mother State."

Senator Lt.-Col. NEILD.—There is no land mentioned in the Bill.

Senator DOBSON.—I mean the land which is proposed to be acquired. I submit that the amendment is in order.

The PRESIDENT.—The honorable and learned senator will see that he is asking an impossibility. He is asking that before a Bill is passed, fixing the site of the Federal Capital, the Government shall ascertain what the land will cost; but how can that be done? The Federal Capital Site may be at Lyndhurst, or Broken Hill, or Newcastle, and how can the Government find out what it will cost before the selection of the site has been made?

Senator DOBSON.—It appears to me, sir, that the Government can and ought to find out from New South Wales whether they can acquire nine times the area mentioned in the Constitution.

The PRESIDENT.—That is another matter: that is not the object of the amendment, which is to ascertain the cost of the site.

Senator DOBSON.—No, sir; I propose that the Bill shall not be proceeded with until the Government have found out whether they can secure the land mentioned therein, and upon what terms and conditions it can be obtained.

The PRESIDENT.—How can they do that, when they do not know the site?

Senator DOBSON.—It appears to me that they can; but, of course, if you rule the amendment out of order, I must bow to your decision. I consider that the question of expense has a very great deal to do with the Bill. It is a matter of common notoriety that the expenses of the Commonwealth have been more than was anticipated. It was never contemplated by any of us that £50,000 a year more would be spent on increases in the salaries of our lower-paid officers. It was never contemplated that we should pay £90,000 a year for sugar bonuses in connexion with the policy of a White Australia. When we add to the Federal expenditure those sums, and also the sum of £50,000 which Sir Frederick Holder included in his estimate for interest on the cost of construction of Capital buildings, it will be seen that we have enormously exceeded the estimate on which the electors voted "Yes" at the referendum.

Senator MILLEN.—Every one knew that the estimate had been merely prepared to make the Constitution attractive to the people. Nobody accepted it.

Senator DOBSON.—I think that the estimate was not prepared simply to make the Constitution attractive to the people, but as a business-like document which we might regard as reasonably correct, and I am pointing out that it has been ex-

ceeded. I pass from that point to the financial position of the Commonwealth. This is not a time when we can consider the question of constructing buildings, creating a city that we do not need, and constructing an enormous number of miles of railway for which the country is not yet ripe. I have been reading the reports which have recently been laid upon the table, and if we choose, as I think we ought, a place in the district of Southern Monaro for the Federal Capital, the expenditure on railways alone to make that Capital accessible, will be simply enormous. All that expenditure ought to be saved for at least another generation, and, rightly or wrongly, I contend that we have no right to think about building the Capital until we have about double our present population. It is all very well for honorable senators to cite the examples of America and Canada. There is no possibility of the population of Australia increasing in anything like the same degree as it did in those two great countries. It is of no use to compare our circumstances with theirs, because our population is smaller, and we have fewer resources and far less revenue. For all these reasons I think that the question of cost must be faced by every honorable senator who is going to vote for the second reading of the Bill. Now, in working out the Federal Constitution, what do the electors expect of us? Do they expect that we shall put the cart before the horse, tile the roof before we have laid the foundations? Did ever a single elector dream that we should be barked into building a Federal Capital before we had made proper provision for our Judiciary, or before we had matured a scheme for the defence of the Commonwealth? Even now, sir, we have not done with the question of defence, or the basis on which our Army or Navy is to be carried on. While these questions are unsettled, and men have not made up their minds about them, and we seem incapable of doing anything in the way of legislation—for very few Bills are passed—this is not a time, I submit, to consider the question of building a Federal Capital. Honorable senators will ask me what the alternative is; whether we are going to do nothing? I should say that we ought to do nothing for some years to come. And if they say that that is not carrying out the bond as regards New South Wales, I fall back on an idea which has been wrongly put into my mouth, but which I



sensitive friends on my right would say that I desired to repudiate the bond which they are pleased to say is in the Constitution. But, for some reasons, I desire to see the Bill laid aside, and I think that the amendment I have in my hand will be found by you to be relevant to the Bill.

The PRESIDENT.—According to the Standing Orders it must be strictly relevant to the Bill.

Senator DOBSON.—It is strictly relevant to the Bill. I propose to move—

That all the words after the word "That," line 1, be left out, with a view to insert in lieu thereof the following words:—"in view of the expense of carrying on the Federal Government, and the financial position of the Commonwealth, the Senate is not prepared to proceed with this Bill at present."

The PRESIDENT.—There is nothing in the Bill about any expenditure. It is merely a Bill for the purpose of choosing a site for the Seat of Government that may or may not be followed by expenditure. I do not think that the amendment is strictly relevant to the subject-matter of the Bill.

Senator MULCAHY.—Not the acquisition of 900 square miles of territory?

Senator Sir JOSIAH SYMON.—It involves expense.

Senator DAWSON.—That is another matter.

Senator DOBSON.—It appears to me that in its very nature the Bill must involve enormous expense.

The PRESIDENT.—Not necessarily.

Senator DOBSON.—Practically the Prime Minister has admitted that it will, and my honorable friends on my right say that unless that enormous expense is proceeded with at once it will be regarded by them as a repudiation of the compact which they say is contained in the Constitution. The mere acquisition of an area of 900 square miles must involve a considerable expense, and it appears to me that I ought to be allowed to move an amendment, taking it for granted, as we must do, that the Bill does involve a considerable expense. I submit, sir, with all respect, that, for the reasons I have mentioned, I ought not to be placed in the position of having to move that the Bill be read a second time this day six months, and that I ought to be allowed to place on our records such an amendment as will show to the Commonwealth the reasons why, if it does, the Senate has come to that decision. It appears to me that the amendment is in order, as it is strictly relevant to the Bill.

Senator DAWSON.—Is the honorable and learned senator disputing the ruling?

Senator DOBSON.—No. If the President has absolutely made up his mind that it cannot be moved, of course I must accept his decision.

The PRESIDENT.—The honorable and learned senator consulted me on this amendment before the Senate met this afternoon, and I told him then, and I say now, that if we can have an amendment of this nature concerning this Bill, we can have an amendment of a similar nature concerning every Bill, and the consequence will be that, in discussing the question of whether a Bill should be read a second time, we shall discuss the general financial proposals of the Commonwealth, and other measures for expenditure which may or may not come before us. I think that the rule is a good and salutary one—it has been applied in the House of Commons, and in all the States Legislatures that I know of—that the amendment must be strictly relevant to the Bill. Therefore, I rule that the honorable and learned senator cannot move the amendment.

Senator DOBSON.—May I, sir, without disputing your ruling on that point, remind you that the acquisition of the enormous territory which the Bill provides for, to some extent involves a large question of expenditure?

The PRESIDENT.—The honorable and learned senator will see that that expenditure must be authorized by an appropriation of revenue or a loan.

Senator DOBSON.—I quite understand that; but when I desired to move an amendment before to the effect that the terms and conditions on which we could acquire the land from the mother State ought to be gone into before we pass the Bill, it was ruled out of order. I am inclined to think that it was more relevant to the Bill than the one I wished to submit this afternoon. I must admit that I wrapped up that amendment with two or three others. I desire to move—

That all the words after the word "That," line 1, be left out, with a view to insert in lieu thereof the following words:—"this Senate is of opinion that the Bill should be postponed until the Government have found out on what terms, and whether they can acquire the land mentioned in the Bill from the mother State."

Senator Lt.-Col. NEILD.—There is no land mentioned in the Bill.

Senator DOBSON.—I mean the land which is proposed to be acquired. I submit that the amendment is in order.

The PRESIDENT.—The honorable and learned senator will see that he is asking an impossibility. He is asking that before a Bill is passed, fixing the site of the Federal Capital, the Government shall ascertain what the land will cost; but how can that be done? The Federal Capital Site may be at Lyndhurst, or Broken Hill, or Newcastle, and how can the Government find out what it will cost before the selection of the site has been made?

Senator DOBSON.—It appears to me, sir, that the Government can and ought to find out from New South Wales whether they can acquire nine times the area mentioned in the Constitution.

The PRESIDENT.—That is another matter: that is not the object of the amendment, which is to ascertain the cost of the site.

Senator DOBSON.—No, sir; I propose that the Bill shall not be proceeded with until the Government have found out whether they can secure the land mentioned therein, and upon what terms and conditions it can be obtained.

The PRESIDENT.—How can they do that, when they do not know the site?

Senator DOBSON.—It appears to me that they can; but, of course, if you rule the amendment out of order, I must bow to your decision. I consider that the question of expense has a very great deal to do with the Bill. It is a matter of common notoriety that the expenses of the Commonwealth have been more than was anticipated. It was never contemplated by any of us that £50,000 a year more would be spent on increases in the salaries of our lower-paid officers. It was never contemplated that we should pay £90,000 a year for sugar bonuses in connexion with the policy of a White Australia. When we add to the Federal expenditure those sums, and also the sum of £50,000 which Sir Frederick Holder included in his estimate for interest on the cost of construction of Capital buildings, it will be seen that we have enormously exceeded the estimate on which the electors voted "Yes" at the referendum.

Senator MILLEN.—Every one knew that the estimate had been merely prepared to make the Constitution attractive to the people. Nobody accepted it.

Senator DOBSON.—I think that the estimate was not prepared simply to make the Constitution attractive to the people, but as a business-like document which we might regard as reasonably correct, and I am pointing out that it has been ex-

ceeded. I pass from that point to the financial position of the Commonwealth. This is not a time when we can consider the question of constructing buildings, creating a city that we do not need, and constructing an enormous number of miles of railway for which the country is not yet ripe. I have been reading the reports which have recently been laid upon the table, and if we choose, as I think we ought, a place in the district of Southern Monaro for the Federal Capital, the expenditure on railways alone to make that Capital accessible, will be simply enormous. All that expenditure ought to be saved for at least another generation, and, rightly or wrongly, I contend that we have no right to think about building the Capital until we have about double our present population. It is all very well for honorable senators to cite the examples of America and Canada. There is no possibility of the population of Australia increasing in anything like the same degree as it did in those two great countries. It is of no use to compare our circumstances with theirs, because our population is smaller, and we have fewer resources and far less revenue. For all these reasons I think that the question of cost must be faced by every honorable senator who is going to vote for the second reading of the Bill. Now, in working out the Federal Constitution, what do the electors expect of us? Do they expect that we shall put the cart before the horse, tile the roof before we have laid the foundations? Did ever a single elector dream that we should be barracked into building a Federal Capital before we had made proper provision for our Judiciary, or before we had matured a scheme for the defence of the Commonwealth? Even now, sir, we have not done with the question of defence, or the basis on which our Army or Navy is to be carried on. While these questions are unsettled, and men have not made up their minds about them, and we seem incapable of doing anything in the way of legislation—for very few Bills are passed—this is not a time, I submit, to consider the question of building a Federal Capital. Honorable senators will ask me what the alternative is; whether we are going to do nothing? I should say that we ought to do nothing for some years to come. And if they say that that is not carrying out the bond as regards New South Wales, I fall back on an idea which has been wrongly put into my mouth, but which I

have adopted from the Melbourne *Argus* on more than one occasion—namely, that if there is to be this jealousy—if it is to be supposed that delaying the building of the Federal Capital, which, as prudent, cautious financiers, we ought to do, will inflict hardship on New South Wales, we might allow the Seat of Government to be in Melbourne for a few years, and then transfer it to Sydney for a few years. Then, if our financial position, the increase of our population and our land settlement justify the building of another city, we can consider the question. Is there anything unfair or unreasonable in that suggestion? Is it not the idea of cautious financiers, desiring to make progress with prudence? There is at once an alternative to my plan of trying to delay the completion of the Capital for some years to come.

Senator MILLEN.—We should have to alter the Constitution.

Senator DOBSON.—I place no great stress on any slavish following of the Constitution. There is no doubt that it will have to be amended. Ministers are even now suggesting that it should be amended in order to enable the Government to give effect to a motion carried by the Senate for the nationalization of the tobacco industry. It would be wise for us to use our judgment in deciding the way in which it should be altered, and then, perhaps, three or four years hence, we may be ready to submit the necessary amendments to the electors. I contend that we should be wise in striking out the ridiculous provision requiring that the Federal Capital shall be situated not less than 100 miles from Sydney, in order that those of us who desire that the Capital shall be fixed in Sydney—with, of course, compensating advantages to Melbourne—may have an opportunity of giving effect to that desire. The compensating advantages to be given to Melbourne could be easily decided by a few hours conference. When I was in Sydney a few months ago I was glad to learn that the right honorable member for East Sydney, Mr. Reid, when in office in New South Wales, passed through both Houses of the State Legislature a vote of £572,000 for building new Parliament Houses in the Sydney Domain, close to the existing Parliament Houses of that State. I ask why, in the name of common-sense, those Parliament Houses should not be built at a much less cost than £572,000, and should not then be rented to the Federal Government?

After having been in Melbourne for a few years we could then meet in Sydney for a few years more, and when we knew how we were progressing we should be in a better position to say whether we could stand the inconvenience, cost, and trouble of building an expensive Federal Capital at Bombala or anywhere else.

Senator MILLEN.—We could repudiate the whole thing.

Senator DOBSON.—The honorable senator has repudiation on the brain.

Senator MILLEN.—The honorable and learned senator has it in his amendment.

Senator DOBSON.—It is wonderful that the honorable senator, who is usually so intelligent and logical, should suggest that the people of Australia are capable of repudiating a bargain deliberately entered into by them.

Senator MILLEN.—I referred to the honorable and learned senator, and not to the people of Australia.

Senator DOBSON.—The honorable senator must have heard me say many times that the idea of locating the Federal Capital permanently outside the borders of the mother State is, to my mind, unthinkable; but I consider that, to strike out of the Constitution the 100 miles limit from Sydney, which was only a compromise, and a very bad compromise, would be a statesmanlike and proper thing to do. If Sydney were the Federal Capital, there is no doubt that it could be made one of the greatest cities of the world, but we shall not make a Capital located at Tumut or Bombala one of the greatest cities of the world in 1,000 years. It should be forgotten that such an alteration in the Constitution, as I suggest, must be submitted to the electors; and how, then, can Senator Millen say that I propose repudiation? The honorable senator is aware that, before any such alteration could be made, it would have to be carried by a majority of the electors in each of the States. No State can be forced into agreement with an amendment of the Constitution against the will of its people. The honorable senator is, therefore, forgetting the very basis of the democratic Constitution he is sent here to carry out. I contend that my suggestion offers a very good alternative, and would be preferable to rushing into expenditure at the present time. On a previous occasion I quoted from *Hansard* the policy of the present Prime Minister on this subject. I find now that either the honorable gentleman or *Hansard* must

have made a mistake. The Prime Minister appeared to think that there would be great extravagance in building a Federal Capital at once, and in order to get rid of that charge as affecting labour members, he pointed out that we might do as Victoria did—be content for twenty years with a building costing no more than £20,000. As a matter of fact, I believe that the building with which the people of Victoria were content cost £200,000. I understand that it was a skeleton of this building, with the two Legislative Chambers completed. That is the Prime Minister's alternative policy. But the policy of Ministers at present is emphatically not to proceed with the construction of the Federal Capital at once, even though we should pass this Bill, and when it is proceeded with, that it should be only in the most meagre fashion. Away with all these tentative proposals. This is but another miserable compromise, which I protest against on behalf of my State. It is much better to delay the settlement of the question until we see how we progress in population, settlement, and revenue, and in financial and industrial prosperity. Surely these are but the suggestions of common sense? Whether they are accepted by honorable senators or not, I can tell them that thousands of people outside believe in them. Wherever I go I ask for opinions on the subject, and I hear no other view expressed. I should like to say that even now we are in the dark on many important subjects connected with this matter, which are deserving of long and anxious debate by the Senate. Senator Symon has told us that he does not care to have a port belonging to or close to the Federal Capital. According to the honorable and learned senator, all that is required is a national territory on which we can construct Houses of Parliament and public buildings. That is not my idea, and I believe that many members of the Senate voted for Bombala because there was a port within fifty miles of that site. I was prepared to vote for that site, not only because I thought a port necessary, but because I desired that there should be something to justify the enormous expenditure that would be involved; and it struck me that if we made a selection in the south-east corner of New South Wales, we could have the Federal Capital surrounded by a large area of agricultural land which, in time, would be found suitable for closer settlement, and we could have a port within reasonable dis-

tance for the export of produce from that territory. There would then be a prospect of the establishment of another commercial city, which would ultimately justify the beginning of the establishment of the Federal Capital within a reasonable time. Senator Symon takes away that argument by his suggestion that we do not require a port.

Senator Sir JOSIAH SYMON.—We do not require a commercial capital which will be a rival of the capitals of the States.

Senator DOBSON.—I am aware that we do not; but we certainly do require something to justify the establishment of the proposed political capital. I find that honorable senators are now disposed to consider Dalgety a better site than Bombala, and I should here like to refer to a remark made by the President. The honorable senator has said that if we are to have a Federal Capital removed from all local and provincial influences, from Sydney or Melbourne influences, we must locate it in the back blocks, and it will also be necessary that the site selected shall be between the capitals of the two adjoining States. The honorable senator pointed out that it must not be fixed in the middle of New South Wales, or any other State; that we must not be dependent on the railways of any one State to take us to the capital. If we were to select Bombala we should have a site through which the Snowy River runs; the territory would be between New South Wales and Victoria, and we should have a port available. This would comply with all the technical and theoretical qualifications suggested as necessary, though I personally think they are not necessary.

Senator Lt.-Col. NEILD.—The Snowy River is not near the Bombala site.

Senator DOBSON.—It is not far from Bombala.

Senator PULSFORD.—It is within 1,000 miles, no doubt!

Senator DOBSON.—The Vice-President of the Executive Council has given us an intelligent history of the establishment of Washington and Ottawa, but it will be admitted that there can be very little comparison made between their circumstances and ours. Every feature in the progress of Washington preaches to us delay, prudence, and caution. I have stated here before, that sixty years after Washington was commenced it was described as nothing but "a collection of mud and negroes." I have pointed out that the growth of that city was exceedingly slow and disappointing to every

one. The politicians went there because they were compelled to do so, and it was forty years after the establishment of the city was begun, before Webster, the great Minister, had a house of his own there. I venture to say that it cannot be contended that we must build a Capital upon a vacant piece of land, on the ground that undue local influence in either Melbourne or Sydney would be sufficient to prevent us carrying on our legislation properly in either of those cities. It appears to me that on the score of convenience the proposed Federal Capital will be cursed by those who have to work in it. We shall not be able to get Ministers to reside there. The Departments will have to be established there, and I ask honorable senators to contemplate the inconvenience of establishing the administrative branches of the Departments of Defence, Customs, Post and Telegraphs, Patents, and all the other Departments in an out-of-the-way locality, to which one must write, or which one must visit personally, in order to get business done. Would it not be much better to have the Capital here in Melbourne for a time, and later on in Sydney, until it could be permanently fixed in that city, with certain compensating advantages given to Melbourne? I should like to ask Senator Milten and other honorable senators who are fond of criticising myself in this matter, what they really consider are the rights of Victoria under the Constitution? Until the Federal Parliament meets at the permanent Capital of the Commonwealth it is to meet at Melbourne. The Victorian State Government went to an expense of £50,000, or more, in fitting up another building for the State Parliament, in order to give us this building. For all time to come, when the permanent site is selected, the Federal Parliament is to meet in the mother State. Has Melbourne no rights as regards the interval between the present time and the time when the Seat of Government, or the Capital, is permanently fixed? Was it fair to Melbourne that our honorable friends in New South Wales should commence urging and insisting, during the first session of the Federal Parliament, on the site of the Capital being chosen at once. I am sure that Sir George Turner, who was a party to this particular section of the Constitution, would not agree that that is a reasonable interpretation of it.

Senator Lt.-Col. NEILD.—During the first session of the Federal Parliament the honorable and learned senator went to Bombala,

*Senator Dobson.*

and promised that he would vote for the selection of that site.

Senator DOBSON.—Has Melbourne no rights in this matter? I contend that she has, though we do not hear very much about them.

Senator TRENWITH.—What are the advantages to Victoria of having the Federal Parliament sitting in Victoria?

Senator DOBSON.—I do not know that the advantages are very great, and for the life of me, I cannot see what all the trouble is about; but the people of New South Wales have got it into their heads that it is their right to have the Capital located within that State, and they cannot get it out. Consequently, it would appear, we must have a reference to the subject on the notice-paper, session after session, and month after month. We are being barracked into making the selection before we are ready to do so. The fact that, since our meeting last week, three reports have been furnished to us, and another is to come in, shows that on this occasion also, the Government have started the discussion of the matter before it is ripe for discussion. In further justification of what I have said, I would refer honorable senators to the report received from Lt.-Col. Owen, the Inspector-General of Works. He was sent to inspect the sites, and comparing Bombala and Tumut districts, he said —

I am not in a position to judge regarding one of the principle factors, viz., Climate. The residents in both the Monaro and Tumut districts claim an excellent climate all the year round. The Tumut residents will not admit that the valleys are subject to a humid heat in the summer (although they find it possible to grow maize and tobacco); and Monaro residents will not admit to a frigid climate in winter, notwithstanding the existence of a snow-capped mountain range to the west, and close by. This is a question that, as stated above, should be put to a practical test before the selection is made.

There we have our Inspector of Works stating that the question of climate should be practically tested before the choice of a site is made.

Senator MATHESON.—In any case, the report upon the climate would be only a personal one.

Senator DOBSON.—Lt.-Col. Owen further reports—

I believe, however, that it will be found that the climate at Batlow is the best of all the proposed sites. If it is found that the climate at Monaro is intolerable in the winter it would be a great mistake to select a site in that district. If, however, the climate in Monaro, although cold, is found not to be unbearably so, then

am of opinion that the selection as between the sites under consideration should be made in the Monaro district.

Senator MATHESON has suggested that it will be a personal matter; but I take it that we should be able to secure reliable data in respect to the climate of these places.

Senator MATHESON.—But we shall have only the personal opinion of the man who makes the report.

Senator STANFORTH SMITH.—Have we not already got information on the subject from people who have been there for twenty years?

Senator DOBSON.—I think not, because, as the Inspector-General of Works points out, the local residents are prejudiced. I should imagine that residents in both the districts would be able to give us the facts; but Senator Smith must admit that we are influenced sometimes by conscious or unconscious bias. It is on that account that Lt.-Col. Owen says that, before we select the site, we should have proper data collected, because, as he points out, if the climate of Monaro is so intolerably cold, as has been stated, it would be undesirable to have the Federal Capital located there.

Senator DAWSON.—Does the honorable and learned gentleman require more information?

Senator DOBSON.—I do, and I am pointing out that our Inspector-General of Works is of opinion that we should have further information before we make the choice of a site. It appears to me that we should pass a series of motions before deciding on the site. We should decide whether a further report is necessary, and whether we require merely to secure a piece of land on which to erect some buildings, on the ground that until we have a bit of land of our own we cannot have national ideas. To my mind that is mere humbug. I think we should consider a series of motions on all the salient points before making a selection between the Tumut and Southern Monaro sites. If a Monaro site is chosen it will require a great deal of skill, time, and trouble to decide which is the best site in Southern Monaro. I lay great stress on the point made by the President, that if it is necessary to select a site between the big cities of Sydney and Melbourne—

Senator DAWSON.—That is Tumut, which is equi-distant between the two.

Senator DOBSON.—I am not prepared now to move the amendment which I previously read, but I move—

That the word "now" be left out with a view to adding the words "this day six months."

Senator WALKER (New South Wales).—In common with other representatives of New South Wales, I shall certainly vote against Senator Dobson's amendment. It is always a pleasure to listen to such a breezy speech as that with which the honorable and learned senator has favoured the Senate. I must say that every reference to the Federal Capital site would appear to have the same effect on Senator Dobson as that which a red rag is said to have on a wild bull. I hope the honorable senator will, in the future, credit the New South Wales people with having a little common-sense, and with not having any wish to put Australia to an enormous and unnecessary expense. When Senator Styles interjected the word "bribery" during Senator Symon's speech, I imagine he must have done so jocularly, otherwise any railway contractor, who stipulated for certain conditions before signing a contract, would be equally guilty of such a charge. If New South Wales was guilty of accepting a "bribe," what about Victoria, at whose instance it was provided in the Constitution that the Federal Parliament should sit in Melbourne until it met at the Federal Capital?

Senator STYLES.—The Federal Parliament had to sit somewhere.

Senator WALKER.—New South Wales, which is the most populous State, made enormous sacrifices in order to enter Federation. She did so by surrendering, even temporarily, her glorious system of free-trade. However, when the mother State gave up her fiscal system, she asked for the prestige which would result from the Federal territory being within her borders. In common with Senator Dobson, I wish to express my thanks to Senator McGregor for the interesting speech with which he introduced this Bill. I am glad to see that the responsibilities of office have had a very taming effect on the Vice-President of the Executive Council, inasmuch as when previously he wished for 20,000 square miles, he is now content with 900 square miles.

Senator MCGREGOR.—I still wish for 20,000 square miles.

Senator WALKER.—The Vice-President of the Executive Council is now asking for only  $4\frac{1}{2}$  per cent. of the area which he previously favoured. Senator Symon's

judicial mind was displayed in his clear explanation of the constitutional aspect of the question before us; and it behoves us, without further delay, to see that this provision of the Constitution is carried out. We have now been nearly three years and a half under Federation, and yet the selection of the Federal Capital site—which the New South Wales people supposed, in their simplicity, would be made during the first session—is apparently as far off as ever. Senator Pearce made, as he thought, a good point when he said that if the words “not less than 100 square miles” meant only 100 square miles, then the provision that the Capital city shall not be within 100 miles of Sydney, must mean that the Capital site must not be beyond 100 miles from Sydney. But the circumstances of the two cases are quite different. The people of New South Wales are quite willing that the Federal Capital shall be equidistant from Melbourne and Sydney; and I am quite willing to admit that if we say the distance of 100 miles shall extend to 300 miles, the area of 100 square miles may also extend to 300 square miles, if such is necessary for the purposes of a catchment area. At the same time, when we get into Committee, it would be better to mention the maximum as well as the minimum area, because, if the minimum be increased to 900 square miles, what is the maximum to be? If it is held that the minimum may be converted into 900 square miles, that will mean a considerable alteration of the original provision in the Constitution.

Senator PEARCE.—Where would the honorable senator draw the line as to the distance of the Federal Capital from Sydney?

Senator WALKER.—About 300 miles from Sydney, or half-way between the two capitals of New South Wales and Victoria; and there are several places which fulfil that condition, notably Tumut. On the 14th of October last I spoke at some length on this question, and I therefore see no reason to inflict on the House a repetition of what I then said, considering that I have not changed the opinion I then expressed. We cannot forget, however, that we have had a report from four Commissioners.

Senator DAWSON.—Independent men from the other States.

Senator WALKER.—The Commissioners were Messrs. Kirkpatrick, Stanley, Howitt, and Stewart, who, after giving the matter careful examination, placed Tumut first on the list.

Senator STANFORTH SMITH.—They destroyed all the evidence, did they not?

Senator WALKER.—These Commissioners gave an independent report, in which I have full confidence. On the strength of that report, I actually withdrew my preference for Bombala; and I have been twitted once or twice for doing so. I do not, however, place my judgment before that of experts.

Senator STYLES.—Does the honorable senator pin his faith to that report?

Senator WALKER.—I do.

Senator MCGREGOR.—Then the honorable senator is lost!

Senator WALKER.—I may be right, or I may be wrong; but I admit that I pin my faith to that report. I happen to have known Mr. Stanley for about forty years, and I believe him incapable of embodying in that report what he did not know to be facts.

Senator DAWSON.—Mr. Stanley is one of the best engineers in Queensland.

Senator WALKER.—I am glad that, first, once, the Minister of Defence and I agreed. In the report to which I have referred, we are told that in the Tumut district there is a catchment area of 103 square miles, water, with the exception of 120 acres, is all Crown land. The New South Wales Government are, therefore, in a position to hand over 103 square miles of Crown territory as catchment area alone, which, in the estimation of the Commissioners, the 120 acres could be purchased for something like £180. I can assure Senator Dobson that there need not be any enormous expense, such as he fears, in connexion with the acquisition of the area. In the opinion of the experts, Tumut and its vicinity present the following attractions:—Fine climate, fertility of soil, picturesque scenery, a rainfall of 32 inches, as compared with 20 inches at Dalgety, a splendid water supply by gravitation, railway communication completed, and a large hall of two stories, capable, with slight outlay, of accommodating this Parliament. It will be seen that we might go to Tumut within the next six months, and be fairly comfortable.

Senator MATHESON.—We could not live in the hall.

Senator WALKER.—The only other place comparable with Tumut is, in my opinion, Dalgety, and that is owing to its magnificent water supply. I understand that in summer the climate at Dalgety is everything that could

be desired; but in winter it is so cold that, apparently, trees will not grow there. Dalgety is on the eastern side of the Snowy Mountains, and the westerly winds, which are trying enough under ordinary circumstances, must be trebly trying when they come over a snow-capped mountain range. Only this morning a member of another place, with whom I travelled from New South Wales, told me that in Newcastle he had met a man who had spent thirty years in the Dalgety district, and who applied to it a very uncomplimentary name, which I shall not repeat.

Senator BEST.—But that man had lived there for thirty years?

Senator WALKER.—And was glad to get away. Personally, I come from a cold country, so that I am not thinking of myself in this connexion; but we have to consider others who, like the Minister of Defence, come from warm climates. It would not be fair to ask such men to spend the remainder of their days in a place where they would be liable to be frozen up. The report of Lt.-Col. Owen is rather interesting and suggestive. We are told that none of the Monaro sites are surrounded by fine scenery, and that the immediate surroundings of Dalgety, excepting the river scenery, are dreary in the extreme, owing to the absence of trees and the abundance of granite boulders. Surely we desire that the Federal Capital shall be in a picturesque locality? Lt.-Col. Owen goes on to suggest tree planting, in order to remove the barrenness of the aspect. Is not such a suggestion indicative that Nature has not already provided trees?

Senator TRENWITH.—There are great open plains in Northern Victoria, and in the Riverina, where the climate is extremely hot, and yet there are no trees on them.

Senator WALKER.—I was under the impression that Dalgety had a gravitation water supply; but I find, to my surprise, that Lt.-Col. Owen suggests pumping by electricity.

Senator PEARCE.—That is in regard to Bombala.

Senator WALKER.—If the Capital were fixed at Dalgety, it would mean the construction of thirty miles of railway; and who would carry out the work?

Senator PEARCE.—New South Wales.

Senator WALKER.—I know that the Vice-President of the Executive Council desires that any railway in Federal territory shall belong to the Federation, and that is a difficulty which

would be surmounted by the selection of Tumut. Another suggestion I should like to make is that, as New South Wales has to grant the territory, it would be well to mention two sites in the Bill, and leave the decision to the New South Wales Parliament. The adoption of that course would, to some extent, eliminate friction, and might induce the New South Wales authorities to more willingly give a larger area than they would give if we were, so to speak, to present a pistol at their heads. Senator Pearce said that if New South Wales did not act reasonably, we ought to alter the Constitution, and fix the Capital in some other State.

Senator MULCAHY.—That could not be done without the consent of New South Wales.

Senator WALKER.—It would not be found so easy to alter the Constitution, seeing that four States out of the six would have to agree. I doubt very much whether four States would be guilty of what I should regard as an act of repudiation.

Senator TRENWITH.—If New South Wales were unreasonable, five States out of the six would agree.

Senator WALKER.—What is unreasonable?

Senator TRENWITH.—That is the point at issue. I am not saying that New South Wales is unreasonable; but the honorable senator is supposing that contingency.

Senator WALKER.—As regards recent reports by Sir John Forrest, Lt.-Col. Owen, and others, they were limited to sites having an elevation of 1,500 feet, so that the claims of Tumut have to some extent been overlooked. I do not see that the choice should be so restricted, especially when no provision to that effect is made in the Bill; and, in my opinion, a fall of 1,000 feet is sufficient to provide for perfect sanitation. I have previously told the Senate that in days gone by, I lived in Toowoomba, in Queensland, and found the climate excellent, and we are told that Tumut has even a better climate. The fact that maize, and tobacco, are grown in the neighbourhood is no proof that Tumut is not a healthy place. I believe that in Victoria there are many places where maize is grown, but no one says that Victoria has a sub-tropical climate. Whatever we do, I hope we shall act in good faith to the mother State. This is a matter involving States rights, and we from New South Wales feel that the rights of that State should be vigorously defended.



We hear a good deal about the unearned increment, and no doubt there is such a thing. There may, however, be a decrement, and I have here a letter from Messrs. Cameron Bros., the well-known auctioneers and valuers of Brisbane, which shows how very dangerous it is to suppose that land will always go up in value. I had some business with Messrs. Cameron Bros. in reference to an estate in Canada, represented by me, and the firm wrote to me—

We regret extremely to report the enormous depreciation that has taken place in this locality, but when you consider that for fourteen years the values of Brisbane property have been steadily receding, you will understand that in many cases even larger reductions than these have been made. Not long ago we sold a property at Southport for £17, which formerly changed hands at £1,700. . . . There is no doubt, even in first-rate properties, a startling falling off has taken place. One property we might mention in Adelaide-street, which we are endeavouring to sell, on behalf of the trustees . . . for the sum of £3,000, was formerly sold for £10,000, and only twelve months ago £4,000 was refused for it.

Senator DAWSON.—The higher prices paid were in the "boom" time.

Senator MILLEN.—Is any mention made of the State making a refund in the case of the decrement?

Senator WALKER.—I think not. I am under the impression that the smaller the area the greater proportionately will be the unearned increment. No doubt, in Melbourne and Sydney, the unearned increment is very considerable, but a few miles out from these cities, land can be bought at a very small advance on the original price. Seventeen years ago I paid duty on land near Sydney valued at £60 an acre, which has since been sold at £12 an acre.

Senator DAWSON.—Does the honorable senator not know that the "boom" in Brisbane occurred ten years ago, and that when it burst the financiers got into trouble?

Senator FINDLEY.—Why does Senator Walker not quote the prices of Collins-street property?

Senator WALKER.—I will quote another case. In George-street, Sydney, land has been sold at £1,500 a foot, and other land purchased at £800 a foot, sold last year for £400 per foot.

Senator DE LARGIE.—Who gave the £1,500 a foot?

Senator WALKER.—People from New York.

Senator DE LARGIE.—Was that price paid to the Government?

Senator WALKER.—No; but the Government have been selling land in Martin-place, Sydney, for £700 a foot, and it must not be taken for granted that there would always be an unearned increment in the Federal area. In this regard we ought not to be too grand in our ideas.

Senator STYLES (Victoria).—Senator Walker has given us good reasons why no Federal Capital should be selected; but, passing that by, I ask—Where is the money coming from to repay the Commonwealth for the expenditure we have heard so much about? I did feel some little hesitation in opposing the Government in this case, but when I find that they are supported by the leader of the permanent Opposition, aided and abetted by Senators Walker, Millen, Neil, and others, I have no hesitation at all in opposing them. I think it should give us pause, and cause Captain Watson, who is now in charge of the good ship *Commonwealth*—and steering from the steerage, let me add—to do as the old gentleman did in olden times, lash himself to the mast, stuff the ears of his followers with wax, and refuse to listen to the Sirens, because, if he does, the ship will sooner or later be lured on to the rocks.

Senator DAWSON.—If we had done that the honorable senator would not be speaking.

Senator STYLES.—Whatever a Government may do they must never deserve the praise of these Tories, because if they do their doom will be sealed. Senator Millen asked the other day a question that he had asked on a previous occasion. He wished to know whether the electors of the Commonwealth were not cautioned against accepting, not the Convention Bill, but the Premiers' Bill, when the 125th clause had been inserted. The obvious reply to the question, as I interjected, is that it would have been very unwise to wreck that Bill simply because of a provision which set forth that the Capital, when selected, should be within the boundaries of New South Wales or any other State. That would have been a sufficient cause for rejecting the Bill. The electors might have been told over and over again that it was to be so, but that, I feel quite sure, did not influence many votes. I wonder why there is all this hurry about selecting a site. It was pointed out the other day by Senator Dobson that it is only eight months since the Senate, by an absolute majority—by nineteen votes—declared that

Bombala was the best site in New South Wales. And now I have not the slightest hesitation in saying that there will be an absolute majority, if the senators are here in any number, in favour of another site some thirty or forty miles away. If we postpone the consideration of the matter for another eight months, it is only fair to assume that another site may be selected and approved of by a majority. Let it be borne in mind, that if this Bill is passed, it will be distinguishable from other legislation. It cannot very well be repealed after the money has been expended, if it should be found that we have selected a wrong site.

Senator DAWSON.—But we are not proposing to spend any money under this Bill; we are only selecting a locality.

Senator STYLES.—I quite understand that we are selecting a locality, but Senator McGregor told the Senate the other day that the expenditure would commence forthwith, and there is not the slightest doubt that it will.

Senator MCGREGOR.—No.

Senator STYLES.—Whatever Government is in power, they will commence to spend the money forthwith. Why select a site if they do not intend to do so? It would be ridiculous to select a site, and allow it to remain idle for a number of years without taking any step towards the creation of a Federal City.

Senator DAWSON.—That will be dealt with in another Bill.

Senator STYLES.—I am quite aware of that. The object of this Bill is merely to select a Federal territory. The site of the Capital will be in that territory, and the money will then begin to flow towards that spot from the taxpayers' pockets.

Senator DAWSON.—Parliament will have to be consulted before any money can be spent on it.

Senator STYLES.—We know that Parliament will have to be consulted, but what majority of either House would oust a Government for spending £300,000, £400,000, or £500,000 a year on that territory? The reply from the Government would be, "You agreed that a city should be built there, and why should we not build it?" There is not one of us, after being a party to the selection of the Capital who would vote against the Government if it did spend the money. We all readily admit that a compact was entered into between five States and one State that the Federal Capital should be situated in that one State. But time is not the essence of

that compact. If it was, why was it not stated in the Bill?

Senator TRENWITH.—Nobody ever contemplated that the nation would break faith.

Senator STYLES.—There is no one contemplating now that the nation, or any part of it, will break faith. It is only a question as to whether the expenditure of this money should commence almost immediately or be postponed for a time. There is no man or woman, I am sure, in this or any other State who would desire to break faith with New South Wales, but if time was the essence of the compact, why was that not indicated in the Constitution, as was done in the case of the imposition of uniform duties?

Senator TRENWITH.—Then the honorable senator would not regard it as a breach of faith if it were not done for 1,000 years?

Senator STYLES.—Yes, I would. I think that it ought not to be put off for too lengthened a period.

Senator TRENWITH.—Then time is the essence of the compact.

Senator STYLES.—A period was fixed for the operation of the book-keeping system, and the Braddon section, and why was it not provided that the building of the Capital was to be begun within so many years? It seems to me, therefore, that time is not the essence of the compact. When Senator Trenwith speaks of delaying the erection of the capital for 1,000 years, or even for twenty or thirty years, he is making a ridiculous suggestion.

Senator Sir JOSIAH SYMON.—It is only a question of degree.

Senator STYLES.—Yes; and if we were in flourishing circumstances it might reasonably be said—"Let us begin to build the Capital; we have money to throw away, and we may as well throw it away there as elsewhere."

Senator TRENWITH.—Seeing that we are poor, had we not better do this economical thing as quickly as possible?

Senator STYLES.—I shall show, before I sit down, even to the satisfaction of the honorable senator, who I know is open to conviction, that it will be much more economical to remain where we are, as long as the people of Victoria consent to allow us to remain in this building free of rent. They have never complained, nor have they entered a single protest against our occupation of the building. They will let us know when they are tired of allowing us to remain here rent free.

Senator DAWSON.—I am afraid that the honorable senator is making a statement which is not quite accurate.

Senator BEST.—There have only been a few individual growlers.

Senator STYLES.—Yes. I have heard members of the State Parliament complain because we were occupying comfortable chambers which they had had to give up.

Senator TRENWITH.—They are not Victoria.

Senator STYLES.—No; I have heard these gentlemen complain time after time. I said to one of them on one occasion—“Well, it is only for your own convenience that you desire to come back here,” and he said—“Certainly, for my own convenience I want to occupy this building.”

Senator DAWSON.—Did not Victoria's representatives object?

Senator STYLES.—No. A Bill was passed by the State Parliament, under which the Premier of the day was given full power to act. He offered the Prime Minister of the Commonwealth the choice of this building or the other, and the latter very wisely, in the interests of the Commonwealth, selected this building, and there the matter ended. There has been nothing said about the matter since that time by those who were responsible.

Senator WALKER.—I admit that Victoria has been very generous.

Senator STYLES.—I, later on, intend to contrast New South Wales with Victoria in the matter of generosity. Let me point out that it is not a Victorian who has raised this issue at all. A representative from the State of Tasmania has led the opposition to the immediate selection of a site all through the piece.

Senator TRENWITH.—Not all the time.

Senator STYLES.—Senator Dobson is not accused, nor is Tasmania accused, of any jealousy of New South Wales, but a Victorian dare not open his mouth in opposition to an extravagant expenditure, as it may appear to me, without being accused of having some feeling in the matter.

Senator DOBSON.—Hear, hear. There is no feeling whatever.

Senator STYLES.—Here is what the leader of the New South Wales contingent, the Right Honorable G. H. Reid, said—

He heartily sympathized with the public of Australia in their fear that the old fearful mistakes would be repeated. As far as he could he would prevent the Commonwealth from being launched into expenditure, which it was never less able to bear than at the present time.

That statement was made by Mr. Reid in addressing a Victorian audience last winter in reference to the Federal Capital. I wonder what the new Capital is required for? Is it required for social purposes? I have no doubt that it would be a very pleasant picture to see Senator Smith basking in the smiles of the beauties of Dalgety, and incidentally handing round afternoon tea, but we do not wish to create a Federal Capital for that purpose. Do we not know that in Washington during the recess all the men hide themselves away to the commercial and industrial centres, and that when a young lady is to come out, as it is called, there are not sufficient young men in her circle of acquaintances to get up a ball or a dance, and the poor young creature has to be content with afternoon tea among her own sex? That is the sort of thing which will happen in the new Capital for about seven months out of the year. It has been admitted on all hands that a Federal city is not required for commercial or industrial purposes. We are over-towned in Australia now. One-third of the population is congregated in four capital sites.

Senator TRENWITH.—That shows that there is too much concentration.

Senator STYLES.—It shows that there is too much concentration in the cities, and not sufficient people on the land. And yet we are asked to build another city, in order that another 40,000 or 50,000 may fly to it from the land, so as to have a more comfortable existence. A new city is not needed for defence purposes. The Minister of Defence would be no more effective there with his legions at his back than he is in Melbourne. It is not needed for administrative purposes, and if it is it will not be the centre of populated Australia. Melbourne is the centre of populated Australia.

Senator PULSFORD.—When did the honorable senator find that out?

Senator STYLES.—I did not find it out. It was found out by the Royal Commission to which Senator Walker pins his faith, and which was appointed by the Barton Government.

Senator WALKER.—But the population is travelling north.

Senator STYLES.—Honorable senators will see how Senator Walker will fall into the trap I am setting for him. This is what the Royal Commission said—

In estimating the accessibility of the proposed Capital site, there are strong reasons for accepting Sydney as practically the centre of

population, and therefore of convenience, for Queensland and most populous parts of New South Wales, and Melbourne as the centre of convenience for Victoria, South Australia, Western Australia, and Tasmania, so far as travel and from the Federal Capital is concerned.

Therefore Melbourne is more convenient for our States and a part of a fifth State.

Senator WALKER.—Why, New South Wales and Queensland contain half the population of Australia.

Senator STYLES.—I am quoting from the authority to which my honorable friend is his faith.

Senator WALKER.—With regard to sites.

Senator STYLES.—I am speaking of a locality from which to administer the affairs of the Commonwealth, and, according to the report furnished by paid experts, Melbourne is more centrally situated than any other place.

Senator WALKER.—No; it is more accessible.

Senator STYLES.—I am not arguing that the Capital should remain here always, but pointing out that we do not need to build a new city for merely administrative purposes. The taxpayers do not want millions to be spent on a Federal city; they are not millions to spend, it seems to me, in the erection of a town which would be occupied for only five months out of the year, and left for seven months to the care-takers and poor storekeepers, who might go gossiping round the country in order to prevent themselves from going melancholy mad. Of course, Senator Smith would be there all the time, but he would be engaged, not in gossiping round the country, but in handing round tea. The Parliament would sit all day, because in that place no one would have any occupation. The party leader of Senator Walker, the Right Honorable G. H. Reid, says that they would have nothing to do. Senator McGregor pointed out the other day that population gravitated to Ottawa. There is no doubt that the statement is true. I believe it comprises 79,453 persons, if Senator Walker gave the exact number.

Senator WALKER.—The honorable senator means Washington.

Senator STYLES.—It is quite true that the people did gravitate to the Capital city, Ottawa; but the point is overlooked that whereas it is within 3,000 miles of Europe Australia is 12,000 miles away.

Senator GUTHRIE.—What has Europe to do with the question?

Senator STYLES.—The proximity of Europe has much to do with the popula-

tion of Canada. The distance from Europe is only 3,000 miles, and the fare a couple of pounds. It is a very different thing to undertake the voyage of 12,000 miles to Australia. Again, if a man is not satisfied with Canada, he has only to cross into the United States. There is no such alternative here. If Australia does not suit a man, it is not very easy for him to find a place that will, except, perhaps, South Africa.

Senator TRENWITH.—If Australia does not suit him, he cannot be suited.

Senator STYLES.—That is quite true; but the people at home do not know that, otherwise they would come here in large numbers. They do know that Canada is close at hand, and that the United States is right alongside the Dominion. I ask whether the establishment of this Capital will attract one single individual from outside Australia.

Senator DAWSON.—Yes; and many married ones.

Senator STYLES.—Not a single individual will be attracted to Australia by the establishment of the proposed Capital. What will happen will be this: People will flock to it from other parts of Australia in order to better their position. Some, by doing so, will, no doubt, better their position, but that will not increase the wealth of Australia by a single sixpence. If there are 50,000 people in the Federal Capital who will have gravitated there from other parts of Australia the result will be that the other parts of Australia will be only so much poorer.

Senator DAWSON.—That is not so, because the Capital will have taken surplus population—

Senator STYLES.—The honorable senator talks of "surplus population" when he knows that we could do with millions on our land. To talk of surplus population in Australia is absurd. Only a few weeks ago Senator Dawson declared that the Labour Party had no objection to immigration, provided the immigrants went on the land.

Senator DAWSON.—That is right; but the honorable senator should allow me to finish my sentence.

Senator STYLES.—There is not much land to give them at present, as in Victoria it is in the hands of large land-holders. Let us hope that those large land-holders will see their way shortly to cut up their holdings in order that smaller settlers may be induced to go on the land.

Senator DAWSON.—What I wished to say was that people being attracted to the Federal Capital would relieve the congestion of population in the large cities, and as those people would go to a place where they could be settled on the land, they would thus increase the prosperity of the country.

Senator STYLES.—I cannot understand that it would lead to any increase of the prosperity of Australia as a whole, though I can understand that the prosperity of New South Wales might be increased by the establishment of the Federal Capital within that State. It is suggested that it should be established in a little square block of a paddock, which some persons from New South Wales would give us. There are honorable senators in this Chamber who have larger paddocks for their sheep than the ten miles square which some persons suggested would be sufficient for the Commonwealth. Is this Federal city needed for legislative purposes?

Senator DAWSON.—Yes.

Senator STYLES.—The Minister of War, as he has been called, says yes. Why? Does the honorable senator admit that the fact that the Federal Parliament sits in Melbourne has influenced one sentence of his speeches or one vote which he has given. He will not admit that, nor will any other honorable senator, or any member of the Federal Parliament.

Senator TRENWITH.—Because it might be used against him on his trial.

Senator STYLES.—We have been told that honorable senators wish to get away from the malign influence of the Melbourne press. We have heard the honorable and learned senator who leads the permanent Opposition say that.

Senator Sir JOSIAH SYMON.—No; I wish to remain in the bosom of the Melbourne press.

Senator STYLES.—It has been said that members of the Federal Parliament desire to get away from Melbourne because of the influence of their surroundings and environment here, but there is not a single member of the Parliament who will admit that he has been influenced in his actions as a Federal member, by the fact that the Federal Parliament meets in Melbourne. What, then, becomes of the allegation that we should go away into the back blocks of New South Wales because members of the Federal Parliament are influenced by their environment here.

Senator DAWSON.—Honorable senators will not admit that they are themselves in-

fluenced, but they contend that other honorable senators are influenced.

Senator STYLES.—As no member of the Federal Parliament will admit that he has been influenced by the fact that the Parliament sits in Melbourne, why should we go anywhere else? Sir John See, who, I understand, is a level-headed man, though I have not the honour of his acquaintance, strongly opposes the establishment of the Federal Capital, although it is to be within the territory of New South Wales. He is in a position to understand the feeling in his State better than most of us, and though he has declared that he would like the Federal Parliament to sit in Sydney, he has also said that, sooner than agree to the building of a new Capital, he would be prepared to allow the Parliament to remain in Melbourne for the time being. I do not know what his motives are, but there is just a possibility that he would like the Federal Capital business kept back, by suggesting that the 100 square miles provided for in the Constitution should be adhered to. He might like it to go forth that the Government and Parliament of New South Wales refuse to give the Federal authority more than 100 square miles minimum, with the view that that will block the whole thing for a time. That is possible, but I do not believe that Sir John See is so narrow-minded as to contend that we should have only the minimum area fixed by the Act. I think he must have some other reason. As to the suggestion that it was by concession that the Federal Capital was to be permanently located in New South Wales, I remember interjecting the other day—I think when Senator Symon was speaking—"The people of New South Wales were bribed then."

Senator WALKER.—That was a jocular remark.

Senator STYLES.—Oh, yes. I have too high an opinion of my countrymen on the other side of the Murray to believe for a moment that that had the slightest influence in inducing them to accept the second Commonwealth Bill—the Premiers' Bill, not the Convention Bill. I do not believe it weighed with them one jot. We are told that the majority vote in favour of the second Bill was very much larger than that in favour of the first. It was larger by 19,000. We were told last session, and the inference now is the same, that that was owing to section 125 which appeared in the second Bill. If that be so, I should like to know what caused the increase of 30,000

in the majority in favour of the second Bill in South Australia, a State with only one-fourth of the people of New South Wales? And how do honorable senators account for the fact that in Victoria, with a population approximating that of New South Wales, the majority in favour of the second Bill was increased by 64,000 votes. If it is claimed that the increase of the majority in New South Wales was due to the provision fixing the Capital in that State, one would expect that the people of Victoria would have been anxious to get rid of that section. There is nothing in the argument at all. I should be content to have referred to the people of New South Wales the question whether we should begin our expenditure on the Federal Capital now, or delay the matter for some years, and I should be prepared to abide by their decision, if the question were put fairly before them. The only people who would vote for the immediate establishment of the Capital would be those who might think that they had an off-chance of its being built in their neighbourhood. The great bulk of the people of New South Wales would say—"No; you can do very well as you are. We do not care about spending some millions of Commonwealth money in the erection of a city which we believe is not required." There was another reason, in addition to that which I have given, for the increase of the majority in favour of the second Commonwealth Bill submitted to the electors of New South Wales. It was this—the then Premier of the State, the Right Honorable G. H. Reid, on the first occasion said "Yes-No," and on the second occasion he said "Yes." The right honorable gentleman had a large following behind him, and that is the reason why the majority in favour of the second Bill was increased, although New South Wales had broken the compact by increasing the minimum affirmative vote required from 50,000 to 80,000.

Senator PULSFORD.—Did not the right honorable gentleman say "Yes," because the question of the location of the Federal Capital had been settled?

Senator STYLES.—He may have done so; but I am stating what has been reported, that he said "Yes-No" on the first occasion, and emphatically "Yes" on the second, and that, no doubt, caused a considerable increase in the number of votes cast in favour of the second Commonwealth Bill. In my opinion, the area provided for in the Bill before us is altogether too small. I would point out to honorable senators

that this area stands, in proportion to the total area of the territory of New South Wales, as one acre to half a square mile, or 320 acres. An area one mile long by half-a-mile wide would contain 320 acres, and the proposed territory would be one 340th part of the whole area of New South Wales. This is a nice condition of things. People talk about huckstering, but I ask honorable senators to consider the position. Suppose an honorable senator having 340 acres was in partnership with five other persons, and said to his partners, "I will give you one acre out of the 340 acres I have." Do honorable senators believe that he would be likely to go so far as to saddle his gift by a condition that the acre given should be situated right in the middle of the area he retained, so that at any time he might shut down upon his partners if they did not, in his opinion, behave themselves? Is it not reasonable to suppose that he would be prepared to give his partners an acre out of the 340 with a frontage to a road, in order that they might have access to their property at any time. What is proposed here is, however, the huckstering, not of the people of New South Wales, but of some of the public men of that State. I ask honorable senators to look at the contrast between the conduct of some of the public men of New South Wales and that of the public men of Victoria.

Senator DAWSON.—Tommy Bent.

Senator STYLES.—I am speaking now of the Federal Parliament, and not of Tommy Bent, or any one outside. The Vice-President of the Executive Council told us that this building cost £800,000. There is another building on the St. Kilda road which, with the ground surrounding it, must be worth quite that money, and yet these properties, together with a magnificent library, have been handed over to the Federal Parliament free of cost by the people of Victoria. Now, when we ask for a few hundred square miles out of a territory 50 per cent. greater than the area of France, or the mighty German Empire, and double the area of the Empire of Japan, we are met with a huckstering suggestion that we are bound by the area referred to in the Constitution.

Senator PEARCE.—Not by the people of New South Wales.

Senator STYLES.—I have said that it is not due to the people of that State. I remind honorable senators that section 125 of the Constitution provides also the limit

from Sydney within which the Federal Capital shall be established. This is referred to usually as the "100-mile radius from Sydney." I notice that none of the representatives from New South Wales or elsewhere raise any objection to the Federal Capital being established 300 miles from Sydney. Bombala is, roughly speaking, 300 miles from that city. They, however, strongly object to more than 100 square miles being included in the Federal territory. If it had been the intention of the framers of the Constitution that the Federal territory should be limited to 100 square miles, the Constitution would have read, "100 square miles, more or less," or it would have included a maximum as well as a minimum area. There is no maximum provided with respect to the limit of distance from Sydney. The words used in each case are exactly the same. The section provides that the Seat of Government of the Commonwealth shall be distant "not less than 100 miles from Sydney," and the territory is to be an area of "not less than 100 square miles," but although exactly the same words are used in each case an absolutely different construction is put upon them. In one case it is contended that to establish the Capital 300 miles from Sydney would be quite right, because the Constitution provides for it; whilst in the other case it is contended that an area of 100 square miles substantially is all that should be given to the Commonwealth.

Senator O'KEEFE.—If the honorable senator will wait until he sees how honorable senators from New South Wales vote, he will find that an effort will be made to select a site as close to the 100-mile limit from Sydney as possible.

Senator STYLES.—I do not think so, because I believe that the representatives of New South Wales will consider the railways of that State in fixing the Federal Capital. They will assume that the hundreds of thousands of tons of building materials and goods required for the Capital, as well as the passenger traffic to it, must be taken over the State railways from Sydney.

Senator WALKER.—That is hardly fair.

Senator STYLES.—I believe it to be true. I do not see any objection to fixing the Capital 300 miles from Sydney.

Senator PULSFORD.—Is the honorable senator not aware that nearly all the New South Wales senators are voting for Lyndhurst?

Senator O'KEEFE.—Hear, hear. The site nearest to the 100 miles limit from Sydney.

Senator STYLES.—I do not know that they are. I am not aware that they voted in that way last year.

Senator WALKER.—I did not.

Senator PULSFORD.—All the New South Wales senators, with the exception of Senator Walker.

Senator WALKER.—Who takes a broad view of the subject.

Senator STYLES.—Senator Pearce raised a very pertinent question the other day, when he reminded us that the great bulk of an area of 100 square miles would possibly be required for water supply. Senator Walker has said that 120 square miles would be required for water supply.

Senator WALKER.—No; 103 square miles.

Senator STYLES.—I was near enough. It appears that the Delegate River has a watershed of ninety-six square miles itself, fifty-six square miles of which are in Victoria. The Royal Commissioners have said that they have no doubt that the people of Victoria would be prepared to hand over that area of fifty-six square miles to the Federal authorities. I have not the slightest doubt that they would. If that be so, and the watershed is to occupy practically the whole of the 100 square miles, where is the city to be, and where will the beautiful suburban residences of which we have heard be built? Are they to be built within the watershed? I notice that my honorable friends did not refer to the report of the New South Wales Commissioner, His Honour the President of the Land Court, Mr. Alexander Oliver, who was appointed by the New South Wales Executive Council in 1899, before Federation was achieved, to report on the Federal Capital site. Mr. Oliver is an able man, who took great pains with his work. I am glad that Senator Walker acquiesces, and the honorable senator will no doubt admit that we could not have found a more suitable man in Australia to report on the subject.

Senator WALKER.—He is not a universal genius!

Senator STYLES.—I am speaking of this particular subject.

Senator O'KEEFE.—Honorable senators from New South Wales do not like him because he favours Bombala.

Senator STYLES.—Here is what he said—

Long before I had finished my visits of inspection, the conviction was forced on me that 100 square miles would not be nearly enough for the Federal Territory. But I was disposed

to think that there ought to be no considerable excess over the prescribed minimum, and that although 25 per cent. of excess might be permissible, the offer of an area much larger than that minimum was not contemplated by the framers of the enactment.

That no doubt suits my honorable friends from New South Wales, but I do not stop there. I quote from a report from their own man, handed to us for our information. It was prepared under the direction of the New South Wales Parliament, and laid before that Parliament on the 30th October, 1900, as a parliamentary paper, and a copy of it was then sent by the Government of New South Wales to the Federal Government. Mr. Oliver said also—

Further consideration has made me abandon this opinion. To the Commonwealth, or partnership of Australian States, the acquisition of a territory very much larger than the minimum area will, I am convinced, prove of inestimable benefit.

His Honour then gives his views as to the area needed, and he said—

This Southern Monaro Federal Territory site of 125 square miles (80,000 acres) is, in my opinion, altogether inadequate, and an extension of area is suggested, which would increase the area up to 1,200 square miles approximately.

That was Mr. Oliver's advice to the Parliament which appointed him, and it ought to have some weight, coming from an authority like the President of the Land Court of New South Wales. Another question referred to by Senator Dobson is worthy of consideration, namely, that the Federal territory should abut on another State, or on the sea coast. My own preference is for a territory abutting on the sea coast. If Bombala or some other Southern Monaro site be selected, and only 100 square miles be allotted, all idea of reaching the port of Eden must be abandoned; and such conditions are, in my view, absurd. A site in the same locality would also preclude the idea of the Federal territory abutting on Victoria; but that is a matter about which I do not much care. Mr. Oliver is of opinion that a seaport is almost indispensable, and in his report he said—

In the first place, the inclusion in the Federal Territory of Southern Monaro of a harbor like Twofold Bay, with at least from 5 to 6 square miles of safe anchorage for the largest ocean-going steamers, secured by a north and south breakwater of no extraordinary dimensions or cost and of a railway connexion with that harbor, both railway and harbor, and a sufficient area of adjacent country to be Commonwealth property, distinguishes this site from all others . . . this

harbor, being Crown land, would cost the Commonwealth nothing for resumption.

If the Seat of Government were to be located on the Monaro tableland, and connected by rail with a harbor such as Twofold Bay, the Commonwealth would acquire an invaluable naval base, situated nearly half-way between the two State capitals that offer the greatest temptations to an enemy—Sydney and Melbourne. The eastern States of Australia would acquire a harbor of refuge, or for refitting ships in distress, or for coaling. If the Commonwealth is to have a navy of its own, or even a training-ship, Twofold Bay would be a convenient station, particularly for gunnery practice, and suggests itself as the convenient headquarters for the Naval Commandant. As the breakwaters would be fortified, the Port of Eden could be made practically impregnable. With such a harbor the Commonwealth would have two routes for reaching the various State Capitals—one by sea, the other by land—and for facilitating the collection, mobilization, and despatch of troops, munitions, and equipments.

The lumber cargoes from the other side of the Pacific could be discharged direct on the Eden wharf, and the same facilities would exist for cargoes of coal, stone, roofing-slates, tiles, cement, and all other kinds of building material; and thus every State of the Federation would have a common commercial heritage in a harbor second only to Port Jackson.

What these and other advantages might mean in the course of a generation or two it is impossible to predict and, perhaps, difficult to exaggerate.

The Royal Commission of last year declared that with a railway between the Federal Capital and Twofold Bay, 10 per cent. would be saved on the cost of building; and that, of course, is a very important item. The representatives of New South Wales will doubtless strongly oppose any railway connexion between Twofold Bay and the Capital, for the reason that there is a distance of 300 miles from Sydney, and the desire is that all the supplies for the Federal Capital should pass through Sydney and over the New South Wales railways. That may be a narrow-minded, but it is what is regarded as a business view. What is desired is easy access to the Federal Capital at any time. Senator Dobson the other day charged the Government with not having given any estimates of the cost, but I do not think that complaint is well founded. Reliable estimates of cost have been supplied to every member of the Commonwealth Parliament. Mr. Oliver shows an estimate of the cost of access, water supply, land resumption, and laying out and erecting the city, and I shall read what he states on the last point. Mr. Oliver, in his report, adopted the view of certain experts, who may be known to senators from New South Wales. These experts were not the Royal Commission of last year, but were prominent



professional men in New South Wales, and the cost, according to them, will be—

Houses of Parliament	...	£750,000
Governor-General's residence	...	£75,000
Post-office	...	£100,000
Customs-house	...	£50,000
Secretarial	...	£80,000
Military academy, arsenal, factory, and Commandant's residence, &c.	...	£200,000
Treasury	...	£50,000

Senator STANFORTH SMITH.—For the next fifty years?

Senator STYLES.—All that money is to be expended within the next few years.

The Courts of Justice, Law Offices, Federal Records House, &c.	...	£300,000
National Hall, with Art Gallery and Library	...	£150,000
Finance, trade, fisheries, health, statistics, patents, audit, &c.	...	£80,000
Prime Minister's official residence	...	£10,000
Official residences for Minister of War, Treasurer, and Attorney-General, each	£7,500	£22,500
Laying out the city	...	£250,000
Total	...	£2,117,500

Mr. Oliver stated in his report—

That the above are the buildings that will probably be necessary . . . after the necessary arrangements have been made for access, water supply and sewerage, and housing the operatives.

I ask honorable senators whether the names of the following gentlemen who prepared and signed that estimate are not sufficient to carry some weight, apart from the opinions expressed by Mr. Oliver—

Mr. G. Allen Mansfield, F.R.J.B.A. (chairman), New South Wales; Mr. W. L. Vernon, F.R.J.B.A., Government Architect of New South Wales; Mr. John Barton, F.R.J.B.A., president of the Institute of Architects, New South Wales; and Mr. Geo. Knibbs, president of the Institute of Surveyors of New South Wales, and Surveying lecturer, University of Sydney.

In addition, the Engineer-in-Chief of Harbors and Rivers, Mr. Darley, who is a man of great ability, has given an estimate of the cost of construction of two breakwaters, and of making Twofold Bay a perfectly safe anchorage for the largest vessels afloat. The total is £1,028,000. The Federal Government appointed the Royal Commission I have referred to, and to their report I desire to direct special attention. The questions which were reported on, included means of access, water supply, and land resumption, but not the probable cost of the public buildings. It seems clear, there-

fore, that the Barton Government accepted the estimate of the cost of public buildings, as set forth in Mr. Oliver's report. The inference is fair and reasonable that the Government were satisfied, and believed Parliament to be satisfied with the estimate submitted by Mr. Oliver, or, rather, by his experts, through him, to the New South Wales Parliament and the Commonwealth Parliament. The Royal Commission, of which Senator Walker appears to think so much, estimated £931,000 as the cost of connecting Bombala with the port of Eden by railway, and £330,915 as the cost of the water supply for 50,000 people. It will be seen that the Commission even went into odd pounds, and checked and somewhat reduced Mr. Oliver's figures. These estimates were all made on the assumption of a Capital with a population of 50,000. No estimate was given either by Mr. Oliver or those who succeeded him as to the cost of sewerage, drainage, and lighting, but from my knowledge of such matters, I should put that cost down at, at least, £10 per head, or £500,000. The expenditure on buildings in six or seven years is estimated at £2,117,500.

Senator PEARCE.—In six or seven years?

Senator STYLES.—From the time we begin laying out the city.

Senator STANFORTH SMITH.—But the cost estimated is that for a city of 50,000 people.

Senator STYLES.—It would be unwise to wait until there was a population of 50,000 before beginning to carry out those works.

Senator TRENWITH.—I hope that £750,000 will not be spent on the Parliament buildings.

Senator STYLES.—I do not say that these estimates would be adhered to rigidly. I am merely drawing attention to the estimates which have been placed in the hands of every Member of Parliament.

Senator PEARCE.—Mr. Oliver never said that this expenditure would be spread over six years.

Senator STYLES.—Mr. Oliver gives a period from one year upwards. The National Gallery has to be completed in ten years, and the Parliament House and other public buildings in seven years, according to Mr. Oliver.

Senator PEARCE.—Those estimates do not bind the Government.

Senator STYLES.—I am not saying that the estimates bind anybody, but merely drawing attention to figures laid before the

Federal Parliament, and adopted, so to speak, by three Commonwealth Governments.

Senator PEARCE.—They have not been adopted by any Government.

Senator STYLES.—Then why are not proper estimates given, if these before us are not sound?

Senator PEARCE.—Because we have not before us the question of erecting these buildings.

Senator TRENWITH.—The first question is the selection of the site, and we do not want estimates for buildings until we know where we are to place those buildings.

Senator STYLES.—Last year the whole matter was discussed. Seeing that directly the site is selected the expenditure will begin, we ought to know something beforehand of what we are going to do. Surely we will not select the Capital, and, with our eyes shut, start an expenditure of which we know nothing. We are told by the Government that the expenditure will, and, I think, rightly, begin directly the site is selected.

Senator PEARCE.—According to the Prime Minister the expenditure will be £20,000 for five years.

Senator TRENWITH.—That is as ridiculous an estimate as the other.

Senator STYLES.—The railway communication with the port must be built at once, and the necessary works at the port constructed immediately. Nearly all the building material could be brought from within sixty miles by sea, but otherwise, without railway communication, it would have to be hauled overland 300 miles from Sydney. According to Mr. Oliver, the harbor works would cost £1,028,000, which, with my estimate as to sewerage, drainage, and lighting, brings us up to a total of £4,907,415.

Senator PEARCE.—Over what length of time does the honorable senator spread the expenditure on lighting?

Senator STYLES.—That expenditure, along with the expenditure on water supply, will, of course, extend over many years.

Senator TRENWITH.—And so in regard to the sewerage.

Senator STYLES.—That may be admitted.

Senator PEARCE.—Probably twenty years.

Senator STYLES.—As building goes on, water supply will be necessary; but the time may not be half or quarter that suggested by Senator Pearce. Directly the foundations are laid buildings will be con-

nected with the sewerage, and the water supply will be necessary to enable the building work to go on.

Senator PEARCE.—The honorable senator's sewerage estimate is based on a possible population of 50,000 people, and it will be twenty years before there is that population.

Senator STYLES.—My contention is that the expenditure to which I am referring will not increase the wealth of Australia. The money must come out of the pockets of the taxpayers, and this Federal Capital will have to be "spoon-fed" for generations to come.

Senator TRENWITH.—On the contrary, the Federal Capital will commence to "feed" almost immediately.

Senator STYLES.—Where will the money come from?

Senator FINDLEY.—The nationalization of the land.

Senator STYLES.—Every shilling will come from the taxpayer, and the return will simply be a matter of interest. Money does not come from the clouds, and is not found on the seashore.

Senator TRENWITH.—It will come from the soil.

Senator STYLES.—It cannot come from the soil unless those honorable senators, who wander about during the recess, discover some mineral resources.

Senator O'KEEFE.—A lot of land will be brought into cultivation.

Senator STYLES.—I appear not to have made it clear that if 50,000 people were taken, for instance, from Adelaide, and placed on the Federal area, Adelaide would be so much the poorer. The movement would increase the wealth of New South Wales, and we should get some money back, but every sixpence spent must come out of the taxpayer's pocket.

Senator PEARCE.—Is it not possible to get people from somewhere outside Australia?

Senator STYLES.—My argument is that the Federal Capital will not induce people to come to Australia.

Senator STANFORTH SMITH.—It might stop people from going to South Africa.

Senator STYLES.—There is plenty of land now, and I think the area ought to be at least 10,000 square miles. That appears to be, and is, a large area, but what is it compared with the 3,000,000 square miles of Australia, or the 310,000 square miles of the parent State?

Senator WALKER.—Does the honorable senator wish to make a new State?

Senator STYLES.—I want to make the Federal territory self-supporting — large enough to produce everything required within its borders. The New South Wales representatives want the area to be 100 square miles, so that it shall not be possible to grow even a cabbage within its borders, and all supplies must be obtained from that State.

Senator FINDLEY.—The Federal Capital will increase land values.

Senator STYLES.—Of course it will, for fifty miles round.

Senator PEARCE.—New South Wales imports her cabbages from Victoria.

Senator STYLES.—That may be so, but I dare say the time will come when even in New South Wales the people will learn to grow cabbages.

Senator PULSFORD.—Does the honorable senator know where the "Cabbage garden" is?

Senator STYLES.—Yes, and I am pleased to contrast the "Cabbage garden" with the Squatter's run on the other side of the Murray. The expenditure to which I have drawn attention would, on the basis of population, be apportioned as follows:—

New South Wales	...	...	£1,776,108
Victoria	...	...	£1,523,407
Queensland	...	...	£650,500
South Australia	...	...	£462,100
Western Australia	...	...	£271,700
Tasmania	...	...	£223,600

My point is that it is unnecessary to incur this expenditure at once. I have been showing that we do not want the Federal Capital now. Let us wait until we have a few more millions of people in Australia and a few more good seasons.

Senator DE LARGIE.—We have as large a population as Canada had when her Federal Capital was built.

Senator STYLES.—People lived in mud huts there for years, I have heard. We do not want to do that. We want to have decent buildings.

Senator PEARCE.—The honorable senator has given us the debit side of the case. What is the credit side?

Senator STYLES.—There is no credit side. If a resident in the Federal Capital be a Federal officer or a member of Parliament, it is true that he will spend his salary there. But where will the money come from? It will come out of the pockets of the people of Australia. They will be no better off than if the money were spent in Melbourne, Sydney, or Adelaide. The expenditure in the Federal Capital will not increase the wealth of Australia by one penny per annum.

Senator MCGREGOR.—The honorable senator has to pay income tax while he is resident in Victoria.

Senator STYLES.—The honorable senator is endeavouring to draw, not a red herring, but a red whale across the trail!

Senator PEARCE.—Will not the Commonwealth receive some money back in rent?

Senator STYLES.—Yes; I recognise that. But all the rent that is paid in the Federal Capital will not increase the wealth of Australia.

Senator DE LARGIE.—Is population wealth?

Senator STYLES.—Of course population is wealth. It is not the railways nor the buildings that constitute the wealth of a country but its population. Every person resident here is worth so much money to the country. The capital value of every man, woman, and child in Australia is estimated to be £350 at the least.

Senator FINDLEY.—The honorable senator's argument presupposes that the population of Australia is going to be stationary.

Senator STYLES.—The population will increase all over Australia, but the fact of our having the Federal Capital will not cause more people to be born, nor will it induce population to come here from outside. But I have not yet quite done with the question from the point of view of expenditure. In addition to the outlay by the Commonwealth, there will be the outlay of the States in constructing railways. It is admitted on all sides that the Federal Capital should be connected by rail with Melbourne and Sydney.

Senator WALKER.—Tumut is connected already.

Senator STYLES.—Tumut is out of the running. We need not worry about that site. We would not have Tumut at a site. In addition to the expenditure which I have already outlined, Victoria and New South Wales would have to spend altogether £1,518,500 on railways.

Senator TRENWITH.—What railways are they?

Senator STYLES.—First, the railway from Cooma through New South Wales territory is estimated to cost £337,000. That line will run to the border. That is an amended estimate. The former one is much larger. It is the estimate of the Commission of experts appointed last year.

Senator TRENWITH.—About forty miles of it will run through comparatively easy country.

Senator **STYLES**.—I do not intend to argue about the cost of these lines. I am asking what the Royal Commission, after inquiry, estimated. They said that it would cost, first of all, £337,000 to make the railway from Cooma to the border. The railway from the border to Bairnsdale would cost £1,181,000. These estimates are both less than the estimates of the Engineer-in-Chief for the respective States. The estimates furnished to Mr. Oliver by the New South Wales Engineer-in-Chief, and by Mr. Rennick, the Victorian Engineer-in-Chief, amounted, together, to £2,000,000. The revised estimates are only £500,000 less. According to these estimates, £6,425,915 will have to be expended by the Commonwealth and States taxpayers. The taxpayers of these States will have to pay, between them, £1,518,500 in addition to the estimated Commonwealth expenditure.

Senator **TRENWITH**.—Will they not receive any incidental advantage in addition to having the Capital?

Senator **STYLES**.—Mr. Rennick says that they will not. The contribution of New South Wales to the Commonwealth expenditure will be £1,776,108, and the railway expenditure, according to the estimates furnished to the Royal Commission, £533,339. Victoria will have to pay £1,523,407 as her share of the Commonwealth expenditure, and £985,561 for her railway extensions.

Senator **DE LARGIE**.—Does the honorable senator make any allowance for connecting Western Australia by rail with the eastern States?

Senator **STYLES**.—No, I do not.

Senator **DE LARGIE**.—Why not?

Senator **STYLES**.—Because Victoria will have to pay her own share for railway extension to the Federal Capital, and I hope that she will refuse to pay any share for the construction of Inter-State railways, except through her own territory.

Senator **MCGREGOR**.—Is the north-eastern portion of Gippsland of no use?

Senator **STYLES**.—It is not very good country.

Senator **FINDLEY**.—The Commonwealth is now paying £3,000 per annum for office rent in Melbourne.

Senator **STYLES**.—We shall have to pay £150,000 in interest for outlay in connexion with the Federal Capital. Where then will the saving come in? It is true that some portion of the £150,000 will be returned in rent from our own

people; but that will not increase the wealth of Australia.

Senator **FINDLEY**.—That is not the point. The main point is the nationalized Capital area.

Senator **STYLES**.—The Vice-President of the Executive Council has told us that we pay £3,000 a year in Melbourne in office rent.

Senator **MCGREGOR**.—For very inadequate accommodation.

Senator **STYLES**.—Suppose we do pay three times that sum, it is very much less than the amount that we would have to pay in interest on the Federal Capital expenditure. Let me read to honorable senators what the Chief Railways Commissioner of Victoria reported to the Royal Commission last year. This is the latest information. He said that as the line from Melbourne to Sydney *via* the Federal Capital would be about 100 miles longer than *via* Albury, it would "probably be used only by those having business with the Capital." He added, however—

That at some not very distant date the Victorian portion of the line from Bairnsdale *via* Orbost will probably have to be constructed for State purposes, as it will open up some fertile country.

Senator **TRENWITH**.—That is the consideration which I suggested when I asked what incidental advantages there were.

Senator **STYLES**.—I recognise that. Now let us hear what Mr. Rennick, the Engineer-in-Chief, who has been over the ground, and is the highest authority we have, says on the point—

So far, as may be judged by surface indication, the greater part of the country between Bairnsdale and Delegate . . . appears of a very inferior character, and quite unfit to maintain under present industrial conditions of Victoria any considerable population. . . . The question is, would any such line be justified within a reasonable period of, say twenty years.

That opinion seems like a damper, does it not? It looks as though we were not going to have that line constructed by Victoria. If it is not constructed, we shall have to travel 286 miles further round from Melbourne to reach the Federal Capital.

Senator **DOBSON**.—We shall never have the line built.

Senator **STYLES**.—At any rate, such a line will not be built for many years to come. I will next quote what the Chief Commissioner of the New South Wales railways said. His estimate was higher than the estimate of the Royal Commission—

The line from Cooma would be necessary in order to bring the site (Bombala) into communication with the State (New South Wales) railway system. . . . the other lines would be required to make it conveniently accessible from the Southern States. . . .

He also states that—

The construction of the New South Wales portion of the Bombala-Bairnsdale line could only be justified on the ground of the necessity for connecting the Federal Capital, if at Bombala, with Melbourne direct.

Senator MCGREGOR.—The New South Wales Parliament has twice passed an Act to connect Bombala with Cooma.

Senator STYLES.—They would have to construct thirty-two miles of railway to connect Cooma with Dalgety. That would leave fifty-nine miles to connect Dalgety with the Victorian border. Then the Chief Engineer asserts that we should not be justified in making the connecting link with Melbourne. If that be the case, we can hardly expect New South Wales to construct that line at her own cost. Victoria might refuse to spend £1,000,000 on that railway, in the face of the report of Mr. Rennick, if his conclusion was supported by subsequent investigation. If I were a member of the State Parliament, I should never sanction expenditure on such a line. Suppose New South Wales says—"We decline to construct any railway beyond the thirty-two miles from Cooma to the Federal Capital, at Dalgety." The Commonwealth Parliament might say—"If you will not construct the line we will." New South Wales might reply—"We will not give you permission to build your railway through our territory." I do not say that the present New South Wales Parliament would do so. I am looking ahead. I am considering the matter in the light of what is possible in this connexion.

Senator O'KEEFE.—Does the honorable senator mean to say that we should be likely to build the Capital, without receiving assurances that New South Wales would build the line?

Senator STYLES.—The New South Wales Parliament might say—"We want the trade to gravitate to Sydney, and do not want any of it to go to Melbourne." What has forced these matters under my notice, is the tenacity with which the 100 square miles minimum limit provision has been insisted on by the New South Wales representatives. I cannot help feeling that there is a reason for that. Even supposing that New South Wales did give permission to the Commonwealth to build

sixty miles of railway line, there would still be the £1,000,000 worth of railway to build from the border to Bairnsdale. If the Commonwealth built the one line it would have to build the other. There is no question about that. I should say that Victoria would be only too glad to give permission to build the line from the border to Bairnsdale.

Senator O'KEEFE.—She would build it herself.

Senator STYLES.—I have my doubts about that. If Victoria had intended to build the line she would have done so before now. I venture to say that if Senator Trenwith and I were still members of the Victorian Railways Standing Committee, and it were proposed to build that line at a cost of £1,000,000, he would not vote for its construction.

Senator WALKER.—Stick to Tumut, and we shall be all right.

Senator TRENWITH.—We would sooner build two railways than that.

Senator STYLES.—If what I have suggested were to happen, we should be in a fix. The proper preliminary to building the Capital is to ascertain from the New South Wales Government whether they will construct the fifty-nine miles of railway from the Capital to the border, and to ask Victoria whether she will construct the railway from the border to Bairnsdale.

Senator TRENWITH.—Surely the preliminary is to decide where the Capital shall be.

Senator STYLES.—Could we not say, "If we decide on the Capital being located at Dalgety, will you do so and so, or allow us to do it?" If we had to construct the railways the expenditure altogether would be £6,500,000. The only estimate with which fault can be found is with regard to the £2,117,000 for buildings. If we knocked off a million from buildings the expenditure on railways and the Capital would still be £5,500,000. If we knocked off the total estimate for buildings, the expenditure would be still £4,500,000. Those figures are founded upon estimates which cannot be challenged, made on the results of flying surveys. It is, of course, for the majority to decide whether it is worth while to enter on such an enormous expenditure at this particular time. I should like to have these figures published in detail, so as to strengthen the hands of those who say that such expenditure should not be incurred just now. I should be quite willing to abide by the opinion of the people of New South Wales at a referendum as to

whether this expenditure should be undertaken or whether it should be postponed for five or seven years. I would abide loyally by the decision of the New South Wales people, and would never afterwards open my lips in opposition to the construction of the Capital, whatever the decision was. But I look on what is now proposed as nothing less than a gigantic squandering of public money. In the name of common sense and common business prudence, if we must spend £4,000,000 or £5,000,000, or even £2,000,000—and it must be borrowed, because it cannot be dug out of the ground—let it be spent in settling people on the lands of Australia, in providing a water supply for districts possessing fertile soil but an inadequate rainfall. There would be some sense in pursuing that policy.

Senator FINDLEY.—Is there no fertile soil in the proposed Capital sites?

Senator STYLES.—We could not expend £4,000,000 or £5,000,000 on the land within the Federal Territory. That sum would, I believe, place 2,500 families on the land at a cost of £200 each. I would sooner give those persons £200 each and put them on the land than spend it in the way proposed.

Senator TRENWITH.—On what land?

Senator STYLES.—On the best lands of Australia.

Senator FINDLEY.—The honorable senator was in favour of the Federal Territory containing an area of 5,000 square miles.

Senator STYLES.—Yes, if we could get the area in a certain place. I cannot tell whether soil is good or bad, but I know when it is very bad. Whether any of these lands are fit for carrying on agriculture or horticulture I do not know. But what I do say is that if the money of the taxpayers is to be spent, let it be spent in the direction in which a business man would do. Give £5,000,000 to a hard-headed shrewd business man, and ask him this question—"Will you put 2,500 families on the land at a cost of £200 each, or spend the money in erecting a Federal Capital?"—that is, in order that we may get away from what has been described as the malign influence of the Melbourne press and Melbourne public opinion, neither of which, in my opinion, has the slightest influence on any speech or vote given in the Federal Parliament.

Senator PULSFORD.—I rise, sir, to draw your attention to the fact that there is no quorum. (*Quorum formed.*)

Senator DE LARGIE (Western Australia).—I desire to address a few words to the Senate at this stage, as I may be absent when the Committee stage is reached. Judging by the tenor of the remarks which have fallen from Senator Styles and the senators from New South Wales, I am afraid that if we are to do justice to this all-important subject, the senators from the other States will have to turn a deaf ear to pretty well all that has been said by the senators from either Victoria or New South Wales. I am quite sure that they are not in a frame of mind to do justice to it.

Senator STYLES.—What about the senator from Tasmania?

Senator DE LARGIE.—Unfortunately he is in the same position as the Victorians. I think that if we are to do justice to the subject, the Kyabram cry, or the Sydney-side politicians' socialistic ghost-hunting cries, will have to be put into the background.

Senator DOBSON.—Are not those cries as good as the cries of the Labour Party?

Senator DE LARGIE.—I do not think so. The honorable and learned senator has consistently opposed every proposition that has yet been made with reference to the Federal Capital. I believe that if this matter were left to him it never would be settled.

Senator DOBSON.—That is not a fair comment.

Senator DE LARGIE.—Evidently that opinion is shared by a writer who, in a very impartial manner, has dealt with some statements of the honorable and learned senator which were published in a newspaper. For his edification I propose to quote from the *Economical Review* of July last an article by Mr. R. E. Macnaghten. I am not familiar with the name of the writer.

Senator DOBSON.—He is a Tasmanian who has a craze on the subject. He thinks that we ought to build a Capital which would vie with the capitals of the world.

Senator DE LARGIE.—The writer seems to be pretty familiar with the subject which he has handled very intelligently. This is his opinion of Senator Dobson's proposal to have a Capital perambulating from Melbourne to Sydney.

Senator DOBSON.—As a temporary measure.

Senator DE LARGIE.—According to the figures given in this article by the writer a perambulating Capital would be more expensive than a permanent Capital on the site chosen by the Senate last year. The writer says—

In a signed article in the *Examiner*, a newspaper published in Launceston, Tasmania, Senator Dobson, to whom the idea of substituting Sydney for the constitutional capital is principally, if not solely, due, writes:—"I believe there are thousands of persons who shrink, as I do, from advocating the enormous expenditure which must result from building a capital in the 'back-blocks.'" On what principle of economics Mr. Dobson can consider that it will be cheaper to house, say, 20,000 persons—

Senator DOBSON.—Twenty thousand persons? That is quite enough to condemn anything that that gentleman says.

Senator DE LARGIE.—I think that before the lapse of many years we shall have a population of 20,000 persons in the Federal Capital, if it is going to be worthy of the name at all.

—in an over-populated city, where building land has already reached enormous prices, rather than on a virgin site, where land can be obtained at "prairie value," I am at a loss to discover. As a matter of fact, one of the chief and most obvious reasons for building our capital on a new site, is the immediate and inevitable economy which will thereby be effected. The number of persons attracted to the Federal Seat of Government, whether it be at Bombala, Sydney, or elsewhere, will presumably be the same. At Bombala the estimated value of the land (as given in the carefully-prepared and admirably-illustrated *Proposed Federal Capital Sites*, issued by authority of the New South Wales Government), is from £1 10s. to £5 or £7 an acre. At a rough estimate the city might be supposed to occupy, at the commencement, four square miles, of which two square miles might be deducted for streets and open spaces. This would give two square miles of 1,280 acres, of which the value would immediately become, on the average, probably not less than £1,000 an acre, giving a rough total value of £1,280,000. If we estimate the purchase money at so high a figure as £5 an acre, the total spent on purchasing the actual four square miles included in the above computation would only be £12,800, so that, if my figures are approximately correct, there would be an immediate clear gain of a very large sum. Though some of the land might not be worth the estimated *average* value per acre, it must, on the other hand, be remembered that in the main business centres it would probably far exceed it. If Sydney had been selected as the Federal Capital, a similar increase of population must inevitably have occurred. Additional building land would in one direction or another, have had to be made available. No doubt the process in such a case would be practically invisible and unnoticed, except in the case of the purchase of particular sites for definite Federal purposes. But it would none the less exist. A large increase in the value of building land round Sydney would undoubtedly take place. For that unearned increment some one would have to pay. Money for the necessary extra

buildings, whether public or private, would have to be obtained. In the case of Sydney, the borrowing would presumably be arranged by private enterprise. But if, as I have suggested, the land were let at Bombala on ninety-nine years' leases there is no reason why the necessary finances should not be obtained in precisely the same way.

In my opinion the writer has handled the subject very well, and the intelligent manner in which he has dealt with land values, the cost of buildings, and so forth, goes to prove that by adopting the proposal of Senator Dobson we should incur quite as great expense from time to time as we should by establishing the Capital on a site and making land values in a district in which the soil is of very little value. Therefore, looking at the matter, even from the honorable senator's stand-point of cheese paring economy, we have every reason for saying that we should, as soon as possible, select a site, and acquire the unearned increment which we know must accrue in any virgin district such as Bombala or Southern Monaro. I am not tied down to Bombala any more than to Delegate or Dalgety. So far as I can judge—and I have seen the sites lately—the best site is Delegate, not Dalgety. It is almost as good a site as Dalgety for water power. The Delegate River may not be as large as the Snowy River, but I feel quite sure that it would be equal to all the requirements of the Federal Capital. The soil of the Delegate district is much superior to that of Bombala, and undoubtedly far superior to the soil of Dalgety. The climate is said to be much warmer than the climate in any part of the table-land of Southern Monaro. It is an old camping ground of the aboriginal race. A blackfellow does not camp on the coldest part of a country. Naturally he selects a snug or warm locality, and makes it his camping ground. Delegate has long been known as an old camping ground of the aboriginal race. Not only has it a good soil, but it has a much better climate than any other part of the table-land of Southern Monaro. It is near the border of Victoria, but I am afraid that we shall not get the area of 5,000 square miles which, it is suggested, is the least we should take.

Senator FINDLEY.—We shall try, anyhow.

Senator DE LARGIE.—I am willing to try to get as much land as we possibly can, but I am afraid that we shall be obliged to fix the Federal Capital as near the border as possible, in order that we may have a territory not surrounded by New South

Wales, as some honorable senators have proposed. If we want an independent territory—one abutting on the boundary of Victoria—I think that we shall have to take Delegate instead of Dalgety.

Senator DOBSON.—How far is Delegate from the Victorian border?

Senator TRENWITH.—About three miles.

Senator DE LARGIE.—That is so. There is a part of the Delegate hill on the Victorian side of the border. That would of necessity be a part of the Federal site. I hope that we shall get rid of parochial ideas and do justice to the subject. If we are not to set aside the ideas of Kyabram, it would be better that we should not deal with the subject at all. We cannot do justice to the Federal Capital site by the adoption of any cheese-paring policy. I agree with what has been said by Senator Styles about the expenditure involved. A large expenditure is inevitable. We cannot erect the fine blocks of buildings which will be necessary if the Federal Capital is to do us credit without the expenditure of a large sum of money. The Federal Parliament House, for instance, should not be constructed on a less grand scale than the building which we occupy at the present time. If any other course were pursued it would be suggested that we were content to play second fiddle to the States.

Senator MULCAHY.—I hope we shall play double bass in the matter of extravagance.

Senator DE LARGIE.—It is not a question of extravagance, but a question of the requirements essential for the Parliament of Australia. I should not consent to the erection of a building which could not be considered suitable for a national Parliament. If the Australian Parliament is to be worthy of the Commonwealth we should have a Parliament House in the Federal Capital at least as good as that which we occupy at the present time.

Senator DOBSON.—Has the honorable senator read the Prime Minister's idea of what should be done?

Senator DE LARGIE.—I have, but I do not agree with him as to the expenditure he proposes. I think it would not be sufficient to provide the buildings which we require. If we consider what has been done in other national capitals we shall get some idea of the cost of the structures they have erected, and I have yet to learn that they are considered more costly than was necessary. I ask honorable senators to consider the new Parliament

House which is being erected in Perth, and that which is to be erected in Sydney.

Senator PEARCE.—The one to be erected in Perth will cost only £50,000.

Senator DE LARGIE.—It is only for the use of a State Parliament. If we were to erect a building such as that being erected in Perth it would not be suitable for the national Parliament of Australia.

Senator STYLES.—Western Australia has about one-sixteenth of the population of Australia.

Senator PEARCE.—They have as many State members as we have members of the Federal Parliament.

Senator DE LARGIE.—If seating capacity were the only consideration, we could very easily erect a big barn, which would accommodate a greater number of members than we have at present.

Senator O'KEEFE.—Does not the honorable senator think that a lot of money has been wasted on this building?

Senator DE LARGIE.—Let us get some idea of the structures which have been erected in other countries for somewhat similar purposes. I have in my hand a book entitled *Canada and its Capital*. It is a work by the Speaker of the Canadian House of Commons, and gives a description of the public buildings at Ottawa. Without reference to the Governor's residence and the offices for the various public Departments, I find that Parliament House cost more than £1,000,000. I am not sure that that is more than the people of Canada were justified in spending for the accommodation of their national Parliament.

Senator PEARCE.—This building cost more than that.

Senator DE LARGIE.—I think not, though by the time it is completed, it may have cost nearly that amount. I hope that the future Federal Parliament House will be equal to that erected at Ottawa, and if we are to have such a building as that, I am sure that the £20,000 a year proposed to be spent upon it will be found to be altogether insufficient. I shall quote, for honorable senators, a brief description of the public buildings at Ottawa—

The beauty and attraction of the city are due to the concentration here of political interest. The situation on the bluffs of the Ottawa river is commanding, and gives fine opportunity for architectural display. The group of Government buildings is surpassingly fine. The Parliament House and the department buildings on three sides of a square are exceedingly effective in colour, and the perfection of gothic details, especially in the noble towers. There



are few groups of buildings anywhere so pleasing to the eye, or that appeal more strongly to one's sense of dignity and beauty.

The Parliament buildings proper provide accommodation for the Senate and the House of Commons, and the library is so near as to form a portion of them. The eastern, western, and southern blocks are departmental buildings, and enclose a vast quadrangle which is laid out in walks, and drives, and spacious lawns. Drives and walks also encircle the buildings, and one of the latter is the famous lovers' walk—

Senator STYLES.—That is what we want.

Senator DE LARGIE.—I was sure that would suit Senator Styles. The quotation continues—

which is carried along among the rocks and trees upon the side of the high cliff overlooking the river, and affords a lovely promenade nearly half-a-mile in length. The grounds occupied by the national buildings are some 30 acres in extent, and on three sides commands views up and down the river, with the wooded Laurentian Hills in the distance. The terrace, which sweeps round the north side of the Parliament buildings and library, goes to the very edge of the cliff, and affords a prospect of unrivalled beauty.

When reference is made to the area which should be acquired, I may remind honorable senators that the National Park, attached to the city of Ottawa, is 1,773 square miles in extent. I find also that the National Park of Canada, known as Banff Park, has an area of 5,000 square miles. Yet, here, honorable senators talk of establishing the Federal Capital on a little ten-mile block. It is ridiculous to suggest such an area for such a purpose. We have some honorable senators, from New South Wales, contending that a square mile or two more than the area mentioned in the Constitution would be sufficient. Recognising, as I do, the amount of money which must be spent on the Capital, I should not be prepared to vote for the expenditure of a pound until I was quite sure that we should secure an area that would justify the expenditure necessary, if we are to have a Federal Capital worthy of the name.

Senator FINDLEY.—It should not be less than 5,000 square miles in extent.

Senator DE LARGIE.—Five thousand square miles would be little enough, and 100 square miles is so unreasonably small an area that I am sure the people of New South Wales, if appealed to, would be willing to give us the area for which I hope we shall ask, at least 5,000 square miles. I have been told by members of the New South Wales State Parliament that they would not be afraid to contest any constituency in that State in support of the

grant of a much larger area than is mentioned in the Constitution.

Senator DOBSON.—Why cannot the Ministry whom the honorable senator supports write to the Government of New South Wales to find out what they will be prepared to give us?

Senator DE LARGIE.—I take it that the passage of this Bill is the necessary initial step, and we must first of all settle on the district in which the Federal Capital is to be situated. It would be of no use to negotiate with the Government of New South Wales for the area required before we had agreed on the district in which it was to be selected. I remind honorable senators that the selection of the district will have a great deal to do with the area which can be acquired. It would be more difficult to secure 1,000 square miles in the Tumut district than it would be to secure 5,000 square miles in the district of Southern Monaro.

Senator DAWSON.—No, it would not.

Senator DE LARGIE.—The difference in the value of land in the two districts is the best proof of what I say.

Senator DAWSON.—There is a large area of Crown land around Batlow.

Senator TRENWITH.—So much of it that it is stacked up, and you slip off it now and again.

Senator DE LARGIE.—The Crown lands in the Tumut district are of very little use, or they would have been settled before now.

Senator DAWSON.—There has been no railway communication.

Senator DE LARGIE.—Railway communication has been provided not so very far from Tumut. There is good land in the Southern Monaro district, and especially at Delegate. The land about Dalgety is somewhat inferior. A good return could be secured from land in the neighbourhood of Delegate, and we should have something to compensate us for money spent in that district should the Federal Capital be located there. The suggestion that we should spend millions of money in any district in New South Wales, in order merely to enable a few landholders in the adjoining State to benefit by our expenditure, is one which I am satisfied the people of Australia will not entertain for a moment. I am prepared to support the Government in the proposal they have made, but I am sorry they have reduced the minimum area to that mentioned in the Bill. I think Senator McGregor's proposal in the

last Parliament was a more satisfactory one than that which he has submitted on this occasion. However, that is a matter which we can remedy in Committee, and I merely say now that I shall never agree to the expenditure of public money to the extent which will be necessary, unless we can secure a suitable area.

Senator PULSFORD (New South Wales).—I think that the people of New South Wales have just cause to complain of many of the statements which have been made in the Senate in regard to their State. New South Wales has always been the State of the open door. Her people have always been friendly with the people of the neighbouring States. I do not know of any occurrence in the past history of that State which, in any way, justifies the slurs which from time to time have been cast upon New South Wales by honorable senators. I do not know of any reason why any member of the Federal Parliament should hesitate to accept a Capital site, which will be wholly enclosed in New South Wales. The people of that State are as loyal Australians as can be found anywhere, and the idea that we require a sort of covered channel of communication to the Federal Capital is absurd. I should like to offer one remark about the provision in the Constitution requiring that the Federal Capital shall be in New South Wales. Senator Styles has spoken of it as a bribe. If it was a bribe, I remind the honorable senator that it is Victoria that has been guilty of the bribery.

Senator STYLES.—I said that I did not believe that my fellow countrymen across the Murray would look for a bribe.

Senator PULSFORD.—I pass that by. If it can be shown that any just reason exists why the Federal Capital should not be in New South Wales, or that that section was, in any shape or form, either a bribe or a mistake, honorable senators can rely on me to do what I can to have it repealed.

Senator DOBSON.—It was a compromise.

Senator PULSFORD.—I do not rely on that section in the Constitution when I ask for a fulfilment of the arrangement. Looking at Australia as a whole, we find that for years past, and at the present time—and probably it will be so for years to come—the population centre is in New South Wales.

Senator DAWSON.—And in the future the drift will be towards Queensland.

Senator PULSFORD.—Since I spoke last year some new senators have come into the House, and I should like very briefly

to repeat what I then said on this question. The first complete census of Australia was made in 1861, and from the figures I find that the latitude of the centre of the population was then in the neighbourhood of Albury. The census of 1901 showed that the latitude of the centre of population had shifted north 125 miles, and was, in fact, somewhere in the neighbourhood of Lyndhurst. If the population goes north at the same rate, it will, in the course of another twenty-five or thirty years, be in the centre of New England.

Senator STYLES.—In that case, the Capital ought to be in New England twenty-five or thirty years hence, and we are doing wrong in selecting a site further south.

Senator PULSFORD.—The western sites are as far south as the Federal Capital ought to be. I am now discussing the right of New South Wales to have the Capital within her borders, and the figures and facts connected with the population show that this section in the Constitution is not a concession, but the recognition of a right.

Senator DOBSON.—No one disputes that.

Senator PULSFORD.—But that is disputed.

Senator DOBSON.—The section was put in as a compromise, which gives New South Wales a right.

Senator PULSFORD.—Statements have been made to the effect that New South Wales has sought, and is seeking, for something to which she is not entitled—that she has been guilty of some sharp practices.

Senator TRENWITH.—New South Wales adopted one way to get what she certainly would have got, under better conditions, another way.

Senator PULSFORD.—I do not know that. I do not think it can be denied that New South Wales has always been the State with the "open door"—that New South Wales has always been friendly with all the States, and that she is not only the mother State, but the State with the largest population. Seeing that to-day she is, and for many years to come must be, the centre of population, where should the Capital site be selected? A few days ago I saw in the newspapers a letter giving the size of certain potatoes and pears grown at Batlow. I do not say that these features ought to be forgotten, but the great and overwhelming consideration is to obtain a Capital site to which all can readily obtain access. Bombala, which is favoured by many, is far away from the centre of

population; indeed, the centre of population is yearly becoming more distant from that point. Senator Styles spoke of Sydney being the centre for certain parts of Australia, and of Melbourne being the centre for certain other parts; but it can readily be seen that the time is coming when people who desire to get from Queensland, South Australia and Western Australia, to the centre of Australia, will travel through neither Sydney nor Melbourne. A continuation of the railway from what is known as Werris Creek to the western line of New South Wales would convey people from Brisbane to the western site in less time than is now required to go to Sydney.

Senator STYLES.—Which western site?

Senator PULSFORD.—Any one of the sites. As to South Australia, it is only necessary to continue the railway from Broken Hill to Cobar in order to afford ready access to the centre of population in New South Wales. It is only a question of a little time before these two railway extensions will be made.

Senator PEARCE.—But the link is not complete—there is no railway from Port Augusta to Kalgoorlie.

Senator PULSFORD.—Do honorable senators realize that Kalgoorlie is in the same latitude as New England in New South Wales? I am sure that honorable senators scarcely know how far north the important centres of population in Western Australia are. Undoubtedly a railway will in the future be built across Australia; and then, I am sure, members of the Commonwealth Parliament and visitors will not care to travel by sea to Melbourne, and thence to a place like Bombala. We must have regard not only to the facts as we find them to-day, but to the development which is going on before our eyes.

Senator DOBSON.—The honorable senator seems to be making out a splendid case for a reasonable delay.

Senator PULSFORD.—Not at all. I cannot but congratulate Senator McGregor on his recantation or repentance. On the 15th October last Senator McGregor, speaking in the Senate, said—

To my mind, it would be in the interests of Australia, and in nowise prejudicial to the individual States of Victoria or New South Wales, to acquire an area considerably in excess of 1,000 square miles.

Senator MCGREGOR.—I say so still.

Senator PULSFORD.—The honorable senator went on—

I am about to make a proposal—not with the intention of delaying the selection of a site, or

of doing anything to aggravate the people of New South Wales—that we should acquire a large territory . . . . It comprises the Riverina and the district eastward to the sea. I think that the Federal territory should take in not only Tumut, Batlow, Yarrangobilly, and several other places which have been referred to as an inducement to the selection of a certain site, but the whole area between the 35th parallel of latitude and the Victorian border. The Murrumbidgee would form the northern and western boundary, whilst the territory would be bounded on the south, and slightly to the west by the Murray. That would mean an area of about 20,000 square miles.

I congratulate the Vice-President of the Executive Council on his having repented of this proposed dismemberment of New South Wales.

Senator MCGREGOR.—I have not repented.

Senator PULSFORD.—I did not have the pleasure of hearing the honorable senator speak the other day, but I have read his remarks, in which he expressed the opinion that the area ought to consist of 5,000 square miles. It will be seen that he dropped from 20,000 square miles to 5,000 square miles, while in the Bill only 900 square miles is mentioned. Such a reduction is very considerable, and shows the sobering effect of official responsibility. It would be very desirable if we could have fourteen Cabinet Ministers in the Senate, because we should then have that number of gentlemen experiencing all the sobering influences of responsibility, which could not fail to be in the interests of the prosperity of the Commonwealth.

Senator DAWSON.—The honorable senator means fourteen members of the Labour Party.

Senator PULSFORD.—I did not say so. Very exaggerated ideas are entertained by some persons on the subject of unearned increment. We have heard of unearned increment where people are able to buy land; but if we erect a Federal Capital, and warn all the world that not one single acre, yard, or foot may be privately owned, that will practically be a notice which will be accepted, to keep away. The majority of people who desire to settle, want land in order to make homes for themselves; they wish to go somewhere where they can assist in raising the value of land and obtain advantage thereby. I am afraid that, in the Federal Territory, under circumstances such as have been foreshadowed, the growth of population and the unearned increment will be exceedingly small for many long years to come. About three months ago I told the

people of New South Wales that I had a great deal of sympathy with those who hold that we ought to have some idea about the expenditure necessary in connexion with the Federal Capital. I said, on that occasion, that the people of New South Wales had not quite appreciated the strength of feeling in favour of economy which was to be observed in the various other States, and I pointed out that it was the duty of all interested to have the negotiations smoothly conducted. I have every sympathy with those who say that we ought to know where we are going in this matter. I do not believe that we ought to select a site, and then regard that as settling the question for years to come; that would be a fraudulent settlement of the question. On the other hand, I do not believe in our raising up a city without having any idea as to what we are going to do thereafter. I added, on the occasion referred to, that, in my opinion, it was very desirable that buildings of a moderate character should be erected for the accommodation of the Parliament and its officers, and that, after a while, these buildings might stand as a suburb of the city finally to be built. I have gone further than that, and have discussed the matter with a well-known New South Wales banker. My idea is that £500,000 might suffice for years to come for all the needs of this Federal Capital, and I asked the banker whether he thought it was possible to arrange for raising the money. As a New South Welshman, I am prepared to limit the proposal to that extent. I think it would be very desirable for whatever Government deals with this matter to look at it from beginning to end, and put solid proposals before Parliament, not only as to the site, but as to what is to be done when the site is selected, to meet the wants of the Federal Parliament for some years to come. That would be a statesman-like position. I deprecate the views of Senator Dobson, and do not, like him, advocate what tends to delay or to defeat the intentions of the Bill. But, at the same time, his objections with regard to expenditure ought to be met, and I am prepared, as one New South Wales senator, to meet them.

Senator DAWSON.—Is the honorable senator prepared to meet them by voting for Senator Dobson's amendment?

Senator PULSFORD.—It is not very likely. Senator Dobson wishes to put the Bill in the waste-paper basket for the present.

Senator DOBSON.—At all events, until I get the information which Senator Pulsford says I ought to have.

Senator PULSFORD.—As we have the Bill before us now, we should vote upon it. We ought at once to proceed with the selection of the Federal Capital, and then make some temporary arrangements by building in what will ultimately be the suburbs of the Federal City. That is a reasonable proposal. We should then have buildings which would be suitable for the meeting of one House of thirty-six members, and another of seventy-two members, which buildings would become very useful for public purposes in the suburbs of what would ultimately be as fine a city as our means would enable us to erect. Some such understanding as that could be arrived at, although it need not be embodied in this Bill. It might be taken for granted that something of the kind was to follow, and that the arrangements were to be on such lines as I have indicated.

Senator O'KEEFE (Tasmania).—I have very few remarks to make on the second reading of the Bill. I shall defer further observations as to the locality until we reach the Committee stage. But I should like to say something on the general question, in reply to some arguments which have been advanced. I do not think that any one of us doubts for a moment that the honorable and learned senator who has moved the amendment is heart-whole in his objection to the projected selection of site, and the building of the Federal Capital. We know very well that Senator Dobson has been a straight-out and fearless opponent of every proposal for the selection of the Capital site. But we cannot allow him to assume that he alone has a regard for the financial situation of the Commonwealth and its component parts. I believe that other honorable senators have just as much regard for the financial needs of the State they represent as Senator Dobson has. His object is to defer the selection of the site for an indefinite time. There is one phase of the question to which he might very well have addressed himself. The Government of New South Wales has locked up from settlement a number of areas, until the Capital site is chosen.

Senator DOBSON.—I did deal with that. I showed how easy it would be to make use of those areas.

Senator O'KEEFE.—It seems to me that that is an important phase of the question. Here is a State in which, according

to the Constitution, the Federal Capital must be located. The Government of that State has reserved from selection areas of Crown land in the neighbourhood of sites, one of which is likely to be chosen. Those areas have been tied up for something like three years. According to the argument of Senator Dobson they should be tied up for an indefinite period.

Senator MULCAHY.—It is a pity that the New South Wales Government did not tie up a great deal more land.

Senator O'KEEFE.—I agree with the honorable senator. But in fairness to New South Wales, we should not delay the settlement of this question any longer than is necessary.

Senator DOBSON.—Does the honorable senator think that New South Wales is losing anything by locking up that land?

Senator O'KEEFE.—I think it is probable. The New South Wales senators know better than I do, but I think it likely that New South Wales has lost, and is losing, money in consequence of the land in question having been kept out of occupation. I oppose the idea that Senator Dobson is especially the advocate of economy in this Senate.

Senator DOBSON.—That is the honorable senator's idea, not mine.

Senator O'KEEFE.—He appears to think that none of the senators, who are anxious to have this question settled, have any regard for economy. I, on the contrary, am satisfied that every other honorable senator is just as anxious as Senator Dobson is, while adhering to the terms of the Constitution, to act consistently with his duty to the State which he represents. Every honorable senator is anxious to consider the finances not only of his own, but of all the States. It seems to me to be very likely that the site chosen will be somewhere in the Southern Monaro district. Even if it is to be in the Tumut district—say, at Batlow—assuming that we can get the 900 square miles, which we want, I do not think that the Commonwealth will be making a bad bargain financially. I may say that I would not consent to spend a single penny on the Federal Capital unless we could get a very large area.

Senator WALKER.—Say 300 square miles.

Senator O'KEEFE.—I am glad that the honorable senator has agreed to extend the area to that degree.

Senator WALKER.—I said so last year.

Senator O'KEEFE.—It might be well to defer the settlement of the matter

for a few years longer. Senator Walker might then come up to our opinions. I do not think that the people of New South Wales are behind the Parliament of that State in objecting to the Commonwealth having so large an area. Whether the Capital be in the neighbourhood of Batlow, or in Southern Monaro—preferably at Dalgety—is it not almost a certainty that when we select a site, and the railway is constructed, a great deal of the land which is now lying idle will be brought into cultivation? Is it not a certainty that land which is now used merely for feeding stock will be brought into closer settlement? In view of our experience of land settlement in the other States, there is a probability that the land which we acquire—whether it be Crown land or purchased land—will develop in value within a very few years. If we acquire 900 square miles, it will mean 576,000 acres. Supposing that half that area is what I may call "useable" land—say, land of first, second, or third class quality. That means that in a few years 288,000 acres will be used. I do not think that it is taking a very optimistic view, or indulging in hopes for an extravagant increase of value, if we say that that land will increase up to say £2 per acre in value.

Senator DAWSON.—That is putting it very mildly.

Senator O'KEEFE.—Of course I am speaking of what is likely to happen within a few years—perhaps in five or even ten years. If in that time we could get an increase in the value of that land of £2 per acre, that in itself would be a very good bargain for the Commonwealth. It would represent a profit which the Commonwealth had made of over £500,000, assuming that every acre was purchased land, and also assuming that one-half of the Capital area was totally valueless, except as a catchment area. Accepting that calculation the Commonwealth Government would have made a very good bargain indeed. But, of course, the land acquired by the Commonwealth is not to be sold.

Senator DAWSON.—We should be in our own home, and should not be regarded as interlopers.

Senator O'KEEFE.—Well, I do not think that the Victorian Parliament has done anything to make us think that it regards us as interlopers. The Victorian people have been exceedingly kind to us. They have behaved in an extremely generous manner.

Senator DAWSON.—I say nothing of the Victorian people. I was speaking of certain persons in authority in Victoria.

Senator O'KEEFE.—We cannot make the Victorian members of Parliament bear the responsibility for the utterances of a few. I am aware that some hard things have been said of the Federal Parliament and Federal members by some leading persons in Victoria. One leading man has even gone so far as to call Federal members "gutter-snipes." But we need not trouble about that. It is not the intention of the Federal Parliament to sell one acre of the Federal territory. But even taking the rental value, the figures which I have used are a very fair basis, and assuming that we intended to purchase the land and re-sell it, we should make a profit of £500,000. We should make the same profit proportionately on a rental basis. Another argument is that we are now paying rent for our Commonwealth offices, and we know that that rent is largely based on the ground value of the land on which the buildings are standing in Melbourne. Senator Dobson wishes to alter the Constitution so as to allow the Capital to be alternately in Melbourne and Sydney for ten years. But that proposal means that we would continue to be the guest of Victoria for ten years, and then become the guest of New South Wales for a similar term. If the Capital were to be alternately in Melbourne and Sydney for ten years, and we were to erect our own buildings, what would become of the cry about the extra expense of building the Capital now? If we had to erect, in Melbourne or Sydney, the necessary offices for the administration of the Departments, we should have to pay hundreds of pounds per foot for the land. But we propose to go into our own territory, where the land will be valued at so many shillings per acre instead of so many hundred pounds per foot. I hope that the Federal Parliament will never sanction the erection of extravagant buildings. It is not to be supposed, however, that the Parliament House of the Commonwealth will be very much smaller or meaner-looking than the Parliament House of any State. The same remark will apply to the design of the administrative buildings. There is no doubt that this argument of expense appeals very largely to a majority of the electors outside New South Wales. But while it is a very strong argument, it is one which, I think, ought to be met with every fair argument, instead of being pandered to as some honor-

able senators try to pander to it. We ought to say that we intend either to keep the bargain made with New South Wales, in a fixed time, or to ask the people of Australia by referendum to alter the Constitution and break the compact that was made with New South Wales. I hope that the amendment will be defeated, and that within the next few hours the site of the Federal Capital will be chosen, so far as the Senate is concerned.

Senator FINDLEY (Victoria).—Whilst I have not made up my mind as to what site I shall vote for, I have definitely made up my mind to try, if possible, to secure for the Federal Territory an area of at least 5,000 square miles. Believing, wholeheartedly, in reserving the land for the people, and desiring to secure as much as possible of the unearned increment as far as land values are concerned, for the whole of the Commonwealth, I intend to move certain amendments when we get into Committee. Last week certain honorable senators took exception to the proposed area of 900 square miles, and asked what was intended to be done with that extent of territory. Well, for my part, I am desirous of seeing land reserved for a national theatre, where encouragement shall be given to Australian artists, literary men, and playwrights. I am also desirous of seeing land reserved for a national arsenal, a national small-arms factory, a national public house, and a national clothing factory. I hope that, in the course of a few years, the tobacco, cigar, and cigarette industry will be nationalized, and that space will be reserved in the Capital area for the industry. To every observing man the advantages of the collective ownership of land, as opposed to the private ownership of land, are apparent. There are many senators who hold the idea that land decreases in value. In this city, certain lands have decreased in value, but they had fictitious values. Probably they have now reached their real values.

Senator DAWSON.—Just as the mines on the Stock Exchange fall in value?

Senator FINDLEY.—Yes. As an evidence of community-created values, let me mention that a little over sixty years ago, four blocks of land in Melbourne were sold by the Crown at public auction for £1,073, and that three or four years ago that land was valued by a gentleman capable of estimating its value at £5,331,000. In all probability in sixty years' time the National Capital area will have a very large population. Every increase in the population

will increase the value of the land, and if the land belongs to all the citizens of the Commonwealth they will receive that advantage. Senator Dobson asked the other day for some concrete example of the advantages of the collective ownership of land, as against the private ownership of land. We need not go outside this State. In 1846 the corporation known as the Melbourne City Council claimed from the Government as a Crown grant the block of land which is bounded by Collins-street, Market-street, Little Flinders-street, and William-street. They decided not to sell the land, but to erect buildings to the value of about £30,000, and to let the remainder on building leases to a Mr. Miller, who, I understand, erected buildings to the value of about £70,000. About two years ago his lease expired, and all the buildings, together with the enhanced value of the whole of the land, belong to the city council—in other words, to the taxpayers of the city. The city council drew from that property a rental of about £8,000 in 1902, and a rental of £7,700 last year. Bendigo furnishes another splendid example. Many years ago its city council obtained from the Government a block of land at Charing Cross, Pall Mall. They decided not to sell the land, but to let it on building leases, and buildings were erected thereon. Two years ago the leases of the lands expired, and property valued at £24,000, and yielding a rental of £2,000 a year, now belongs to the city council. In every State in the Commonwealth, and in almost every country in the world, the evils of the private ownership of land are manifesting themselves. In New Zealand we find splendid examples of land being granted to applicants on leases in perpetuity. These leases for 999 years are meeting with general approval. When Senator Millen was speaking the other day he said that there had been as yet no re-valuation in connexion with the leases, and that when one was made the probability was that strong exception would be taken to the leasing system. I may inform the honorable senator, who is not present at this moment, that there is no re-valuation so far as those leases are concerned.

Senator TRENWITH.—That was the mistake made in connexion with it.

Senator FINDLEY.—Yes; and the strong argument which is used by advanced democrats in New Zealand is that these leases are obtained at a certain price, and

no matter what amounts are expended by the Government in constructing railways and building bridges, and thus enhancing the value of the lands, they are not revalued, and no additional taxation is imposed on the lease-holders. Recently the Premier of Western Australia urged strong reasons in favour of the nationalization of land. Speaking at Fremantle on the 6th April last on his policy, Mr. James said—

Long leases would be sold of town-site blocks, which would give security of tenure, and at the same time secure to the State, after a time, a constantly increasing revenue in the shape of portion of the unearned increment, which now went into the pockets of private individuals.

The proposed area of 900 square miles for the Federal territory is wholly inadequate. I think that the Senate would be wise, and that future generations would see the wisdom which it manifested at this period of its existence, if it carried the amendment I intend to submit later on to provide that the area shall be not less than 5,000 square miles. That area belonging to all the citizens of the Commonwealth, would perhaps in the course of half a century yield rentals sufficient to meet the expenditure that would be incurred in connection with the Commonwealth Government.

Senator MULCAHY (Tasmanian).—I think that the remarks made by Senator Dobson, however they may be disagreed from by honorable senators, fairly echo the present opinions of his constituents. I make that statement quite frankly, although I do not intend to support his amendment. I differ from my honorable friends on that right, sir, because I do not always believe that the voice of public opinion should be followed by a person placed in a responsible and representative position. I knew that the people of Tasmania generally are under the impression that if we now decide on the location of the Federal Capital site that decision will be immediately followed by some very rash and extravagant expenditure. That is their real dread, but whatever their opinion may be, it seems to me that Tasmania, as one of a number of States, made a fair and honorable compact with New South Wales, and that the keeping of that compact ought not to be delayed. Apart from that consideration, there is a business aspect to be considered. Inasmuch as we are to get practically for nothing a certain area of land so far as it is owned by the State, it stands to reason that it would be a good business thing for

us to select the area while we have the largest possible amount of territory to select from, and not to delay the selection until we shall have to purchase from private owners the land which, so far as it is State-owned, can now be got for practically nothing. I regret very much that in this matter the Government have followed the example of their predecessors, which, in my opinion, was not a good one.

Senator DAWSON.—Was not the honorable senator a supporter of the previous Government?

Senator MULCAHY.—I did not come into the Senate as the supporter or opponent of any Government, and we have enough of party government elsewhere. What we have a right to expect from the Government is a decision by that body on important matters which are submitted to the Senate. The previous Government contained a member for Bombala, and a member for Tumut who, I believe, tried to be a member for another possible site at the same time. Possibly other members of the Government represented other localities. Honorable gentlemen occupying a position as members of His Majesty's Government ought to be members for Australia, and not for any particular district. One of the great features of the present Government Party is that they agreed upon principles and upon important measures, and vote *en bloc* for whatever the majority decides in favour of. I do not know that that is justifiable in the case of private members, but it is a principle which should rule in the Cabinet, and honorable senators and honorable members of another place had, I think, a right to expect that the honorable gentleman intrusted with the responsibility of Government should have accepted it fully, and have been prepared to recommend the selection of a particular site to the Federal Parliament as the best that could be selected.

Senator DE LARGIE.—The honorable senator does not believe in a number of parties in Parliament, and yet he desires to make this a party question.

Senator MULCAHY.—The honorable senator is misconstruing what I said. This is not a party question, but it will be admitted that the question of where the Federal Capital shall be situated is of vital importance. However, we are left to the guidance of honorable senators who are personally, or politically, interested, and must form our own judgment upon the information supplied to us. I have no doubt honorable senators will do so as conscientiously

as they can. I do not propose to support the amendment moved by Senator Dobson, but I shall vote for the second reading of the Bill, as a mere affirmation on the part of the Senate of our preference for a particular site, and as a compliance with the contract into which we have entered with New South Wales. It appears to me that Senator Symon's contention was unanswerable. The selection of an area or territory of 100 square miles, or an area approximating thereto, is our right, but the selection of any larger area and the conditions under which it shall be ceded to the Commonwealth by New South Wales, it seems to me, are matters for negotiation. I should like to see the reference to the area to be acquired eliminated from this Bill, and that it should be made a measure simply affirming the view of the Senate that the site selected for the Federal Capital should be Bombala, Dalgety, Tumut, or whatever other site may be decided on. If we do that, and then empower the Government to negotiate, it seems to me that they will be able later on to put before us a great deal of information which Parliament has a right to expect from them, and which has not been furnished during the present debate.

Senator DAWSON.—What information is that?

Senator MULCAHY.—I can tell the honorable senator. I admired very much the speech delivered by his honorable colleague in introducing the Bill. It showed a great deal of historical research, and was very interesting, but from a business aspect I think it failed to a large extent. Wherever we decide to construct the Federal Capital a certain amount of railway construction must be undertaken, and Senator McGregor failed to indicate by whom it would be undertaken. He did not state that the Federal Government should undertake the construction of the necessary connecting links between the Federal Capital and existing States railway systems. If, for instance, the Capital were to be situated at Bombala, it would require to be connected with Cooma, in New South Wales, and with Bairnsdale, in Victoria. The construction of the connecting lines would involve nearly £2,000,000, and it is this consideration which has led to the idea that great extravagance is intended in connection with the Federal Capital.

Senator DAWSON.—Those are not questions involved in the selection of a site.



Senator MULCAHY.—They are so closely associated with it that we have a right to hear the views of the Government upon them. When we go back to our constituents they may say—"You selected Bombala; how are you going to get there?"

Senator DAWSON.—The Government will not select Bombala.

Senator MULCAHY.—I presume that were Bombala selected, the selection would be as much the selection of the Government as it would be my selection.

Senator DAWSON.—No; it would be the selection of the Federal Parliament.

Senator MULCAHY.—I have already said that in my opinion the Government are evading their responsibilities in not recommending to Parliament the selection of a particular site. As Parliament has had thrown upon it the duty of selecting the sites, we should be told what is to be done with respect to the expenditure necessary to connect the Federal Capital with the States railway systems. If we make the connecting railways ourselves, will they be constructed through Federal or State territory?

Senator DAWSON.—Surely that is a matter for negotiation and agreement.

Senator MULCAHY.—Exactly so; but we should know something about what is intended.

Senator DOBSON.—No business man would go on with the matter without that information.

Senator MULCAHY.—Another thing which I desire to know is whether it is proposed that we should create a new State? We should have heard more about that. In place of the Commonwealth securing as much territory as the people of New South Wales chose to give us beyond that to which we are entitled under the Constitution, it is proposed that we should acquire a very large territory. I do not think that we require a very large territory.

Senator STYLES.—What area does the honorable senator think we should acquire?

Senator MULCAHY.—I do not indicate the area, because I think it would be foolish for us to say how much or how little is required to establish a city, or to create a new State. I say that we should know what the intention of the Government is. The Vice-President of the Executive Council has intimated that he thinks we should acquire 5,000 square miles, but he has not told us the purpose for which that area would be required. If the intention is to create a new State, we should have heard a great

deal more about it, because, if there is one thing more than another in connexion with which the States are protected by the Constitution, it is the creation of new States.

Senator DAWSON.—Is the honorable senator's objection to a territory within a territory?

Senator MULCAHY.—I say that the matter is of so much importance that we should know what is the intention of the Government regarding it. If the Government propose to acquire a great deal more territory than is necessary for the establishment of the Federal Capital, the Senate is entitled to know what purpose the Government have in view. The question has been raised whether we have the right, in an Act of this Parliament, to declare the area of territory we require. On that point I am prepared to take the advice of honorable senators who have given more study to the Constitution than I have. It would appear that the Government, in asking for a large area, have some other object in view, in addition to the establishment of the Federal Capital. I am not saying whether they are right or wrong, but if that is their intention, we should know it. I call the attention of honorable senators to section 122 of the Constitution, which provides—

The Parliament may make laws for the government of any territory surrendered by any State to, and accepted by, the Commonwealth, or of any territory placed by the Queen, under the authority of, and accepted by, the Commonwealth, or otherwise acquired by the Commonwealth—

The Commonwealth has power to acquire territory only for Commonwealth purposes, and it will naturally have power to govern its own territory; but we have not the right, as a Commonwealth Parliament, to acquire as much of the territory of a State as we please. We must show some good reason for demanding the acquisition of territory.

Senator DE LARGIE.—Who is to decide the point?

Senator MULCAHY.—I presume that the High Court would decide it if it ever arose. The section continues—

and may allow the representation of such territory in either House of the Parliament to the extent and on the terms which it thinks fit.

It seems to me that that section permits the Federal Parliament to create a State subject to certain conditions; but if honorable senators will look a little further on they will find that section 124 provides—

A new State may be formed by separation of territory from a State, but only with the consent of the Parliament thereof.

Senator DAWSON.—Surely that is a matter for negotiation and agreement.

Senator MULCAHY.—That is so; and yet, before there has been any negotiation or agreement, the members of the present Government indicate that they are willing to vote for the acquisition of 5,000 square miles of territory.

Senator PEARCE.—That would not be a new State. What is the difference between a State and a Territory?

Senator PLAYFORD.—The difference is very plain. A State is entitled to be represented in the Senate, whilst a Territory is not.

Senator PEARCE.—Then no one has made any such proposal, or hinted at such a thing.

Senator DAWSON.—Will Senator Mulcahy read the first part of section 125.

Senator DE LARGIE.—It is a fine thing to set up a straw man, because it is so easy to knock him down again.

Senator MULCAHY.—I wish that Senator de Largie would not be quite so cynical. I am not setting up anything but what I believe to be right. Senator Dawson has asked me to read the first part of section 125. It is as follows:—

The Seat of Government of the Commonwealth shall be determined by the Parliament, and shall be within territory which shall have been granted to or acquired by the Commonwealth.

What is the honorable senator's contention with respect to that?

Senator DAWSON.—I contend that we have power under that section to acquire that territory for our sole purposes.

Senator MULCAHY.—I admit that; but I think we might have been taken into the confidence of the Government, and they might have told us what they propose to do in the matter of private ownership within the territory which we shall select for the purposes of the Federal Capital. There may be, and very probably will be, two or three villages within the area acquired, and there may be a number of small blocks owned by settlers. Is it proposed to take the land from those people?

Senator DAWSON.—They will be bought out.

Senator MULCAHY.—Is it proposed that we shall take away the little homesteads of these people whether we require them or not?

Senator FINDLEY.—Compensation will be given if we want the land.

Senator MULCAHY.—I am not aware that there is any proposition to steal the land.

Senator DAWSON.—I can give the honorable senator my positive assurance, as Minister of Defence, that I have no intention of sending a contingent to deprive anybody of their holdings.

Senator MULCAHY.—That is very satisfactory, but, at the same time, it is no answer to the charge that we have not been made sufficiently acquainted with the Government's intentions on this important point.

Senator PEARCE.—The order of leave will have to be extended if all these particulars are to be inserted in the Bill.

Senator MULCAHY.—I do not want the particulars inserted in the Bill, but we certainly ought to have more information. If the Bill simply affirms that a certain site is the most desirable, and does no more, I can heartily support the measure. If we can get a larger area than 100 square miles from the Government of New South Wales, I shall be very glad. And now I desire to say a few words on the question of the unearned increment. I should like to see the State or the people get the benefit of the values which they have created. As to the method by which that may be brought about, there are differences of opinion. There are differences of opinion whether we should grant perpetual leases, or leases for ninety-nine years, or certain shorter leases with the right of purchase; and whatever may be the best business way—by that I mean the best for the whole people of Australia—I shall strongly favour. I know that there will be much discussion on this point, and very conflicting opinions advanced; but I have seen land, even in an ephemeral township, enhanced enormously in value by the fact that a comparatively few people intended to settle there. I can see that when we do commence the building of, what must ultimately become an important city—though that may not result for a good many years—we shall commence to create values in land, the benefit of which should in the greater proportion be enjoyed by the State. I do not believe in altogether wiping out private individual enterprise. We have to consider human nature, one of the most universal features of which is the desire to own a piece of land. The greatest land nationalizer would like a piece of land which he could call his own.

Senator FINDLEY.—A lease for 999 years would practically make the land the individual's own.

Senator MULCAHY.—So I should think. In this matter we should pay some regard to the State from which we get the territory. Whatever may be said by some honorable senators, a condition was imposed by New South Wales, for what? For the benefit of New South Wales; and if we have accepted that contract we must respect it, and, other things being equal with regard to the Commonwealth, consider what may suit that State. If we can do anything which, while not being mischievous in regard to Federal matters, will be beneficial to New South Wales, we should do it.

Senator DAWSON.—The real spirit of the contract is that the territory selected shall be within the sphere of influence of New South Wales, as against the influence of other portions of Australia.

Senator MULCAHY.—The Federal Capital area will not only be within the borders of New South Wales, but will naturally lead to the creation of a centre of population, and provide a market for the producers of that State.

Senator DE LARGIE.—The Capital must be within the sphere of influence of New South Wales if it is within that State.

Senator MULCAHY.—I do not know that we can prevent the Federal Capital being within the sphere of influence of New South Wales. We cannot have the Federal Capital on the ocean. I do not know whether Senator de Largie is raising any objection to the Federal Capital being within the sphere of influence of New South Wales.

Senator DAWSON.—It is a fact to be considered.

Senator MULCAHY.—If we churlishly tried to deprive New South Wales of a certain amount of benefit which would accrue from the establishment of the Capital, we should be doing an unjust thing, although I know that we have, first of all, to consider the rights of the Commonwealth. A great many honorable senators have referred to the merits of the various sites; but that is a matter which had better be left for discussion in Committee. I say frankly that, although I have read a good deal of what has been published, I do not think any one would suffer if the actual settlement of the site were not hurried at the Committee stage. I am not going to ask as a favour to be given an opportunity to see the various places, but I should like the Senate to have plenty

of time to discuss the matter, when, possibly, the political clouds, which now hang over us, have disappeared.

Senator DAWSON.—The clouds have gone.

Senator MULCAHY.—I am glad to hear that from the Minister, and it is to be hoped that the clouds will not bank up again in the morning. I have said enough to indicate that I am in favour of selecting the area in fulfilment of an honorable contract. I am also in favour of respecting the rights of the State from which we get the area, and of taking as much land as we can get—that seems only to be good business.

Senator DE LARGIE.—Is the honorable senator in favour of having a seaport?

Senator MULCAHY.—It seems desirable to have a seaport with easy access to the city.

Senator DE LARGIE.—Within the territory?

Senator MULCAHY.—I should not like to go that far, because that might mean asking for an unreasonable area of territory. There is no need for haste in the matter, and it would be much better if the Federal Government and the New South Wales Government were to negotiate and make the best terms for both parties.

Senator HENDERSON (Western Australia).—In adding one or two words to indicate that I shall support the second reading of this Bill, I should like to state that the objections to it are raised altogether too late, inasmuch as it is constitutionally an impossibility for us to attempt to get out of what appears to be an obligation and a fulfilment of a promise made. Whether or not we consider that promise a wise one does not matter. The fact remains that New South Wales has had a promise made to her, and the Constitution itself has provided that the Capital shall be within her territory. Therefore it appears to me that any objection now raised to the Bill is merely an attempt to stultify the Constitution, or to evade a recognition of our obligations. I have no desire to do that kind of thing, nor to be a party to it. At the same time I cannot help feeling surprised at some of the arguments which have been raised by New South Wales senators, particularly those which tend to show that their whole desire is to have the Capital within their territory, but to limit it so as to render it practically under obligation in every respect to New South Wales. The proposed area has been objected to. Certainly some of the New South Wales senators have expressed the

thought that we might extend the bounds of the Capital area beyond the imaginary 100 square miles mentioned in the Constitution. But none of them has shown his desire to have such an area as seems to be compatible with the importance of the Federal Capital. It is all very well from the New South Wales point of view to have the Capital of the Commonwealth in such a position that it would be absolutely at the mercy of that State, for rail and road communication, and in every other respect. The whole of the trade of the Capital would then be driven through the territory of New South Wales. But that is a most inadvisable course for us to think of pursuing. Our duty is clearly not so much to consider the present conditions in respect of the Capital as to view the possibilities of future expansion. When I say that, I have in my mind's eye the possibilities placed before us from what has occurred in other countries. The evidence clearly shows that it is essential for us to regard this matter in the light of our obligations to future generations, as well as from the point of view of our own interests. In order to secure for future generations room to move, it is necessary for us not only to obtain all the area that is provided for in the Bill, but to have regard to the future. I shall be prepared, when the question of obtaining an extended area is brought forward in an amendment, to support the amendment. I regard this as so important a factor that I shall also endeavour to provide the Capital of the Commonwealth with a free port open to the wide ocean. I take that view because there is always a possible danger in the position of a Capital that is surrounded by any other State. Another reason why I support an extended area is that we all recognise that wherever the Capital may be located as time goes the land values will increase. I desire to see the area so large that whatever increase takes place will particularly benefit the Commonwealth itself. [*Senate counted.*] It is necessary that whatever benefits accrue from the increase of land values, which must necessarily occur, should absolutely, or as nearly as possible, belong to the Commonwealth. The day will come when the land surrounding the Federal Capital will increase in value. We are not legislating for the present, but for all time. What we do affects future generations. Feeling assured that the prospects before Australia are great in every respect, I recognise that

we must conserve the rights of those who are to follow after us. Therefore, it is necessary for us to extend the Capital area to a greater extent than is provided for in the Bill. It has been said, probably with some force, that the Government themselves should clearly indicate their intentions in regard to the Bill. It appears, however, that the Government have submitted it as a non-party measure. It has been accepted as such from the fact that it simply complies with the provision of the Constitution. That being so, the important point is not what is the intention of the Government, but what is the intention of Parliament. I hope that, in dealing with the Bill in Committee, we shall keep before us the necessity of providing for an area such as will reflect the highest credit upon this Parliament, and will provide the essentials necessary to build up, ultimately, a large Capital city, giving to those who live within it such advantages as are enjoyed in the most up-to-date cities. It has been suggested by one honorable senator that we should consider the advisability of this Parliament becoming a sort of travelling pedlar, spending a few years in Melbourne, and then going to Sydney for a few years. Probably he might have suggested, as a further recreation, that members of the Commonwealth Parliament should afterwards repair to Perth for a few years, and have a little taste of the good things that may be enjoyed in Western Australia. Probably, as a Western Australian, I should do well to advocate that idea. I am satisfied that if it were carried out, we should have the aid of the eloquence of the honorable senator who made the suggestion in promoting the establishment of railway connexion between Western Australia and the eastern States, in order to take members of Parliament across safely. The Western Australians may have missed a chance in that respect, but in other respects I intend to support the Bill, and to vote for an amendment in favour of an extended area.

Senator MATHESON (Western Australia).—I should like to say a few words in connexion with this Bill. I do not wish it to be supposed that I am in the least degree opposed to the principle of the establishment of the Federal Capital. I agree with most honorable senators who have spoken on the subject that it is absolutely incumbent on this Parliament to take some steps to settle the site of the future Federal Capital. But what I do think is that this new Government have, rather unfortunately, and rather slavishly, followed the lines of a Bill

which was introduced by the previous Government—a Government which rarely introduced anything in a form in which it was practicable, or should have been introduced. That was our experience of the legislation which they invariably brought forward. I do not wish to take up the time of the Senate in elaborating that point, but I shall come directly to the clauses to which I take exception, and which I hope to see altered. By any business man this measure would be divided into two Bills. If I wished to build a house for myself on a particularly choice site, or to lay out a city from which I was going to derive a very large profit, I, as a business man, would first of all settle my site, and when that was settled I should then, and only then, commence to negotiate with the owners of the property for such an area as I might consider essential for my purpose. This Bill combines the two operations, and that is where, to my mind, it fatally fails to be of use. The best proof that we can have that it is defective in that respect was furnished by the last speaker, in the expression of his hope that the Federal Capital would have a port. I do not know if he has carefully considered the area necessary to provide a port in the case of each of the proposed sites; but he would find, if he considered the question, that if any one of certain sites were selected it would be absolutely impossible to obtain a port within any reasonable area, or the area that is mentioned in the Bill.

Senator HENDERSON.—That is right.

Senator MATHESON.—Under these circumstances it seems to me that it is absurd to endeavour to fix the area in a Bill before we agree to a site. Let me state my own objection. I am anxious that if a certain site is selected, to wit, a site in Southern Monaro, we should be in touch with the Victorian frontier. There are three sites available, and suggested in that district, but for each an entirely different area would be necessary to attain that purpose. It is, therefore, impossible for me in Committee to advocate any particular area with any arguments worth using, because in the absence of technical advice, I should be unable to say the exact area that I require, just as Senator Henderson would be equally unable to say the exact area that he required to get contact with a port, if that was considered desirable. My objection is emphasized by the remarks which fell from the Minister of Defence, when Senator Mulcahy was speaking. He pointed out that the Government take no responsibility

for the site, and, therefore, the matter is left in a nebulous condition. The point is that the Government take no responsibility for the site, but that the Parliament is to take that responsibility, and until it has fixed the site, it is impossible for us to discuss the area. To discuss the area we must have technical advice, and our technical advisers must go on to the site, survey it, and take all the local circumstances into account before they can advise us properly.

Senator STANFORTH SMITH.—That is what I asked the Government to do in the first Parliament—to get every information for us.

Senator MATHESON.—Undoubtedly the honorable senator was absolutely in the right—I did not happen to be present when the other Bill was debated as I had left the State—and in that case, it is more inexplicable to me that the present Government should have fallen into the same mistake that was made by the previous Government. That is my objection to the Bill as it stands, and I would seriously ask Senator McGregor to take it into account, and, if he can, to explain how he means to deal with it. This is not a question simply of protecting a catchment area; it is not a question, as some honorable senators have suggested, of making a fresh State. I do not suppose that any honorable senator who advocates a large area—and I for one believe that a large area is essential to the success of the scheme—desires to make a fresh State. But what we do desire is that from every point of view this Capital shall be situated in a territory that is absolutely suitable for the purpose for which it is intended; and to do that we, as business men, should first of all choose the site, and later on, after we have received proper advice, pass another Bill dealing with the territory.

Senator TURLEY (Queensland). — I support the second reading of the Bill, which I think is necessary in order to give effect to what is expressed in the Constitution. I know that the feeling in the community is that the Federal Parliament should do something in this direction, so that every person may know exactly what position it means to take up. I do not believe for a moment that this is only to be an expression of opinion with the view of keeping faith with New South Wales. I believe that the Federal Parliament not only intends to keep faith with New South Wales by selecting a site, but will be prepared when the site is chosen, and we have come to an understanding with its Government

concerning the area of the territory, to take steps towards establishing its habitation in the new Capital. I think that it is a wise idea to keep the political capital of the Federation as far away as we can from the commercial capital of either New South Wales or Victoria. The question of the cost of railway construction has been introduced here. A certain amount of expense may be incurred before we can make the place accessible, especially if it is in Southern Monaro, but I do not think that the Government should be able at this stage to give any information on the cost of providing that accessibility. The Federal Government will not be responsible for any railway that is built outside the Federal territory, and consequently the time when the State Government will be prepared to build the railway to the limit of the Federal territory will be a matter for negotiation between the Governments.

Senator TRENWITE.—And between the Federal Government and the Victorian Government as to the railway from this side.

Senator TURLEY.—Yes. It will rest to a very great extent with the States Governments to say whether they wish the Federal Parliament to take up its habitation in the new Capital or not. After negotiations between the Federal Government and the Government of New South Wales, the latter will be prepared to take their share of the responsibility of extending the railway to the boundary of the Federal territory, and I take it, that in their turn the Federal Government will be prepared to continue the line to the site of the Capital. I am prepared to go even further than the Government in the matter of the site. I hold that the Federal Government should at least have a port in the Federal territory, wherever it may be situated. What has been our experience in the past? We have had a few vessels under an agreement with the old country, and the movements of those few vessels have caused a certain amount of discontent in Brisbane, Sydney, Melbourne, and Adelaide. I believe that there has been a considerable amount of correspondence by the States Governments regarding even the work done on those ships, although they were not under the control of any State, but under independent control. We are responsible for the establishment of a Navy. So far as I know, there is no Government which does not work with its own dock-yards, which does not look after its own interests in that respect. The Federal

Government should be in a position, I contend, not only to see that their ships are secure, but to do away with all friction between the various capitals. With Federal dock-yards, there will be no necessity for the Government to put work out here or there, to send a ship to Brisbane, another to Adelaide, and another to Melbourne; but they will be able to do their own work in their own place. It would be more satisfactory to the States as a whole for the Federal Parliament to have full control of their own work than to have to deal with the States Governments. The old country has a number of dock-yards, every Continental power has a number of dock-yards in which it carries out its own work. It is only a week or two since the Senate, by a large majority, passed a resolution in favour of the Commonwealth establishing iron-works for the purpose of supplying the raw material for work to be carried on here. If the Government—whether they have to amend the Constitution or not—are prepared to go to that extent, then I take it that they will also be prepared to go further, and to carry out the work of building their own ships if necessary. I concur in the view that the land in the Federal Territory should be held by the Commonwealth, and should not be sold to private people. Whilst it may be said that this view does not find favour with persons desiring to settle on their own freeholds, and to have something, on the security of which they can raise money if they should want to effect improvements—still at the same time we cannot shut our eyes to this fact: that from one end of Australia to the other the feeling is growing that, instead of intending settlers having to put the capital they have at their command into the land before they are able to do anything to produce a living, they should be allowed to pay a nominal rental. They could then use their capital to the best advantage, whereas now they are too often compelled to practically cripple themselves. In nearly every one of the States, and, certainly, in the State from which I come, the Governments are buying back thousands of acres of land, for the simple reason that while there are millions of acres, probably just as good, at some distance from railway communication, the lands upon which it is possible for men to settle successfully are in the hands of private owners, and must be re-purchased.

Senator MILLEN.—And re-sold.

Senator TURLEY.—That is the weakness of the system.

Senator MILLEN.—That is the cause of its success.

Senator TURLEY.—I do not agree with the honorable senator. The men who have gone on the re-purchased lands have done so under favourable conditions, which have been the cause of the success of the system so far as settlement is concerned. If they had had to go to the persons who owned the land, and put down, in the first instance, a considerable amount of their capital for its purchase, they would not have been able to succeed. Under the system adopted they have been able to keep their capital for the first two years, because during that period they are not required to pay anything to the Government.

Senator MILLEN.—They pay the original deposit.

Senator TURLEY.—They have to pay only a portion of the survey fee.

Senator MILLEN.—They have to pay the original deposit, before they get possession of the land, and then they get two or three years before they are required to make further payments.

Senator TURLEY.—They are allowed two years before they are required to make further payments, and the payment of the purchase money is extended over a term of thirty years. That is what has enabled people to make a success of settlement on re-purchased lands. Wherever the territory required for Commonwealth purposes is selected, I think it will be necessary that it should contain a considerable amount of good land, and not only of highlands. What I understand is that, in connexion with the Southern Monaro site, it is proposed to take over the control of territory extending down to the sea-coast, and taking in, also, a portion of the highlands, and, if that be the case, we should be able not merely to try an experiment, but, I believe, to make a success of a system which ultimately must extend very greatly in Australia. It is a system which will enable people to make the best use of the land without being obliged to sink all their capital in its purchase before they are in a position to do anything with it. There is perhaps no need that I should express my opinion as to the site to be selected. I have so far seen only the Southern Monaro sites, but I have secured the reports issued to members of the previous Parliament, and have endeavoured to make myself acquainted with the opinions of men who, I believe, were selec-

ted to report on the suitability of various sites on account of their special ability for the purpose. So far I must confess that I have not been able to find in any of the reports anything which has led me to change the opinion which I have formed, that the sites in Southern Monaro are the best. The fact that I hold very strongly the opinion that the Federal Capital site should be within reasonable distance of the seaboard, and that it is absolutely necessary that there should be a port in the Federal Territory, would incline me to vote for a Southern Monaro site in any case. I shall vote against Senator Dobson's amendment, and in support of the second reading of the Bill.

Senator FRASER (Victoria).—I do not propose to say very much about this matter. Last session I voted for Bombala. I have not made up my mind as to the site which I shall support this session, but it will be the best. When we are considering the Bill in Committee we shall, I hope, receive more information. I do not think it at all necessary that we should have a port in connexion with the Federal Capital. The Capital of the United States has no port, nor has the Capital of Canada, and we know that the capitals of many other countries have no ports connected with them. The Federal authority is not intended to be a producing power, but a governmental power. It is not intended that in the Federal territory we shall produce wheat, wine, gold, and such like, and there is, therefore, no necessity that we should have a port connected with the Capital for purposes of trade. I believe that there is no necessity for hurry in the selection of a site. The people of New South Wales, we are given to understand, take a different view, but I can assure them that so far as Victorians are concerned, and I know their opinions, they have never had the slightest intention of proposing any alteration of the section of the Constitution which gives to New South Wales the Seat of the Federal Government. A delay of two or three years, or even of a decade is nothing in the history of a people.

Senator DAWSON.—Does not the honorable senator desire to see the Federal Capital himself?

Senator FRASER.—I am not very particular about it. I should vote to-morrow for dealing with the question if I thought there was the slightest chance of Sydney being selected as the Federal Capital. I intimated in the Federal C

ention when the Constitution was being framed that, so far as I was concerned, I had no objection to the parent State having that advantage, if it be an advantage. I do not think there is much advantage in it, though certainly it is convenient for members of the Federal Parliament to reside in the State in which the Capital is fixed. It is, however, too late now to talk of giving the position to Sydney, because the Constitution would require to be altered to carry that into effect, and I do not now that there is any very large number of people who are in favour of that suggestion. I am not now so much in favour of the selection of Bombala, as I was last session. I may say that I did not then vote for Bombala, with the idea that it would be permanently selected as the site of the Federal Capital, because I knew that we should have another opportunity of making a selection. Probably after we have done with this Bill we shall still have a further opportunity of discussing the question, and no harm will be done if we have. We may change our minds again if we are given a further opportunity. It must be admitted that, if Bombala be selected, it will necessitate very heavy expenditure, and with one understanding the Commonwealth and its financial bearings fairly well, I say that we should not be justified in spending a huge sum of money on the Federal Capital at the present time. There are directions in which we could spend money productively, but money spent on the Federal Capital would not be reproductive. The idea which has been suggested of borrowing, or, I should rather say, of exacting money from the depositors in banks, is to my mind an outrageous and monstrous idea.

Senator MILLEN.—A forced loan.

Senator FRASER.—There is no doubt it would be a forced loan, and that is proposed to provide money to build the Capital.

The PRESIDENT.—Does the honorable senator think that there is anything in the Bill about a forced loan for the Federal Capital?

Senator FRASER.—It is not in the Bill, but it is referred to just as the land nationalization scheme has been referred to.

The PRESIDENT.—This Bill contains no provision relating to either subject.

Senator MILLEN.—Bombala is not in the Bill, and, perhaps we could not refer to that site?

Senator FRASER.—There is not much in the Bill. The proper course to pursue in

dealing with this question would be for the Government to enter into correspondence with the State Government of New South Wales, and arrange preliminaries with them. They could then introduce a Bill to deal with the matter finally. Do honorable senators believe that the State of New South Wales will be willing to concede 900,000 acres?

Senator DAWSON.—On what terms?

Senator FRASER.—The terms in the Bill are that New South Wales must give the land for nothing.

Senator DAWSON.—No.

Senator FRASER.—The terms in the Bill are that the Crown lands must be ceded, but the freehold lands must be purchased.

Senator MILLEN.—The Constitution is nothing to some honorable senators.

Senator FRASER.—It would appear that it is not, and that they are prepared to wipe it out of existence. Can honorable senators believe that the Government of New South Wales will cede nearly 1,000,000 acres of land to the Federal Government when the Constitution exacts from them only 64,000 acres?

Senator PEARCE.—At least 64,000 acres; but perhaps we might find a Capital in some other State.

Senator DAWSON.—I would prefer to buy Tasmania right out as a Federal territory.

Senator MULCAHY.—The honorable senator cannot have it.

Senator FRASER.—The Tasmanian people can utilize their country better than the purchaser would.

Senator PEARCE.—They have not done very much so far. Senator Dobson worked up a pretty big deficit.

Senator FRASER.—They are going on very well; but that is beside the matter. If we suppose, for the sake of argument, that we acquired 10,000,000 acres, and settled people on them, giving them perpetual leases, how long would they remain as leaseholders? I can fancy Senator Dawson on the platform as a candidate seeking the support of a thousand leaseholders in the Federal territory. "You ought to get your Crown grants for those leaseholds," is what the honorable senator would probably say.

Senator Lt.-Col. GOULD.—That is what the people are crying out for in New Zealand to-day.

Senator FRASER.—I was coming to that. In New Zealand they have had the leasehold system, and there is at t'



moment a majority in the New Zealand Parliament prepared to compel the Government of that Colony to give Crown grants for their leaseholds.

Senator MILLEN.—The same thing is happening in New South Wales.

Senator FRASER.—The same thing has happened in Victoria and New South Wales, and it will happen in every country where individuals are placed in a position to force a Government, and the Government is in a position to yield. The leasehold business will not hold water. Every Government that has existed in Australia has given way, and Governments will continue to do so. Where is the wisdom of establishing a system of leasehold when we know that the leaseholders will desire to have a home. It is inherent in the Britisher to demand his freehold—to make his home his castle.

Senator GUTHRIE.—And when he is offered a better price he sells it.

Senator FRASER.—And buys another.

Senator GUTHRIE.—Where are the "homes" that were bought in Bourke-street?

Senator FRASER.—I know that 46 per cent. of the homes in Victoria are owned by the occupiers, and I wish the figure was 100 per cent.

Senator PEARCE.—*Coghlan* says that the figure is only 15 per cent.

Senator FRASER.—*Coghlan* cannot say that; I know the statistics of the State very well. I hope that when a site is selected, no lavish expenditure will be entered on, and that the Federal Capital will enjoy a good climate and abundance of water. I am not aware whether the Government has supplied the information which was asked for the other day.

Senator PEARCE.—We have had those reports.

Senator Lt.-Col. GOULD.—They have not been distributed.

Senator FRASER.—At any rate, I have not been supplied with them. Up to the present I have not made up my mind for which site I shall vote, because, before doing so, I wish to have the fullest information. I shall not vote for postponing this question, preferring that it should be dealt with at once.

Senator MCGREGOR (South Australia—Vice-President of the Executive Council).—On behalf of the Government I have every right to be satisfied with the character of the debate, which has not been conducted in anything like a

party spirit; and I believe that, to the finish, fair play will be given, and honorable senators allowed to express their opinions by their votes. When the site is selected I hope the Government—whatever Government may be in power—will take steps to proceed as rapidly as possible with the creation of the Capital city. I desire to reply to one or two objections raised to the Bill, and also to one or two objections suggested in connexion with the manner in which I introduced it. Senator Symon said that I was entirely wrong about the opinions of the American people as to the area on which Washington is situated; and, of course, Senator Walker had to correct the honorable and learned gentleman's figures to the extent of three-quarters of a mile. I advise Senator Walker not to be so particular in a small matter of this description. Some of the rivers in America, in case of flood, have not the slightest compunction in washing away anything from half an acre to five acres of land; and, since Senator Symon made his calculation, a disaster of the kind may have reduced the area to the extent mentioned by Senator Walker. The result is that both Senator Symon and Senator Walker may be absolutely correct; and, if both can be correct and differ from each other, I can be correct and differ from both of them. The statements of Senator Symon were made for the purpose of leading the Senate and the public to believe that the thirty square miles in Columbia was receded because the Federal area was too large. If honorable senators take the trouble to investigate the history of the question they will find that the reason was nothing of the sort; and I shall show, in very few minutes, that my statement with reference to the general regret in the minds of the American people as to the smallness of the area at the Seat of Government, is absolutely correct. At the institution of every Commonwealth, Federation, or other form of Government, there are many dissatisfied persons; and their dissatisfaction rankles in their minds for years. I hope, however, that past experience will teach the people of Australia not to follow that very bad example. From the foundation of Washington up to 1846, there was a continuous attempt to remove the Seat of Government from that place; and in introducing this Bill, I indicated how the Seat of the American Government came to be fixed. It was brought about by a combination of parties who had very little interest in the question

of the Seat of Government, their interest lying principally in accomplishing the assumption of the debts of the States. But the agitation continued up to 1846. We find that a portion of the Columbia area was on one side of the river, and the main portion on the opposite side, and in or about the year mentioned there was an attempt made to remove the Seat of Government. The county of Alexandria, which comprised the thirty square miles re-ceded, was on the opposite side of the river from that on which the greater portion, if not the whole, of the Government buildings were situated; and the residents of that county considered they were being neglected by the Federal authorities, and applied to be incorporated with the State of Virginia. Those who were in favour of removing the Seat of Government seized this opportunity, along with every other that presented itself, for re-ceding this portion of the territory. It must be remembered that this took place fifty-eight years ago, when it was probable that less than 100 square miles would satisfy some of the American people. But in 1892 what do we find? The people in that year had to pay 1,200,000 dollars, equal to £240,000, or £160 an acre, for a piece of ground to form the Rock Creek Park of 1,500 acres. We see that although in 1846 it might be possible to spare a very large slice, it was in 1892 necessary to buy 1,500 acres back, at a cost of £160 an acre. Does that not prove that even in 1892 the Columbia district was too small for the purposes of the Government in the United States? And if it was too small in 1892, what will it be twenty or fifty years hence? The people of the United States recognise that they made a mistake, not only in selecting the present site, but in selecting such a small area. A good deal has been said about the unearned increment, but, as you, Mr. President, have correctly pointed out, that question has nothing to do with the Bill, unless in the discussion of the area that ought to be selected or acquired by the Commonwealth for the purpose of establishing the Seat of Government. As to the power of the Commonwealth, I think we have a sufficient authority in Sir Edmund Barton, who, when introducing a similar Bill in another place, pointed out the probability that the Commonwealth Parliament can acquire the necessary territory. According to section 125, on which this Bill is founded, the Seat of Government is to

be fixed by the Parliament of the Commonwealth, and it is to be in an area granted to or acquired by the Commonwealth, in whom it is vested. Surely, if Parliament is to select the site, they have the right to say whether it should be 100, 1,000, or 5,000 square miles? The Commonwealth Parliament has the right to decide as to the suitability of the country in which it proposes to have the Seat of Government. In one place it might be necessary to acquire only fifty square miles, as in the case, for instance, of an island. In another position 100 square miles might do, but, having the power, the Commonwealth Parliament may select a site in such a position that 5,000 square miles would be necessary. I say that under the Constitution the Commonwealth Parliament has a right to acquire or have the land granted; and section 51, sub-section xxxi., and also sections 111, 122, and 52 give the Commonwealth power to legislate for territory owned by the Commonwealth.

Senator MILLEN.—Does the honorable senator mean that the Commonwealth has a right to take what land it likes, irrespective of the wishes of New South Wales?

Senator MCGREGOR.—I believe, and even Sir Edmund Barton has stated—

Senator MILLEN.—I want to know what the honorable senator says, and not what Sir Edmund Barton says.

Senator MCGREGOR.—I believe that the Commonwealth has power to take whatever area it may think necessary.

Senator DOBSON.—Without any limit?

Senator TRENWITH.—Yes, so long as it is not less than 100 square miles.

Senator MCGREGOR.—So long as the area is not less than 100 square miles, the Commonwealth has a right to take as much land as it likes, outside a radius of 100 miles from Sydney.

Senator MILLEN.—Then the Commonwealth may take all New South Wales except that part within the 100 mile limit?

Senator MCGREGOR.—I am not saying this for the purpose of alarming the representatives of New South Wales.

Senator MILLEN.—The honorable senator is by no means alarming us.

Senator Lt.-Col. NEILD.—We are only amused.

Senator MCGREGOR.—Honorable senators know very well that the Commonwealth would not attempt to do anything unreasonable, and I believe that the people of New South Wales are also reasonable. When the negotiations are entered into with

respect to the territory in which the Seat of Government is to be situated, everything will go on all right. But I wish to point out why, in my opinion, we should have a large territory, if it is to be situated either at Bombala or Dalgety. The first reason is, that we want to secure the advantage of all the unearned increment for the people of the Commonwealth. Then, as the Seat of Government ought to be chosen for its geographical features, and Southern Monaro would provide all the natural features we desire, we should have a large territory so as to include them. The Seat of Government of the Commonwealth ought to attract people from all parts of the world. This is where I disagree with the Prime Minister himself, or with any one else, who says that we ought to put up some buildings of a temporary character, whether at Dalgety, Tumut, or Bombala, in which to carry on the functions of the Government. If we did that, we should be doing what, in many instances, is prohibited in connexion with private property. Suppose a man buys 200 or 300 acres of land in a suburb of a city. He cuts it up into blocks and disposes of it to individuals on certain conditions. He takes very good care, if he has any sense, not to allow the occupier of any one of those suburban blocks to put up a tin shanty that would disgrace the locality and keep others from building there. If we wish to attract population, visitors, and sightseers to the Seat of Government, we must put up buildings in harmony with the dignity of the Commonwealth. If we wish people to come from Melbourne, where they can see such buildings as this, and others in other parts of the city, we must provide something worth looking at. We should go there with the intention of making the Seat of Government of the Commonwealth a place worth while going to see.

Senator WALKER.—Ultimately.

Senator MCGREGOR.—I agree that that cannot be done immediately. But that is the way in which we ought to proceed. That is what was done in Ottawa and in Washington. I have previously explained that at Washington the Federal Government had at first to pay very little for its buildings, because the States of Virginia and Maryland assisted them. They had to pay very little for the land either, because the disposal of one portion of the land paid for the other part. If we want to make the Seat of Government attractive, we must have a large area. We have been told by Senator de Largie, and I find that

the statement is quite correct, that in the city of Ottawa there is a public park containing 1,700 square miles. Why should not we have a national park in connexion with the Capital city? But how could we cram one into 100 square miles? In Sydney they have a national park about twenty miles from the city, containing an area of 36,000 acres. They have another park called Ku-ring-gai Chase, containing 35,000 acres. How can we provide attractions like that in an area of 100 square miles? Is the Capital of the Commonwealth to be less favorably situated with respect to public parks than the city of Sydney? It is also to be remembered that in Australia the flora and fauna are gradually becoming extinct. Just as the black population are vanishing, so are the animals, the birds, and the native vegetation. In the district which I have in my mind, there are thousands of square miles that would be suitable for the establishment of a national park. Instead of that being an injury to New South Wales it would be a distinct benefit to her. The country in Southern Monaro, from the edge of the table-land half-way down to the sea coast, would be splendid for the purpose of protecting the flora and fauna of Australia. Reserves of that kind should not be in close proximity to a large city. They should be twenty or forty miles away, connected by railway with the city, so that the boys could not be continually birds'-nesting and destroying everything of interest. These are additional reasons for selecting a large area. Further, work like meteorological forecasting requires that we should have within the area a place like Mount Kosciusko, which is, perhaps, the most favorable situation in Australia for such a purpose.

Senator Lt.-Col. NEILD.—We should get frost-bitten there.

Senator MCGREGOR.—If the honorable senator went up to Kosciusko and got frost-bitten, the calamity would be deeply regretted by his friends in the Senate. He knows that where meteorological observatories are established the whole population does not go and live there. One or two officers reside there, and they are adequately protected in every way. I am merely showing that all these things should be considered in the laying out of the Federal Territory. Again, in respect of water supply, there is no territory more suitable than that which I have indicated. For the purpose of having the absolute control of the water supply under the Commonwealth Govern-

ment, it is necessary to have a large area. The mountain ranges at the back would tend to attract visitors from every part of New South Wales if communication were provided. That brings me to another point—the railways. We are told that railway communication will cost an immense sum.

Senator DOBSON.—Quite right.

Senator MCGREGOR.—If it would cost an immense amount to build railways, and the country is not worth developing, I should say—"Do not have them." But there is no portion of that territory that I know of that is not worthy of development by railway communication, whether the Federal Capital is established there or not. Honorable senators are probably aware that the New South Wales Parliament has twice passed an Act for the purpose of carrying the railway from Cooma to Bombala. Probably the fact that the Federal Capital may be located there has prevented the New South Wales people from carrying out their intentions in that respect.

Senator MILLEN.—No; it is impecuniosity.

Senator MCGREGOR.—The honorable senator knows the reason for that.

Senator MILLEN.—Of course I do.

Senator MCGREGOR.—In the other direction—from Bairnsdale to the New South Wales border—I maintain that the country is thoroughly worthy of development. Better authorities than I am have declared as much. The route for that railway has been surveyed. When the survey was made there was no talk of establishing the Commonwealth Seat of Government across the border. Why did the Victorian Government spend money on having three surveys made? Was it not for the purpose of developing that country, independently of whether the Federal Capital was established in the neighbourhood? If the value of the country was in the minds of the Victorian experts when they recommended surveys, is it not more worthy of development when the Seat of Government of the Commonwealth is established in Southern Monaro? When the railway from Cooma to the Commonwealth territory, and the line from Bairnsdale to the New South Wales border are constructed, the Commonwealth itself will provide railways within its own territory. But the Commonwealth has no right to be charged with the cost of establishing railway connexion from Bairnsdale to Delegate, or from Cooma to the Federal territory. Those matters affect the States. Honorable senators are aware that it is not

within the power of the Commonwealth, except with the consent of the States, to build an inch of railway outside its own territory. But I honestly believe that if the Seat of Government were decided upon and steps were taken for the purpose of establishing it finally, both New South Wales and Victoria, in their own interests, and to develop their own country, would hurry the construction of those lines. They would see which could get there first. Of course New South Wales has a very great advantage, but Victoria, with her energy would no doubt soon overtake the larger State. Senator Dobson is continually grumbling. I do not intend to dilate on the necessity for a seaport, although I believe in it myself. It will be time enough when the second reading of the Bill is carried to deal with that. But I cannot help alluding to such grumbling senators as Senator Dobson and Senator Fraser—although I do not put Senator Fraser in the same category with Senator Dobson, with the idea of suggesting that he grumbles half as much. I interjected when Senator Dobson was speaking, that his first attempt to move an amendment, or even the amendment which is now before the Senate, was for the purpose of killing somebody, whilst not being accused of murder and hanged for it. That is the position in which he puts himself. Senator Fraser and Senator Dobson tell us that before we pass a Bill of this description we ought to negotiate with the New South Wales Government. For the purpose of doing what? The first question that would be asked would be what site do you intend to decide on. There are so many eligible sites in New South Wales that the Government of that State would require to know what site we intended to decide on before they could enter into negotiations with us. These honorable senators remind me of a thoughtful parent ordering a suit of clothes for his child before it is born, when he does not know whether it will need a pair of breeches or a skirt. That is exactly the position they are in. How can we negotiate with New South Wales until we can say—"This is the place that we wish to negotiate about"? It is our duty as a Parliament to pass the Bill, and then to enter into negotiations with New South Wales. I hope that we shall soon get into Committee on the Bill, and when honorable senators get tired of Committee work—I know that many honorable senators wish to have a look at one thing and another elsewhere—

I shall be prepared to report progress. It is the desire of the Government, I may say, that this Bill and the Fraudulent Trade Marks Bill should be carried through the Senate as speedily as possible. If this Bill is passed, and fair progress is made with the other Bill, seeing that we have only one-half the senators here, and so much time has been wasted in another place, it may be considered advisable to give honorable senators an adjournment rather than to ask them to meet here for one or two days in the week to do only a small amount of business. I think they will all agree that it would be better to have a substantial adjournment, and to come back when they could be fully employed.

Senator TRENWITH.—Until Christmas?

Senator MCGREGOR.—I do not intend to agree to any suggestion of that sort. I hope that the amendment of Senator Dobson will be defeated, and that the Bill will be read a second time, and taken into Committee.

Question.—That the word "now," proposed to be left out, be so left out—put. The Senate divided.

Ayes	...	...	2
Noes	...	...	25
Majority	...	...	23

## AYES.

Styles, J.

Teller:

Dobson, H.

## NOES.

Baker, Sir R. C.  
Best, R. W.  
Dawson, A.  
de Largie, H.  
Drake, J. G.  
Findley, E.  
Fraser, S.  
Gould, A. J.  
Guthrie, R. S.  
Henderson, G.  
Higgs, W. G.  
Macfarlane, J.  
McGregor, G.  
Millen, E. D.

Mulcahy, E.  
Neild, J. C.  
Pearce, G. F.  
Pulsford, E.  
Smith, M. S. C.  
Story, W. H.  
Symon, Sir J. H.  
Trenwith, W. A.  
Turley, H.  
Walker, J. T.

Teller:

O'Keefe, D. J.

Question so resolved in the negative.

Amendment negatived.

Original question resolved in the affirmative.

Bill read a second time.

In Committee:

Clause 1. (Short title.)

Senator DOBSON (Tasmania).—May I ask Senator McGregor whether he intends to proceed with this very important measure, without giving the information which

some of us have asked for, and which Senator Pulsford, with a great deal of candour and sincerity, for which I thank him, has said that we ought to have? The senator from New South Wales has at last put those of us who object to the early selection of a site in a proper and fair position. He intimated that he does recognise now that there are certain pieces of information which are of great importance, and he thinks that the citizens of the other States have a perfect right to understand the intentions of the Government, to know on what terms they think that they can secure this land, what money they intend to spend, and how long they propose to take to spend it.

Senator DAWSON.—I rise to order. I submit, sir, that the honorable and learned senator must confine his remarks to the clause before the Committee.

The CHAIRMAN.—I have to rule that the observations of Senator Dobson are not strictly relevant to the clause.

Senator MCGREGOR (South Australia—Vice-President of the Executive Council).—I think that Senator Dobson will recognise that on clauses 2, 3, and 4, he will have plenty of opportunity for discussing all the details that are in the Bill.

Senator DOBSON.—Does my honorable friend intend to proceed with this clause?

Senator MCGREGOR.—I have already said that if honorable senators will pass the formal clauses I shall agree to report progress, and ask leave to sit again.

Senator DOBSON.—On this day six months?

Senator MCGREGOR.—No; to-morrow. I have stated that it is the desire of the Government to get this measure passed as quickly as possible. It is all nonsense for some persons to talk about want of information after tons of information in connexion with this question have been supplied. The only particulars that are not available are some details—which are of no consequence in themselves—in connexion with Mr. Scrivener's report on Southern Monaro. I do not think there is any necessity for delaying the passage of the Bill. I believe that honorable senators wish to settle the question, and the sooner it is settled the more satisfactory it will be to all the members of the Senate, and we may then have a chance of adjourning for a reasonable period, in order to give another place time to catch up to us.

Senator MILLEN (New South Wales).—If I understand Senator McGregor aright he proposes, on this clause being passed, to

report progress. I wish to draw the attention of the Committee to what appears to me to be a serious matter, with a view to some steps being taken to safeguard the danger, which, I think, lurks in our present procedure. In dealing with a later clause, some honorable senator will propose an amendment to fill the blank. Now, unless we adopt the procedure which was followed when this matter was previously before the Senate we shall probably land ourselves in a difficulty, because it might happen that if a definite proposal were before the Committee in favour of one place, the advocates of all other places would combine to vote against it, with the result that we should never fill the blank.

Senator DAWSON.—There has been an amendment circulated to fill that blank.

Senator MILLEN.—That does not matter. If the first proposal is to put in a certain place, the advocates of all the other places will combine to vote against it, and when a second place is proposed the advocates of all the other places will combine to knock them out, and we may finish up with a blank still in the Bill.

Senator DAWSON.—Would it not be better to wait until we get to that clause?

Senator MILLEN.—I remind the honorable senator that if I wait until progress is reported I shall have lost my opportunity to speak.

Senator DAWSON.—No; the honorable senator can speak when the next clause comes on for discussion.

Senator MILLEN.—The Vice-President of the Executive Council has said that he intends to report progress as soon as clause 1 is passed.

The CHAIRMAN.—I have reluctantly to rule the honorable senator out of order.

Senator MILLEN.—I knew that you would do so, Mr. Chairman, but I direct your attention, and that of the Government, to the fact that we are, perhaps unconsciously, being led into a difficult position, and I look to the Government to devise some means to extricate us from it.

Senator DAWSON (Queensland—Minister of Defence).—I may be permitted to point out that Senator Millen's fears are not justified. When clause 1 is disposed of, the Vice-President of the Executive Council will not move to report progress until after clause 2 is called on by the Chairman, and then any suggestion which Senator Millen may have to make can be made.

Senator Sir JOSIAH SYMON (South Australia).—I think the remarks made by Senator Millen have been misapprehended. The Vice-President of the Executive Council, in accordance with usage, has taken the opportunity on clause 1 to indicate the course he intends to pursue in connexion with the Bill. He has said that clause 1 being passed, and the next clause called on, he proposes to move to report progress.

Senator DAWSON.—Surely it will then be open to honorable senators to raise a discussion as to how the blank should be filled.

Senator Sir JOSIAH SYMON.—Senator Millen has not suggested a discussion of the kind on clause 2, nor has the honorable senator initiated such a discussion. He has, in a friendly way, discussed the suggestion of the Vice-President of the Executive Council as to the course of business, and asks that between now and the resumption of the Committee to-morrow, the Government will consider the course which ought to be pursued in regard to clause 2. Attention has been directed to what occurred last year, when there was an exhaustive ballot taken in order that the views of every section of the Senate might be ascertained, and that we might not be placed in the awkward position, to which the honorable senator has referred, of amendments in favour of one site being defeated by a combination of all honorable senators in favour of other sites. Senator Millen desires that possible combinations of honorable senators in favour of different sites to defeat those in favour of a particular site should be prevented.

Senator MCGREGOR.—I point out to Senator Symon that I propose simply to carry clause 1, and then, after allowing the next clause to be put to the Committee, to ask honorable senators to state the amendments which they propose to move. I shall then ask leave to report progress; and, between this time and the resumption of the Committee to-morrow, every consideration will be given to the suggestions of Senator Millen, and everything will be done that we can do to clear the way for a legitimate decision of the Senate.

Clause agreed to.

Clause 2.—

It is hereby determined that the Seat of Government of the Commonwealth shall be within twenty-five miles of \_\_\_\_\_, in the State of New South Wales.

Senator PEARCE (Western Australia).—I wish to move an amendment upon clause 2.

I shall be prepared to report progress. It is the desire of the Government, I may say, that this Bill and the Fraudulent Trade Marks Bill should be carried through the Senate as speedily as possible. If this Bill is passed, and fair progress is made with the other Bill, seeing that we have only one-half the senators here, and so much time has been wasted in another place, it may be considered advisable to give honorable senators an adjournment rather than to ask them to meet here for one or two days in the week to do only a small amount of business. I think they will all agree that it would be better to have a substantial adjournment, and to come back when they could be fully employed.

Senator TRENWITH.—Until Christmas?

Senator MCGREGOR.—I do not intend to agree to any suggestion of that sort. I hope that the amendment of Senator Dobson will be defeated, and that the Bill will be read a second time, and taken into Committee.

Question.—That the word "now," proposed to be left out, be so left out—put. The Senate divided.

Ayes	...	...	...	2
Noes	...	...	...	25
				—
Majority	...	...	...	23

## AYES.

Styles, J.

Teller:

Dobson, H.

## NOES.

Baker, Sir R. C.  
Best, R. W.  
Dawson, A.  
de Largie, H.  
Drake, J. G.  
Findley, E.  
Fraser, S.  
Gould, A. J.  
Guthrie, R. S.  
Henderson, G.  
Higgs, W. G.  
Macfarlane, J.  
McGregor, G.  
Millen, E. D.

Mulcahy, E.  
Neild, J. C.  
Pearce, G. F.  
Pulsford, E.  
Smith, M. S. C.  
Story, W. H.  
Symon, Sir J. H.  
Trenwith, W. A.  
Turley, H.  
Walker, J. T.

Teller:

O'Keefe, D. J.

Question so resolved in the negative.

Amendment negatived.

Original question resolved in the affirmative.

Bill read a second time.

In Committee:

Clause 1. (Short title.)

Senator DOBSON (Tasmania).—May I ask Senator McGregor whether he intends to proceed with this very important measure, without giving the information which

some of us have asked for, and which Senator Pulsford, with a great deal of candour and sincerity, for which I thank him, has said that we ought to have? The senator from New South Wales has at last put those of us who object to the early selection of a site in a proper and fair position. He intimated that he does recognise now that there are certain pieces of information which are of great importance, and he thinks that the citizens of the other States have a perfect right to understand the intentions of the Government, to know on what terms they think that they can secure this land, what money they intend to spend, and how long they propose to take to spend it.

Senator DAWSON.—I rise to order. I submit, sir, that the honorable and learned senator must confine his remarks to the clause before the Committee.

The CHAIRMAN.—I have to rule that the observations of Senator Dobson are not strictly relevant to the clause.

Senator MCGREGOR (South Australia—Vice-President of the Executive Council).—I think that Senator Dobson will recognise that on clauses 2, 3, and 4, he will have plenty of opportunity for discussing all the details that are in the Bill.

Senator DOBSON.—Does my honorable friend intend to proceed with this clause?

Senator MCGREGOR.—I have already said that if honorable senators will pass the formal clauses I shall agree to report progress, and ask leave to sit again.

Senator DOBSON.—On this day six months?

Senator MCGREGOR.—No; to-morrow. I have stated that it is the desire of the Government to get this measure passed as quickly as possible. It is all nonsense for some persons to talk about want of information after tons of information in connexion with this question have been supplied. The only particulars that are not available are some details—which are of no consequence in themselves—in connexion with Mr. Scrivener's report on Southern Monaro. I do not think there is any necessity for delaying the passage of the Bill. I believe that honorable senators wish to settle the question, and the sooner it is settled the more satisfactory it will be to all the members of the Senate, and we may then have a chance of adjourning for a reasonable period, in order to give another place time to catch up to us.

Senator MILLEN (New South Wales).—If I understand Senator McGregor aright he proposes, on this clause being passed, to

report progress. I wish to draw the attention of the Committee to what appears to me to be a serious matter, with a view to some steps being taken to safeguard the danger, which, I think, lurks in our present procedure. In dealing with a later clause, some honorable senator will propose an amendment to fill the blank. Now, unless we adopt the procedure which was followed when this matter was previously before the Senate we shall probably land ourselves in a difficulty, because it might happen that if a definite proposal were before the Committee in favour of one place, the advocates of all other places would combine to vote against it, with the result that we should never fill the blank.

Senator DAWSON.—There has been an amendment circulated to fill that blank.

Senator MILLEN.—That does not matter. If the first proposal is to put in a certain place, the advocates of all the other places will combine to vote against it, and when a second place is proposed the advocates of all the other places will combine to knock them out, and we may finish up with a blank still in the Bill.

Senator DAWSON.—Would it not be better to wait until we get to that clause?

Senator MILLEN.—I remind the honorable senator that if I wait until progress is reported I shall have lost my opportunity to speak.

Senator DAWSON.—No; the honorable senator can speak when the next clause comes on for discussion.

Senator MILLEN.—The Vice-President of the Executive Council has said that he intends to report progress as soon as clause 1 is passed.

The CHAIRMAN.—I have reluctantly to rule the honorable senator out of order.

Senator MILLEN.—I knew that you would do so, Mr. Chairman, but I direct your attention, and that of the Government, to the fact that we are, perhaps unconsciously, being led into a difficult position, and I look to the Government to devise some means to extricate us from it.

Senator DAWSON (Queensland—Minister of Defence).—I may be permitted to point out that Senator Millen's fears are not justified. When clause 1 is disposed of, the Vice-President of the Executive Council will not move to report progress until after clause 2 is called on by the Chairman, and then any suggestion which Senator Millen may have to make can be made.

Senator Sir JOSIAH SYMON (South Australia).—I think the remarks made by Senator Millen have been misapprehended. The Vice-President of the Executive Council, in accordance with usage, has taken the opportunity on clause 1 to indicate the course he intends to pursue in connexion with the Bill. He has said that clause 1 being passed, and the next clause called on, he proposes to move to report progress.

Senator DAWSON.—Surely it will then be open to honorable senators to raise a discussion as to how the blank should be filled.

Senator Sir JOSIAH SYMON.—Senator Millen has not suggested a discussion of the kind on clause 2, nor has the honorable senator initiated such a discussion. He has, in a friendly way, discussed the suggestion of the Vice-President of the Executive Council as to the course of business, and asks that between now and the resumption of the Committee to-morrow, the Government will consider the course which ought to be pursued in regard to clause 2. Attention has been directed to what occurred last year, when there was an exhaustive ballot taken in order that the views of every section of the Senate might be ascertained, and that we might not be placed in the awkward position, to which the honorable senator has referred, of amendments in favour of one site being defeated by a combination of all honorable senators in favour of other sites. Senator Millen desires that possible combinations of honorable senators in favour of different sites to defeat those in favour of a particular site should be prevented.

Senator MCGREGOR.—I point out to Senator Symon that I propose simply to carry clause 1, and then, after allowing the next clause to be put to the Committee, to ask honorable senators to state the amendments which they propose to move. I shall then ask leave to report progress; and, between this time and the resumption of the Committee to-morrow, every consideration will be given to the suggestions of Senator Millen, and everything will be done that we can do to clear the way for a legitimate decision of the Senate.

Clause agreed to.

Clause 2—

It is hereby determined that the Seat of Government of the Commonwealth shall be within twenty-five miles of \_\_\_\_\_, in the State of New South Wales.

Senator PEARCE (Western Australia).—I wish to move an amendment upon clause 2.



I shall be prepared to report progress. It is the desire of the Government, I may say, that this Bill and the Fraudulent Trade Marks Bill should be carried through the Senate as speedily as possible. If this Bill is passed, and fair progress is made with the other Bill, seeing that we have only one-half the senators here, and so much time has been wasted in another place, it may be considered advisable to give honorable senators an adjournment rather than to ask them to meet here for one or two days in the week to do only a small amount of business. I think they will all agree that it would be better to have a substantial adjournment, and to come back when they could be fully employed.

Senator TRENWITH.—Until Christmas?

Senator MCGREGOR.—I do not intend to agree to any suggestion of that sort. I hope that the amendment of Senator Dobson will be defeated, and that the Bill will be read a second time, and taken into Committee.

Question.—That the word "now," proposed to be left out, be so left out—put. The Senate divided.

Ayes	...	...	...	2
Noes	...	...	...	25
Majority				23

# AYES.

Styles, J.

*Teller:*

Dobson, H.

# NOES.

Baker, Sir R. C.  
Best, R. W.  
Dawson, A.  
de Largie, H.  
Drake, J. G.  
Findley, E.  
Fraser, S.  
Gould, A. J.  
Guthrie, R. S.  
Henderson, G.  
Higgs, W. G.  
Macfarlane, J.  
McGregor, G.  
Millen, E. D.

Mulcahy, E.  
Neild, J. C.  
Pearce, G. F.  
Pulsford, E.  
Smith, M. S. C.  
Story, W. H.  
Symon, Sir J. H.  
Trenwith, W. A.  
Turley, H.  
Walker, J. T.

*Teller:*

O'Keefe, D. J.

Question so resolved in the negative.

Amendment negatived.

Original question resolved in the affirmative.

Bill read a second time.

*In Committee:*

Clause 1. (Short title.)

Senator DOBSON (Tasmania).—May I ask Senator McGregor whether he intends to proceed with this very important measure, without giving the information which

some of us have asked for, and which Senator Pulsford, with a great deal of candor and sincerity, for which I thank him, has said that we ought to have? The senator from New South Wales has at last put those of us who object to the early selection of a site in a proper and fair position. He intimated that he does recognise now that there are certain pieces of information which are of great importance, and he thinks that the citizens of the other States have a perfect right to understand the intentions of the Government, to know on what terms they think that they can secure this land, what money they intend to spend, and how long they propose to take to spend it.

Senator DAWSON.—I rise to order. I submit, sir, that the honorable and learned senator must confine his remarks to the clause before the Committee.

The CHAIRMAN.—I have to rule that the observations of Senator Dobson are not strictly relevant to the clause.

Senator MCGREGOR (South Australia—Vice-President of the Executive Council).—I think that Senator Dobson will recognise that on clauses 2, 3, and 4, he will have plenty of opportunity for discussing all the details that are in the Bill.

Senator DOBSON.—Does my honorable friend intend to proceed with this clause?

Senator MCGREGOR.—I have already said that if honorable senators will pass the formal clauses I shall agree to report progress, and ask leave to sit again.

Senator DOBSON.—On this day six months?

Senator MCGREGOR.—No; to-morrow. I have stated that it is the desire of the Government to get this measure passed as quickly as possible. It is all nonsense for some persons to talk about want of information after tons of information in connexion with this question have been supplied. The only particulars that are not available are some details—which are of no consequence in themselves—in connexion with Mr. Scrivener's report on Southern Monaro. I do not think there is any necessity for delaying the passage of the Bill. I believe that honorable senators wish to settle the question, and the sooner it is settled the more satisfactory it will be to all the members of the Senate, and we may then have a chance of adjourning for a reasonable period, in order to give another place time to catch up to us.

Senator MILLEN (New South Wales).—If I understand Senator McGregor aright he proposes, on this clause being passed, to

report progress. I wish to draw the attention of the Committee to what appears to me to be a serious matter, with a view to some steps being taken to safeguard the danger, which, I think, lurks in our present procedure. In dealing with a later clause, some honorable senator will propose an amendment to fill the blank. Now, unless we adopt the procedure which was followed when this matter was previously before the Senate we shall probably land ourselves in a difficulty, because it might happen that if a definite proposal were before the Committee in favour of one place, the advocates of all other places would combine to vote against it, with the result that we should never fill the blank.

Senator DAWSON.—There has been an amendment circulated to fill that blank.

Senator MILLEN.—That does not matter. If the first proposal is to put in a certain place, the advocates of all the other places will combine to vote against it, and when a second place is proposed the advocates of all the other places will combine to knock them out, and we may finish up with a blank still in the Bill.

Senator DAWSON.—Would it not be better to wait until we get to that clause?

Senator MILLEN.—I remind the honorable senator that if I wait until progress is reported I shall have lost my opportunity to speak.

Senator DAWSON.—No; the honorable senator can speak when the next clause comes on for discussion.

Senator MILLEN.—The Vice-President of the Executive Council has said that he intends to report progress as soon as clause 1 is passed.

The CHAIRMAN.—I have reluctantly to rule the honorable senator out of order.

Senator MILLEN.—I knew that you would do so, Mr. Chairman, but I direct your attention, and that of the Government, to the fact that we are, perhaps unconsciously, being led into a difficult position, and I look to the Government to devise some means to extricate us from it.

Senator DAWSON (Queensland—Minister of Defence).—I may be permitted to point out that Senator Millen's fears are not justified. When clause 1 is disposed of, the Vice-President of the Executive Council will not move to report progress until after clause 2 is called on by the Chairman, and then any suggestion which Senator Millen may have to make can be made.

Senator Sir JOSIAH SYMON (South Australia).—I think the remarks made by Senator Millen have been misapprehended. The Vice-President of the Executive Council, in accordance with usage, has taken the opportunity on clause 1 to indicate the course he intends to pursue in connexion with the Bill. He has said that clause 1 being passed, and the next clause called on, he proposes to move to report progress.

Senator DAWSON.—Surely it will then be open to honorable senators to raise a discussion as to how the blank should be filled.

Senator Sir JOSIAH SYMON.—Senator Millen has not suggested a discussion of the kind on clause 2, nor has the honorable senator initiated such a discussion. He has, in a friendly way, discussed the suggestion of the Vice-President of the Executive Council as to the course of business, and asks that between now and the resumption of the Committee to-morrow, the Government will consider the course which ought to be pursued in regard to clause 2. Attention has been directed to what occurred last year, when there was an exhaustive ballot taken in order that the views of every section of the Senate might be ascertained, and that we might not be placed in the awkward position, to which the honorable senator has referred, of amendments in favour of one site being defeated by a combination of all honorable senators in favour of other sites. Senator Millen desires that possible combinations of honorable senators in favour of different sites to defeat those in favour of a particular site should be prevented.

Senator MCGREGOR.—I point out to Senator Symon that I propose simply to carry clause 1, and then, after allowing the next clause to be put to the Committee, to ask honorable senators to state the amendments which they propose to move. I shall then ask leave to report progress; and, between this time and the resumption of the Committee to-morrow, every consideration will be given to the suggestions of Senator Millen, and everything will be done that we can do to clear the way for a legitimate decision of the Senate.

Clause agreed to.

Clause 2.—

It is hereby determined that the Seat of Government of the Commonwealth shall be within twenty-five miles of \_\_\_\_\_, in the State of New South Wales.

Senator PEARCE (Western Australia).—I wish to move an amendment upon clause 2.

Senator MILLEN.—I thought the Vice-President of the Executive Council intended to report progress.

Senator MCGREGOR.—So I will. When honorable senators have announced the amendments they intend to propose, so that we may have an opportunity of considering them.

Senator MILLEN.—The moving of amendments is just what I desired to avoid.

Senator PEARCE.—If it can be shown that the amendment which I intend to move will prevent the proper transaction of business, I shall be prepared to withdraw it. It is as follows:—

That the words "twenty-five miles of," line 3, be left out with a view to insert in lieu thereof the following words:—"an area bounded on the north by a line running parallel with, and twelve miles south of, the thirty-sixth parallel of south latitude."

Senator Sir JOSIAH SYMON (South Australia).—I ask the Chairman not to put that amendment yet, because I would point out that, if it is put from the Chair, it becomes the property of the Committee, and any single member of the Senate can then object to its withdrawal. It is perfectly clear that what Senator McGregor proposed to do was to allow us to have an exhaustive ballot to-morrow, or, at all events, to consider the course to be pursued. It would, therefore, be very much better not to have any amendment submitted at the present moment.

Senator MCGREGOR.—It was not my desire that any amendment should be submitted now.

Senator Sir JOSIAH SYMON.—Senator Pearce will see that, if he were to move his amendment now, he would complicate matters exceedingly. If he succeeded in striking out the words "twenty-five miles of," it would humbug the whole clause. If the honorable senator's subsequent amendment were defeated, we should have to insert some other limit, or recast the clause altogether. I suggest, for the honorable senator's consideration, that he should move his amendment in another form. He should not move to strike out the words "twenty-five miles of," but that the words which he has read should be inserted after the word "within." If that amendment is defeated, the words of the clause will then remain as they are.

Senator PEARCE.—I am prepared to accept the suggestion.

Senator WALKER (New South Wales).—I desire to indicate that it is my intention to move certain amendments in the clause.

I do not propose to interfere with the words "twenty-five miles of," but I propose to move that, after the blank, the words "or within twenty-five miles of —" be inserted, and I then propose to add, at the end of the clause, the words "leaving it to the Parliament of the State of New South Wales to decide as to which of these sites shall be granted to the Government of this Commonwealth."

Progress reported.

Senate adjourned at 9.20 p.m.

## House of Representatives.

Wednesday, 1 June, 1904.

Mr. SPEAKER took the chair at 2.30 p.m. and read prayers.

### PUBLIC SERVICE INCREMENTS.

Mr. HARPER asked the Treasurer, *upon notice*—

1. Whether the increments which were due to the members of the Commonwealth Service on 1st January last, and for which the necessary amount has been voted by Parliament (the payment of which has been held back pending the publication of the re-classification report by the Public Service Commissioner) are to be paid before the 30th June?

2. If not, whether provision will be made in the Estimates for 1904-5 for the re-voting of the money for the payment of such increments?

Mr. WATSON.—In reply to the honorable member, I desire to state that—

The necessary information is now being obtained by the Public Service Commissioner, and it is intended to pay, before the 30th June, all such increments to which the officers will be entitled under the classification scheme.

### NEW HEBRIDES TREATY.

Mr. CROUCH asked the Prime Minister, *upon notice*—

1. Has he yet received a copy of the Treaty entered into between the British Foreign Office and the French Republic, dated the 8th April, 1904, relating to the New Hebrides?

2. Was the Australian Government consulted as to the terms of such Treaty before it was agreed to?

3. Is he aware that the Treaty arranges for the nomination of a Commission to settle land and other disputes between the settlers on the islands?

4. Has the Government been consulted as to the personnel of such Commission, and will the Prime Minister urge that Australia be represented thereon?

5. Will he make representations to the British Government against its arranging any matters affecting Australian interests in Australian waters without consulting the Australian Government, not only in this case, but in future cases?

Mr. WATSON.—I have been furnished by my honorable colleague, the Minister of External Affairs, with the following information—

A copy of the treaty entered into between Great Britain and France, dated 8th April, 1904, has been received. Certain communications from the British Government in regard to the Commission which it is proposed to appoint have been received, and are now under the consideration of this Government. I have no reason to anticipate that the British Government will arrange any matters affecting Australian interests in Australian waters, without first consulting the Government of the Commonwealth.

#### DEPORTATION OF KANAKAS.

Mr. BAMFORD asked the Minister of External Affairs, *upon notice*—

1. Whether he has entered into negotiations with the Government of Queensland in reference to the return to their islands of time-expired kanakas?

2. If not, is it the intention of the Government to make any arrangements whereby kanakas whose agreements have expired, and others who desire to return to their homes, may have such facilities afforded as will enable them to return to their islands without unnecessary delay?

Mr. HUGHES.—The reply to the honorable member's question is as follows:—

Subsequent to a question which was asked by Mr. Wilkinson in this House on the 20th April last a communication was forwarded to the Premier of Queensland, inquiring as to the facilities for the return of time-expired kanakas to their homes. Mr. Morgan promised to make inquiries into the matter, and forward as soon as possible the result thereof. As soon as this further communication is received, the Government will decide as to what future arrangements are necessary.

#### BURNIE MAIL SERVICE.

Mr. O'MALLEY asked the Postmaster-General, *upon notice*—

Whether, in view of the fact that it takes six hours for the mail train to cover the journey of 110 miles between Launceston and Burnie, and consequently that the Stanley coach cannot leave till 4 p.m., he will urge the Tasmanian Government to shorten the time on the journey to four hours, and thus enable the coach to leave Burnie at 2 p.m., and arrive at Stanley at 7.30 p.m.?

Mr. MAHON.—The reply to the honorable member's question is as follows:—

The Postmaster-General will obtain a report respecting the matter, and if it is found to be desirable, he will ask the Tasmanian Government to reduce the time now occupied between Launceston and Burnie.

#### CONCILIATION AND ARBITRATION BILL.

*In Committee* (Consideration resumed from 31st May, *vide* page 1735):

Clause 4—

In this Act, except where otherwise clearly intended—

“Industrial dispute” means a dispute in relation to industrial matters—

- (a) arising between an employer or an organization of employers on the one part and an organization of employees on the other part, or
- (b) certified by the Registrar as proper in the public interest to be dealt with by the Court, and extending beyond the limits of any one State, but does not include a dispute relating to employment in the public service of the Commonwealth, or of a State, or to employment by any public authority constituted under the Commonwealth or a State. . . .

Which had been amended, on motion by Mr. FISHER, by the omission of the following words:—

“But does not include,” lines 12 and 13;

And upon which Mr. WATSON had moved, by way of amendment—

That the words “including disputes in relation to employment upon State railways” be inserted after the word “State,” line 12.

Mr. G. B. EDWARDS (South Sydney).—I urged the Government last night to consent to the adjournment of the debate because the hour was late, and one or two matters had cropped up during the discussion to which I wished to address myself. The adjournment was all the more desirable because it was only yesterday that honorable members began to deal in detail with the very voluminous amendments which the Government have put before us. I regret that they have not introduced a reprinted Bill, embodying these amendments in their proper places, so that we might judge of their exact effect. At the present time it is a work of great labour to take each amendment separately, and see how one affects another or is affected by the provisions of the Bill. For instance, before coming to a final conclusion upon the amendment now before the Chair, one would wish to know how it is likely to be affected by the other amendments of which notice has been given. The effect of one provision in the original Bill upon another is very easily seen by merely reading the clauses; but it is a very difficult matter to know exactly what the effect of the proposed amendments would be without going to the trouble of annotating a copy of the measure as originally introduced. No doubt the Government felt compelled to propose these amendments in order to get the measure into a shape which would harmonize with their policy. I regret that the Bill, and particularly the clause with which we are now dealing, has been to a large extent the sport of party strife. Under these

circumstances, we are much less likely to obtain a perfect Bill than if we had had a strong Government in charge of it—a Government capable of seeing that the principles upon which they were agreed were carried through Committee. Under present conditions, we are likely to obtain a measure which will not be consistent with itself, and may not operate in the direction which all the advocates of the great reform which we are endeavouring to achieve desire. The clause before us is largely the crux of the whole position. But, notwithstanding my wish to see a strong and capable Government, having behind it a considerable majority, administering Federal affairs, I cannot recede from my original position that, in any measure providing for compulsory conciliation and arbitration, the railway employés of Australia must be included. It seems to me that such a measure is not called for at all if it is not to be applied to railway employés, because disputes extending beyond the boundaries of any one State are likely to arise chiefly in connexion with railway management. It is only quite recently that we had in Victoria a strike of railway employés, which many persons engaged in commerce and industry feared would extend to New South Wales.

Mr. HIGGINS.—It very nearly did so.

Mr. G. B. EDWARDS.—Yes. It nearly extended, for two reasons. The proof is very difficult to give, but the facts are not so difficult to point out. In one direction the men on strike were appealing for the active sympathy of their fellow-workmen in a neighbouring State; and on the other hand some politicians in this State, who sympathized with the strikers, were appealing to kindred politicians in the neighbouring State to take some action that would show a practical sympathy. If that strike, which was so prejudicial and so dangerous to the interests of Victoria, had extended to the neighbouring State of New South Wales—and probably also to a State on the other side of Victoria—we should have had a condition of circumstances with which no mere State legislation or action could have coped successfully. What has happened before might happen again; and such an occurrence is more likely to extend and occupy the theatre of Commonwealth activities in the future than in the past. The railway operatives have now a Federal organization. Consequently, it is much more likely than has been the case in the past that a difficulty originating in any one State will be carried to another.

I cannot see, for the life of me, if we wish to have legislation dealing with disputes which extend beyond one State into another, why we should not include, at any rate, the railway operatives. If we do not there is very little demand for such legislation at all, because outside employés of the States Governments we have to anticipate strikes extending beyond the limits of a State only amongst the pastoralists' workmen and shearers, and perhaps amongst seamen. There is already on the notice-paper an amendment to exclude agricultural and pastoral labourers from the scope of the measure.

Mr. WILSON.—Not pastoral labourers.

Mr. G. B. EDWARDS.—There are also some politicians who think that the seamen should be dealt with exclusively in the Navigation Bill. Remove these three classes of labour—the greatest number of operatives or workmen to which we can apply such legislation—away from the operation of the measure, and we have scarcely any left except those engaged in ordinary private industries, to which I think this measure will very seldom require to be applied. I think that there is even a greater danger of an invasion of States rights, in attempting to produce an overflowing of disputes in mere private industries from one State to another than by the inclusion of railway operatives. Those honorable members who oppose the inclusion of railway operatives on the ground that to do so would be an invasion of States rights, must, on their own reasoning, go further, and admit that the whole Bill is an invasion of States rights. While we should be very careful—and I do not think any one is more careful than I am—about invading States rights, and should act cautiously in making this Federation what, I regret to say, it has not been up to the present, a success approved of by the voters throughout Australia, yet it seems to me that there is great force in the argument used by the Attorney-General—which argument I myself used previously—that we should not sleep upon the constitutional rights which we possess. The sub-section of the Constitution which gives us the power to deal with industrial disputes was inserted for some purpose. That purpose, it seems to me, is plainly expressed; and, if it has any limitations, as I have before argued, those limitations should be imposed on us by the High Court of Australia. I rather approve of the wording of the amendment which Ministers have brought down

and which leaves it entirely open to any parties who are sought to be brought under the operation of this measure, and about whom it is doubtful whether it is constitutional that they should be so sought, to move the High Court and have the matter decided. I certainly think it would have been a mistake to endeavour to bring all State employes under the operation of such a measure. As has been pointed out, many of the State employes are technical and highly skilled engineers, accountants, draftsmen, and so forth, to whom such a measure should never apply in any respect whatever. But the amendment of the Government restricts it to such industrial enterprises as State Governments choose to indulge in. One of these certainly is the railway enterprise, in which, in some States Governments are competing with private employers who conduct similar enterprises. If the Government of a State chooses to take up—as some of the Governments may possibly do some day—the running of steam-ships for freight and passenger traffic, they would similarly be in competition with private enterprise. Therefore, and to the extent that Governments indulge in these industrial enterprises, those Governments and their employes should come under the operation of a measure like this. I say again that we have no right to assume that the application of the measure to such enterprises may be unconstitutional. We have the right to see, as far as we can, that, in our enactments, our Constitution is fully carried out, and that we yield no atom of power which we possess under it. We should claim all we think we have the right to claim, and leave it to the High Court to say whether in any of our enactments we have exceeded the powers which the Constitution gives us. The honorable member for Wentworth and some other honorable members have referred to a circular issued by Mr. Robert Hollis, the secretary of the railway employes in the State of New South Wales, in which Mr. Hollis sought, by those means which political wire-pullers usually adopt, to pin certain candidates down by exacting from them a promise to support some such legislation as this, including some principles and details, which would go much further than I think the Committee contemplate going. I did not sign the pledge which Mr. Hollis sent. In fact, I did not open his communication until after the election. But I think that the honorable member for Wentworth is in error—and I

know a good deal about the matter, as I have in my constituency a very large number of railway operatives—in thinking that the view of Mr. Robert Hollis, that these railway employes should be brought under the operation of such legislation as we are now considering, is not the opinion of the great body of railway employes throughout Australia.

Mr. KELLY.—I do not think I said that.

Mr. G. B. EDWARDS.—The force of the honorable member's argument was that this view was not adopted by the railway operatives themselves.

Mr. KELLY.—What I said was that these men would hardly want to be brought under an Arbitration Court, and, at the same time, have some other arrangement made whereby their wages could not be lowered.

Mr. G. B. EDWARDS.—I quite believe that. I believe that the railway operatives are not inclined to go so far as their political leaders are endeavouring to drag them. But at the same time I am fully assured that the majority of the railway employes are in favour of being brought under such a measure as this, whether their wages are raised or reduced by its operation. I may further point out that, since the elections, we have received a circular from a gentleman, whose name I cannot just now remember, in which we were asked—in a different style from that adopted by Mr. Robert Hollis—whether we were prepared to vote for this measure. The men whom the author of the circular represented desired to know the opinion of the House on the point, and there was none of that exaction of election pledges which was evident from Mr. Robert Hollis' communication. They simply desired to know whether we were personally in favour of bringing the railway employes under the Conciliation and Arbitration Bill. I had not the slightest hesitation in replying to these gentlemen that I was pledged from the time of my first election onwards to support the inclusion of railway servants in any arbitration legislation which might be devised. It seemed to me, for reasons already given, that to leave out the railway employes would be, as I have said before, like producing the play of Hamlet without the Prince of Denmark. If we are not to deal with railway employes the measure will be practically useless, and consequently if the majority of the Committee are opposed to the Government proposal I shall be quite prepared to vote against the third reading of the Bill.



Sir JOHN FORREST.—What about the seamen?

Mr. G. B. EDWARDS.—The seamen may hope to be protected by the provisions of the Navigation Bill, and I am not so certain that I should like to place seamen and railway servants upon the same footing, because there is a vast difference between the two classes of employés. The honorable and learned member for Ballarat, in the course of his remarks yesterday, referred to the great mining dispute in Colorado, which we are told affects no less than 300,000 employés, and has already involved a loss of £10,000,000. The honorable and learned member was asked whether he did not think that serious strife such as has occurred in that case was very nearly brought about by the Victorian railway strike. His reply was that he was then dealing with the Colorado strike. I would point out, however, that we cannot view such a great strike as that in Colorado without having it borne in upon our minds that we shall be liable to have a similar state of affairs brought about here in connexion with our railways, sooner or later, unless we adopt some means for settling disputes. The railway servants are willing that their disputes shall be settled by some such tribunal as we are now about to create, and I contend that in order to protect the States, the capital of the States, and the well-being of the community, we must make some provision for including our great railway systems in our scheme for conciliation and arbitration, so that we may be able to depend upon the wheels continuing to go round. For this reason, I shall support the Government in their present proposal, and I hope that we shall make an honest attempt to settle any great disputes which may extend from one State into another.

Mr. WILSON (Corangamite).—I cannot accept the arguments of the honorable member for South Sydney. The question for us to consider is as to whether there is any likelihood of railway strikes extending beyond any one State. I understand that the railway servants of New South Wales are brought within the scope of the Conciliation and Arbitration Act of that State, and there is nothing to prevent other States from adopting some form of conciliation and arbitration which will apply to all the public servants, as well as to those who are in private employment. If this were brought about, it would be absolutely impossible for

a railway strike to extend beyond the borders of any one State. We assume that the conciliation and legislation of any one State will prevent a strike from taking place among its railway servants, and if a strike could occur as would be the jurisdiction of the Federal Court.

Mr. HIGGINS. — There must be a dispute, although not a strike.

Mr. WILSON.—In the same way, a dispute which occurred in any one State, could be referred to the Federal Court of Arbitration, and if it were that tribunal—as it ought to be—the effect of legislation is to be effective throughout the States. If, however, by any chance, a dispute tended to another State, it could be immediately dealt with by the Court.

Mr. POYNTON.—The honorable member is assuming that all the States will agree to late for conciliation and arbitration.

Mr. WILSON.—There is no question about it. I am simply saying that the State has the power to legislate in any direction if it so wishes, and as the years roll on, each State will have its own machinery for the settlement of disputes. If not, it is no business of ours as we have no right to dictate to the States. I consider that the bringing railway servants within the scope of this measure, is one of the most important that has been dealt with by Parliament, because if the Government proposal is carried it will be so beneficial in its effects upon the stability of the Commonwealth. Last evening I referred to the differences of opinion that exist among the honorable members of the Legislature with regard to the constitution of this question. These differences are so grave that we ought to consider whether it is wise for us to proceed any further, until the question of a dispute has been settled. I ask, further, if it is expedient for us to embark upon legislation which will distinctly throw down the gauntlet to the States Parliament, as the honorable member can, and for his own State, and I say that the vast majority of the members of the House of Representatives are opposed to this as an encroachment upon the States' rights, and take away from the States Parliaments the power which

ness to deal with their own servants in their own way. This right has been acknowledged ever since those Parliaments were first constituted, and we should not lightly take such a step as that now proposed. Perhaps, it would be appropriate at this stage to refer to a matter which, though somewhat painful, cannot be allowed to rest. We have lately been discussing some legislation passed in New South Wales, and I feel impelled to say a few words with regard to recent legislation and events in Victoria. I think that we are entitled to search for the origin of the desire to include railway servants within the scope of this measure. The idea had its birth some twelve months ago, when the unfortunate strike took place amongst the railway employes of Victoria. That strike was very much to be regretted, and I feel quite certain that almost all the men who were directly concerned in it have been sorry they ever had anything to do with it. I cannot say the same for those outside who were urging the men on to strike.

Mr. WATSON.—Who were they?

Mr. WILSON.—If the Prime Minister will wait, I think I shall be able to show him that the railway men, although not, perhaps, directly urged on by word of mouth, were induced to strike by the dissension which was sown amongst them by men who ought to have known better.

Mr. WATSON.—The honorable member has a good imagination.

Mr. WILSON.—I am not relying on my imagination, but I am speaking of facts, as the Prime Minister will see, if he refers to the files of the daily newspapers of twelve or eighteen months ago.

Mr. SPENCE.—They are a very unreliable source of information.

Mr. WILSON.—I am bound to admit that they are, when I find in them—as I sometimes do—two articles treating questions of the day in two different ways. At the same time, all must recognise that there are certain matters which are fairly reported by those journals, and the truth of which cannot be denied. The Victorian railway strike, I assert, had its origin in the retrenchment which was rendered necessary in the Public Service of this State some twelve months previously. The Labour Party saw their opportunity and seized it, without hesitation. They sowed the seeds of dissension broadcast throughout Victoria, particularly amongst the railway servants. Delegates were brought from New South Wales to assist in that work.

They came here, not with the intention of pouring oil upon the troubled waters, but for the express purpose of widening the breach. Labour members of Parliament took part in both public and private discussions of the matter at issue, until it looked as if the whole of the Victorian railway system was to be handed over to the professional agitators of Lygon-street. Then came a final ultimatum from the Railway Commissioner. The directors of the railways—that is, the Government—who were chosen by and represented the people of this State, demanded that all unions of their employes should withdraw from affiliation with the Trades Hall. Labour members and agitators resented this keenly, and by their speeches and actions added fuel to the flame, and added the combustibles so rapidly that at last an explosion occurred in the form of a strike. Then, like children playing with gunpowder, they declared—whether they believed their statement or not is quite another matter—that they did not think it would go off. They thought, I presume, that the Government would back down, and professed astonishment at the effect of their own bombs. Then, for a time, they lay very low. Why?

Mr. BATCHELOR.—They wanted more oil, I suppose.

Mr. WILSON.—Not necessarily. They may have been rendered thirsty by the great heat which was generated by the strike, and by the fearful conflagration which occurred as the result of the explosion. But they lay low for another reason, viz., that their masters—the working men and the people of Victoria generally—were entirely opposed to the railway employes and to the strike. Consequently, it was deemed discreet to conceal the fact that they had been instrumental in fomenting the trouble, and in keeping it alive so long as they thought that they had any chance of success. In this connexion, I ask honorable members to note the position which was taken up by the Labour Party, as indicated by its leader in the State Parliament. That gentleman was a member of the deputation which met the leaders of the railway strike, and which counselled them to abandon it. At the time it was generally thought, and is still urged by those leaders, that he agreed with the other members of the deputation in tendering that counsel, although he as stoutly denies the truth of that statement. Are we then to believe that the Trades Hall Party, backed up by the New South Wales representatives, were not favorably disposed



towards the strike? To my mind, to think otherwise would be utterly ridiculous. The whole trouble constituted a direct attack upon the right of the people to control their own servants through their own representatives in Parliament in their own way. It was a brazen attempt on the part of all who were connected with it to interfere with the Appropriation Bill in the State Legislature. For some time previously the railways of Victoria had involved the State in an immense loss annually. Its finances were in a very depressed condition, and it was necessary to impose further burdens on the people. Accordingly that was done. The capitalists, who are so much despised by honorable members opposite, manfully bore their share of the increased taxation. The position was put clearly before the civil servants, and a majority of them cheerfully agreed to shoulder their share of responsibility. Similarly, the railway employes would have been prepared to contribute their quota had it not been for outside interference.

Mr. POYNTON.—From whom is the honorable member quoting?

Mr. WILSON.—From Wilson, on the railway strike. I maintain that outside interference was exercised from Lygon-street and Sussex street.

Mr. POYNTON.—Where is Sussex-street?

Mr. WILSON.—If the honorable member will ask the Prime Minister, he will probably be informed.

Mr. WATSON.—I know where Sussex-street is; but I am not aware of any reason why it should be debited with anything that occurred in connexion with the Victorian railway strike.

Mr. WILSON.—I should like to point out that history has a very curious way of repeating itself. It is just possible that in the future some other State may find itself in the same financial position as did Victoria last year, and be compelled to resort to the same methods in order to square its accounts. Under such circumstances, is there any sane individual who would urge that this Parliament would have a right to prevent the State Legislature from arranging its Appropriation Bill as it thought best? For my part, I think that we should be doing a very grievous wrong if we took up such a position. I beg honorable members to pause—

Mr. WATSON.—We have been pausing too much.

Mr. WILSON.—No; this measure was practically re-introduced by the Prime

Minister only yesterday. It has been re-introduced in such a form that honorable members have not yet had time to grasp the different proposals which are embodied in the mass of amendments that are to be submitted. It is quite impossible for them to be fully seized of what is intended by the Bill.

The CHAIRMAN.—The question before the Chair is a specific amendment, and not the Bill generally. I must ask the honorable member to confine his remarks to that question.

Mr. WILSON.—This is a very important matter. I like to hear both sides of a question discussed at all times, and I am sorry that no arguments have been advanced in favour of this proposal by honorable members opposite. Why is there this conspiracy of silence?

Mr. HUGHES.—Ask me not in mournful numbers. If the honorable member will sit down, I shall be only too happy to reply.

Mr. WILSON.—When the Minister of External Affairs was addressing the Chamber, I did not ask him to sit down. I allowed him to finish what he had to say. I did not remonstrate with him for interjecting when other honorable members were addressing the Chair, and he used that privilege very freely; but when he himself rose to speak he resented the exercise of this right on the part of other honorable members.

Mr. WATSON.—That is natural.

Mr. WILSON.—It may be; but at the same time it is not what I regard as sportsman-like. Every honorable member, no matter on what side of the House he may sit, should have a fair opportunity to express his opinion. I hope that honorable members will clearly give utterance to their views; that they will not be gagged, but will fully discuss the question at issue, although even a month be occupied in the consideration of it. The amendment is one of grave importance, both to the Federation and to the States. If we allow it to be carried we shall inflict a very grievous wrong upon the people of the individual States, as well as upon the States themselves, and certainly add nothing whatever to the prestige of the Federal Parliament.

Mr. CARPENTER (Fremantle).—It is not often that we have the pleasure of listening to the honorable member for Corangamite, but when he does speak he always convinces us that however mistaken he may

he has pronounced opinions. I listened this afternoon to his somewhat mixed metaphor, and, when he spoke of pouring oil on the troubled waters and widening the breach, found it difficult to realize the connexion between the two. But however mixed his metaphor may be, I am afraid that his geographical knowledge is even more astray. He spoke of a connexion between Lygon-street and Sussex-street; and although we all know the institution to which the honorable member referred when he spoke of the first-named thoroughfare, it seemed to me that when he referred to Sussex-street he was thinking of the bubonic plague.

Mr. WILSON.—That is where the plague originated.

Mr. CARPENTER.—Perhaps the honorable member, as a member of the medical profession, had that fact in his mind; but I would advise him not to associate the Sydney Trades Hall with the bubonic plague.

Mr. WATSON.—Nor with Sussex-street.

Mr. CARPENTER.—There is no connexion whatever between the two.

Mr. WATSON.—The Trades Hall is not in Sussex-street.

Mr. CARPENTER.—I briefly addressed myself last night to the amendment moved by the honorable and learned member for Corio, and, although that proposition has been defeated, I wish to make him an offer. If the honorable and learned member thinks that there is any class of public servants that will not be covered by the amendment now before us, I shall be prepared to support any further proposition that he may make to remove any doubt as to the intention of the Government proposal to provide for every one who can be dealt with in this measure. As I remarked last night, there has been a good deal of by-play on the part of honorable members opposite, with reference to the assertion that there has been a change of front on the part of the Government. I deny that there has been any change. The amendment before us covers everything which the Labour Party ever asked for or desired; but if any honorable member wishes to amplify it, so that all doubts shall be removed, I shall support a proposal in that direction, if reasonable grounds for it can be given. My desire is that no one who can be properly and lawfully included within the provisions of this Bill shall be shut out. We have

been told that, in seeking to provide for public servants in this measure, we are attempting to deprive the States of the management of their own affairs. That is only a repetition of the old Tory cry that has been raised in every State Parliament in which an Arbitration Bill has been under consideration. As soon as a Government has proposed that industrial disputes should be referred to Courts of Conciliation and Arbitration, the Opposition cry has always been—and more particularly in regard to Arbitration Courts—that an attempt is being made to take the management of business affairs out of the hands of those directly concerned. Doleful pictures have been drawn in the States Parliaments of what would be the result of State interference with large industries within their borders, and we have to-day a repetition of that cry in this Parliament. It is one which may be raised against an Arbitration Bill of any kind; but I contend that not one of the State Conciliation and Arbitration Acts has taken the management of business undertakings out of the hands of those directly concerned, and that it is not sought by this measure to deprive the States of the management of their railways or any industry in which they may be engaged. So much has been said with reference to Federal and States powers, and the possibility of a conflict between the two as the result of the passing of this Bill, that it is unnecessary for me to refer at length to that aspect of the question. I have only to say that whilst I am with those who advocate the exercise of caution, more particularly in the early years of the Federation, by this Parliament, I at the same time advocate courage in facing any question in reference to which we think there might be a conflict between Federal and States powers, or that the Federal power might have to wrongly give way to that of the States. There is a number of gentlemen prominent in State politics who make no secret of their antagonism to this Parliament, and who would go to almost any length in their desire to decry our powers and make this Parliament unpopular. The Parliament is being held up to the people as one that is going to almost ruin Australia by extravagant proposals to establish institutions that will have the effect of increasing the cost of government. In all the States men are to be found who do not hesitate to misrepresent the Federal power, and they are the men with whom we have to deal when considering any question.

antagonism between Federal and States powers. As the Attorney-General said yesterday, we are here not to conserve States rights, but to advocate Federal rights. While it is also our duty to guard against any invasion of States rights, we must not hesitate—and I for one shall not do so—to exercise every power that is granted to us by the Constitution. If we should overstep the limits set upon our legislative power by the Constitution, the States need have no fear, because there is in existence a judicial tribunal whose special duty it is to interpret Federal legislation, and to declare invalid any provision that may be unconstitutional.

Mr. CROUCH.—Why did not the honorable member vote differently yesterday?

Mr. CARPENTER.—I then voted according to my conviction, and I hope that the honorable and learned member did the same. The less we say about the action of some honorable members yesterday the better. Fortunately for them, it came to naught.

Mr. LONSDALE.—The honorable member ought to explain his complete turn-over.

Mr. CARPENTER.—We expected that the honorable member for New England would turn over, after the declaration which he made upon a certain momentous occasion a few weeks back.

Mr. LONSDALE.—The honorable member is quite right there.

Mr. CARPENTER.—We should, if possible, avoid disputes between the Federal and the States authorities; but the occurrence of such disputes was anticipated by the framers of the Constitution. There could not be a Federation without the danger of conflict arising between the Federal and the States powers. The chief source of such conflict will probably be found in the legislation passed by this Parliament; but is it necessary to display ill-feeling merely because of a difference of opinion on some important question of public policy? Already two or three questions in which the Federal and States authorities have been in conflict have been brought before the High Court. Take the Sydney rating case as an illustration. Was there necessarily ill-feeling between the municipality of Sydney and the Federal Government in connexion with that case? The question was one which had to be settled, and it was referred to the High Court in a friendly spirit, so that an authoritative opinion might be pronounced which would have effect for all time. So with the differ-

ence of opinion in regard to the taxation by the States of the salaries of Federal officials and others. Will any one contend that, because the Federal authority has disputed the right of the States to tax the salaries of Federal Ministers, members of Parliament, and public servants, there must necessarily be ill-feeling between them? Although efforts may occasionally be made by members of States Parliaments to misrepresent Federal action, while on the other hand attempts may be made by members of the Federal Parliament to misrepresent States action, we need not, therefore, be prevented on this occasion from doing what we know to be right. Let us courageously exercise the powers entrusted to us, and if the States dispute the validity of our action, let them take the issue before the body which has been appointed to settle these constitutional questions.

Mr. LONSDALE.—Then why does the honorable member object to the inclusion of public servants in the Bill?

Mr. CARPENTER.—The public servants will be included in the Bill, if the Government have their way. The honorable and learned member for Ballarat yesterday quoted a judgment in a recent case, in which the words "extrinsic control over State matters" were used. Is it true that we are seeking to exercise control over the administration of the States railways, for instance? If we set up an Arbitration Court to which disputes extending beyond any one State may be referred, are we thereby, in the ordinary sense of the word, exercising control over the administration of the railways by the States? I do not think so. It is to strain the meaning of the words to affirm the contrary. We do not deprive the States of their control.

Mr. WILSON.—Does not the honorable member think that an interference in matters of finance means the exercise of control?

Mr. CARPENTER.—We do not take charge of the finances of the States. An award of the Arbitration Court might have the effect of saving money to the States.

Mr. WILSON.—And it might have the effect of causing them to expend more money upon wages.

Mr. CARPENTER.—We have a right to establish this Court in the interests of the citizens who sent us here; but we are not, in the ordinary sense of the word, interfering with the States control of their railways. We are merely doing in regard to States concerns what the Parliaments of some of the States have done in connexion with

those concerns within their own borders. The Parliaments of some of the States have said to their own Governments, as well as to private persons engaged in business, "We do not wish to interfere with you, but you must conduct your operations within certain lines and under certain conditions." That is what we are seeking to enact. We do not wish to deprive the States of control, but we think it necessary to provide certain limitations within which their employes are to be dealt with. It is a straining of the words to say that we are seeking to exercise anything like extrinsic control over the States.

Mr. DUGALD THOMSON.—The case of a single individual might be referred to the Court. Is not that control in detail?

Mr. CARPENTER.—That statement does not affect my argument. The honorable and learned member for Ballarat yesterday frankly admitted, in reply to an interjection made by me, that, where the exercise of the Federal power was of doubtful validity, he would not hesitate to test the question.

Mr. WILSON.—This measure will only make more work for the lawyers.

Mr. SPENCE.—No. We are going to prevent the lawyers from appearing before the Court.

Mr. CARPENTER.—I do not think that that is the reason why the honorable and learned member for Ballarat introduced the Bill. I believe that he honestly holds, as I do, that we should not hesitate about exercising the powers undoubtedly conferred upon us by the Constitution. His argument yesterday, however, so far as I followed it, seemed mainly bent towards satisfying himself that the legal objection which he had raised in the first instance was a solid one. If honorable members will recollect, when he moved the second reading of the Bill, he did not speak in so pronounced a fashion upon the legal objections to the proposals of the party to which I belong, but dwelt rather upon the inexpediency of adopting them. Yesterday, however, he devoted nearly all his remarks to justifying his legal objection. By so doing he seemed to me to expose the weakness of his position. If, as he has said, he is willing to test any case in which there is a doubt as to the constitutionality of a provision, why should he be afraid of the amendment now proposed? I should have been very glad to see some means devised by which all the strife and turmoil that has been caused by this Bill

could have been avoided. I should have been glad to see the States servants included on the express understanding that there was a doubt as to the legality of including them, and should have preferred to see that doubt referred to the body whose duty it is to adjudicate on such matters—the High Court. I think that the honorable and learned member for Ballarat would have been quite justified if, having a doubt—for he admits that he had nothing more than a doubt; he had not a conviction at that time—he had agreed to the amendment, and had allowed the High Court to decide between the Commonwealth and the States if the States raised the question against us. Yesterday the honorable and learned member spoke of the inexpediency of inserting this provision just now, even if it were lawful. This, to me, is nothing more than the old Tory cry of the "inopportune time." How often we have heard it before! Whenever any measure of progress has been proposed, it has been urged that the present is "not an opportune time." If the present time is not opportune, when shall we have an opportune time? The honorable member who last spoke referred to the railway strike in Victoria, and reminded us of the bitterness engendered during that struggle. I trust that that strike will be lost sight of as far as possible during the discussion on this Bill. It would be a very bad thing, indeed, if the judgment of the Committee were warped by recollections of the strife of twelve months ago.

Mr. WILSON.—It is distinctly germane to the Bill.

Mr. CARPENTER.—There could not be a more opportune time than when there is no talk of such a struggle to discuss this matter calmly. Those honorable members who hold with the honorable and learned member for Ballarat that there is fear of strife between the States, should remember that there will be no strife unless the States themselves raise it. If they do, there is a tribunal to which, without any ill-will, the question can be referred, and we can have an honorable settlement of such differences as may arise. I hope—in fact, I believe—that the Committee will include the provision in the Bill, because it puts in the best form possible the whole question, leaving any doubt to be settled by the body whose work it is to determine such issues.

Mr. McCOLL (Echuca).—The honorable member for Fremantle made one remark that struck me very forcibly. He

said, "We are not here to conserve States rights."

Mr. CARPENTER.—Not specially.

Mr. McCOLL.—It seems to me that the Constitution, which is a bargain between the States and the Commonwealth, defines the powers that each of those bodies conserves to itself. It is a sacred trust, and it lies with us to see that justice is done to both sides. Any one who says that we are not here to conserve States rights, has a very unfair and untrue idea of what his duties are as a member of the Federal Parliament. We are here just as much to conserve the rights which the States have retained as to exercise the rights that we believe to have been transferred to us.

Mr. CARPENTER.—I meant that we are not here to conserve States rights as against Federal rights.

Mr. McCOLL.—The honorable member also said that, "By passing this Bill, and bringing the employés of the States Governments under the jurisdiction of the Federal Arbitration Court, we shall not be depriving the States of any control over their servants." I cannot understand how the honorable member comes to that conclusion. In the introductory portion of the Bill, we are told that one of the objects of the measure is—

To enable States to refer industrial disputes to the Court, and to permit the working of the Court and of State industrial authorities in aid of each other.

Then, in clause 4, we are told that—

"Industrial matters" includes all matters relating to work, pay, wages, reward, hours, privileges, rights, or duties of employers or employés, or the mode, terms, and conditions of employment or non-employment; and in particular, but without limiting the general scope of this definition, includes all matters pertaining to the relations of employers and employés, and the employment, preferential employment, dismissal, or non-employment of any particular persons, or of persons of any particular sex or age, or being or not being members of any organization, association, or body.

How any honorable member can say that we do not interfere with the control by the States of their railways employés, in the face of provisions of that kind, passes my comprehension. We interfere with them in every direction, as the Bill actually says. I join with two of the previous speakers in regretting that the Government have not seen their way to issue the amendments which they propose to make in the Bill in the convenient form in which I have always seen such propositions put before Parliament in a case of this kind. The custom

usually is to insert in the old Bill the changes made, representing the words proposed to be omitted by printing them with a line drawn through them, and printing words proposed to be inserted in raised type; so that anyone taking up the Bill can see at once the changes which it is proposed to make, and how they will affect the drafting of the measure. Even at this late hour I would ask the Government to have the Bill printed in that style.

Mr. BATCHELOR.—The honorable member should know that the last Government discontinued that practice.

Mr. McCOLL.—Then they discontinued a very good practice.

Mr. MAHON.—It is a very expensive practice.

Mr. McCOLL.—I venture to say that what I recommended will save honorable members in trouble fifty times the expense of printing copies of the Bill in that manner. I do not propose to speak at length, but I do not desire that the clause should pass without voicing my objection to it. I regret that so much valuable time has been lost upon this subject, which I conceive to be of very small importance. It practically broke up the work of the last session, and it has occupied the greater part of the last three months. It has caused changes, which are only beginning, and of which one cannot see the end—and all over a matter, the ultimate legality and utility of which are very much in doubt. Any stranger coming here, studying our work closely, and seeing the enormous amount of time we have devoted to this proposal, would have a very poor idea of our wisdom, and of the care we exercise in regard to the affairs of this great Commonwealth. He would think that we are doing our work in a careless and wasteful fashion. This appears to be a matter of playing at politics, because the provision which it is now sought to make may never come into force. It is intended to ward off a danger which has never threatened us in the past, which does not at present menace us, and which members themselves admit will probably never overtake us. The waste of time that is now involved in the discussion of a matter of no immediate importance is really intolerable. I am strongly opposed to any intermeddling with the States. They ought to be left to manage their own affairs in their own way, and we have no right to encroach upon them in the manner proposed. If it had been desired to extend to the railway employés of Victoria benefits

similar to those now enjoyed by the railway employés in New South Wales under the Conciliation and Arbitration Act of that State, how is it that that wish has never been expressed during the whole of the electoral campaign which is being brought to a close to-day? Honorable members who are supporting this Bill in the main, and opposing this provision, are not opposed to legislation by the State in the direction of conciliation and arbitration. They say that that is a State business, and that the State should manage its own affairs. I have not seen any demand made that a Bill should be introduced into the Victorian Parliament to provide conciliation and arbitration for the benefit of the employés of the State, yet this Parliament is being asked now to pass with that object a measure which may not become operative for years and years. The position is anomalous, and the desire of those who are seeking to push this measure through is not based upon solid ground. If they had decided to do justice to the State employés of Victoria, and give them the benefit of provisions such as those in force in New South Wales, they would have brought pressure to bear upon the State Parliament. I cannot believe in the sincerity of honorable members who are endeavouring to push the authority of the Commonwealth to an extreme in this matter. The real object of the Bill appears to be the glorification of trades unions. We have had one or two indications recently that the trades unions are becoming a menace to the State. I have always been a trades unionist, and I have always supported the unionists in their endeavours to secure proper conditions from their employers. But when the unions attempt to take command of the politics of the State; when they dictate to the permanent heads of the States Departments, and bring influence to bear upon Ministers, and when Ministers tamely succumb to that influence, and visit reproach and disgrace upon good servants of the State, I can no longer support them. I am opposed to that development of trades unionism, because such influence is exerted in the interests of only a few people, the great mass of the taxpayers, who have to find bread and butter for such persons, and who have to contribute the funds which keep them in employment, being entirely ignored. The Government proposal is in the nature of merely sentimental legislation, and to my mind it borders very closely upon the ridiculous. When we remember the high hopes that were entertained with regard to

Federation at the outset, and when, as the honorable member for South Sydney has stated, we see that those hopes have not been fulfilled, we are entitled to ask why? The answer is to be found in the fact that we are wasting our time in the consideration of wretched subjects, such as that now before us, instead of attending to the more pressing requirements of this great country. No regard is paid in the labour platforms to the interests of the community as a whole. The Prime Minister told us that the employés of the States could obtain no redress from the States Parliaments. My experience, however, which extends over a good many years, is that, in no place do the grievances of public servants obtain such a ready hearing as in the States Parliaments. I have known honorable members to fill the business-paper, day after day, and week after week, with questions and motions relating to the petty grievances of some post-office officials or other Government servants. These honorable members seemed to live for nothing else, and they allowed the interests of the country to suffer whilst their attention was absorbed by trivialities. The Attorney-General said that the Ministry did not wish to rob the States Governments or the Railway Commissioners of the benefits that would be conferred by the Bill. I do not, however, think that the States Governments or the Railway Commissioners desire to be brought under its provisions. All the Parliaments of Australia have taken special care, by means of special Acts, to place the Commissioners and their employés beyond the reach of an arbitrary demand by Parliament, at the instance of a chance majority, and have safeguarded the interests of the railway and other Government servants in every possible way against the operation of injustice and unfairness. Why, then, should we devote valuable time to the discussion of a measure which is so little needed at the present time? Honorable members opposite have said that there has been no change of front on the part of the Government, but I think there has been a decided change. The Prime Minister, when he announced the formation of his Government, stated that he had never deemed it necessary that the clerical branches of the Public Services of the States should be brought within the scope of the Bill; but other honorable members said that the Prime Minister himself did not know how much the word "industrial" would cover. They said—

"Wait until the High Court deals with the subject, and then you will see what is meant by 'industrial.'" Is that the way to legislate? My feeling is that we should say what we mean. If we are to bring the whole of the States public servants within the scope of this Bill, let us say so in so many words. The present method of legislation—by which we imply something but do not say what we mean—is nothing more nor less than political thimble-rigging. When we ask what thimble the pea is under, no one can tell us; but we are enjoined to wait until the High Court decides the question. I am glad to say that the chances are that before this Bill is passed there will be many surprises. My experience of Government Departments is that, fifteen years ago, before agitators came to the front, the public servants were much better off than they are to-day. They had better pay, shorter hours, and fairer conditions in every way. Legislation of this kind does not provide a royal way of improving the position of the public servants. The States, by their own enactment, can render our legislation nugatory. The only way in which we can improve the conditions for the public servants is by lifting up the country—by developing our resources, and making more work for the railways and for all classes of the community. If we wander away amongst legislative mazes, where no light can be thrown upon our proceedings, we shall only proceed from one folly to another, and disaster will ultimately overtake us. The great industries of the country require to be developed before we can bring about that general prosperity which we all desire, and in which the public servants will participate in common with the rest of the community.

Sir JOHN FORREST (Swan).—I do not propose to detain the Committee at any length. I merely wish to offer a few observations upon certain matters in order to clearly define my attitude upon this question. The late Government proposed, under clause 4, that this Bill should not be applicable to a dispute relating to "employment in the Public Service of the Commonwealth or of a State, or to employment by any public authority constituted under the Commonwealth or a State." The present Minister of Trade and Customs thereupon moved that the words "does not include" be omitted, with a view to insert in lieu thereof the words "and includes." At that time, therefore, the desire of honorable

members opposite was that the measure should apply to disputes relating to employment in the Public Service of the Commonwealth or of a State, or to employment by any public authority constituted under either of them. The late Government thoroughly understood what would be the result of the adoption of that amendment. It was exactly the reverse of what we ourselves desired. Now, however, what do we find? Instead of a straightforward alternative, we are asked to affirm that the Bill shall be applicable only to disputes in which employees upon the States railways are involved, and to disputes in industries which are carried on by the Commonwealth or by a State, or by any authority constituted under them. In such circumstances, a question naturally arises as to the precise meaning of the term "industry." That will have to be decided by the High Court. Apart from the railway employees, we are left in a state of doubt as to the persons to whom the Government intend the Bill to be applicable. Should the High Court decide that the Public Service of the Commonwealth or of a State is an "industry," the public servants will come within the scope of the Bill, but not otherwise. The Ministry have only courage enough to say that the States railways constitute an industry.

Mr. SPENCE.—But there is a definition of "industry" contained in the Bill.

Sir JOHN FORREST.—I do not think that that fact lessens the force of the argument which I am advancing. In speaking upon this measure upon the 19th April last, the Minister of Trade and Customs said—

We should endeavour to place the public servants upon such a footing that they will have no cause to fear vindictive or unfair treatment. Their rates of pay and conditions of labour should be determined not by Parliaments, which may be called upon to act in a time of political panic, but by a judicial body.

He also said at a later stage—

I appeal to honorable members to say whether it would not be more dignified from a parliamentary point of view, and better for the Commonwealth and the States, if the public servants were brought within the scope of this Bill.

Of course it is open to honorable members opposite to urge that some, if not all, public servants will be covered by the interpretation which will be placed upon the word "industry." Nevertheless, the fact remains that they have departed from that definiteness which characterized their utterances prior to their accession to office.

Mr. CARPENTER.—The definition of the term "industry" is very comprehensive.

Sir JOHN FORREST.—I must congratulate the Prime Minister upon having such val colleagues. They seem to be very illing to eat their own words.

Mr. WATSON.—So far, they have not reatened to burst up the Constitution.

Sir JOHN FORREST.—Circumstances ay arise which may even justify the adoption of that course. Persons who threaten burst up Constitutions are usually suffering from some very great injustice.

Mr. HUGHES.—The right honorable member will feel very much better in a week or so.

Sir JOHN FORREST.—The Minister of External Affairs seems to be very fond of making gross insinuations.

Mr. HUGHES.—I made a plain, blunt statement.

Sir JOHN FORREST.—But it is not n accurate one, nor is it justified by anything that I have said. I am dealing with this question without the slightest personal feeling. I do not think that the Minister of External Affairs has been accustomed to generous critics. I have no desire to be ingenuous; I merely wish to be fair.

Mr. HUGHES.—Very well, then; I withdraw anything that the right honorable member may regard as offensive.

Sir JOHN FORREST.—Again, on the 20th April, the honorable member for Fremantle, in addressing the House upon this Bill, said—

It would be a calamity if it were established here and now that the Federal Arbitration Court could not exercise jurisdiction over the many thousands of State public servants.

He did not then limit his remarks to "employment in industries carried on by a State or the Commonwealth."

Mr. CARPENTER.—The definition of "industry" will cover public servants.

Sir JOHN FORREST.—The honorable member says so; but why depart from the plain language previously proposed and advocated. He also said—

We are told that even if we had the power, it would not be expedient to bring States servants within the scope of this measure

The honorable member was at that time apparently of opinion that all public servants should be brought within the scope of the measure, and that it should be left to the High Court to decide what sections of public servants should be excluded. He now desires that the position shall be absolutely reversed.

Mr. CARPENTER.—There is no difference whatever.

Sir JOHN FORREST.—I come now to the attitude taken up by the honorable member for Maranoa. I find that he said on a former occasion—

From our point of view it does not matter whether the railway employés and the States public servants wish to be included under this Bill or not. We as a party consider that they, and every one who works for his living, should be included. Every member of our party has been returned on that principle.

Again, later on, he said—

Let me inform him—

he was referring to the honorable member for Wannon—

that at the elections, the people whom I represent, said to me, "Do not have the Bill at all unless all the workers are included under it." Every brain worker and every manual worker should be included in the Bill.

If I entertained these strong views I should take care to see that the Bill clearly provided for those I intended to be covered by it, and would leave it to the High Court to say whether or not they had been wrongly included. I should not pledge my faith in general terms. If I had declared that in my opinion all public servants should be included I would have brought forward a proposal to give effect to that opinion, leaving it to the High Court to say whether any section of the Public Service had been wrongly included.

Mr. DAVID THOMSON.—The honorable member has made no statement to the contrary.

Sir JOHN FORREST.—I am wholly opposed to the inclusion of States servants, and I am simply showing that honorable members opposite are guilty of inconsistency.

Mr. TUDOR.—The honorable member for Maranoa did not vote on the division taken last night. He was absent.

Sir JOHN FORREST.—I presume that he has not changed his opinion.

Mr. TUDOR.—No.

Sir JOHN FORREST.—I have heard some interjections which indicate that he has not, and I wish to show that there has been a lightning change on the part of the honorable member and others.

Mr. PAGE.—In what respect?

Sir JOHN FORREST.—I have already said that the honorable member plainly stated on a former occasion that he favoured the inclusion of all public servants—all or none, and pledged the Labour Party to that view.



Mr. PAGE.—Hear, hear.

Sir JOHN FORREST.—The honorable member is now supporting a proposal which does not clearly set forth what sections of the public servants of the States shall be included, but leaves it to the High Court to determine the extent of its application. My only object in speaking at this stage is to show that, at all events, from my point of view, honorable members opposite have acted inconsistently, and not in accordance with their previous speeches and pledges at the general election, or more recently in this House.

Mr. SPENCE (Darling).—I have followed, with some interest, the discussion that has again taken place on the position in regard to States railway servants and public servants generally, and it appears to me that time has brought about some slight change in the views of honorable members opposite. At one stage they made out what was apparently a very strong case in support of the contention that a proposal to include all public servants within the provisions of this Bill was unconstitutional, but their arguments in that respect appear to have considerably weakened. Listening to the debate, as a juror might listen to evidence, it seems to me that the arguments in support of the position taken up by the Government are very much stronger than are those put forward by the opponents of our proposal. The question of States rights is altogether beside the issue. The Constitution clearly sets forth that the Federation shall not take any action that would restrict the rights of the States, and, therefore, it is absurd for any one to suggest that we propose to invade States rights. No one will be able to say where the line is to be drawn between the powers of the Commonwealth and those reserved to the States until a case arises that will enable the matter to be clearly dealt with by the High Court. That tribunal was established as a necessary part of the Constitution. In regard to the powers of the Commonwealth and of the States, it occupies the position of an Arbitration Court, and all questions relating to such matters must inevitably be referred to it. We may rest assured that the Court will take care that there is no invasion of States rights. It will be careful to draw a clear line of demarcation between the powers of the Commonwealth and of the States, and, therefore, all the discussion that has taken place in regard to an assumed invasion of States rights has really been to

no purpose. If we look at the objection raised by those who ask what would happen if the Conciliation and Arbitration Court were called upon to deal with the railway employes of a State, what do we find? We learn that they view the question from the most miserable of all stand-points. They consider it from a purely commercial point of view. Is there any honorable member who would consider a mere question of money in relation to the elements of justice? It has been the aim of all Governments to meet out justice to every individual member of the community; but we find the honorable member for Echuca, the honorable member for Corangamite, and the honorable member for Wannon, dealing with this question solely from a monetary point of view. It is said by them that if the Court were called upon to deal with the railway employes of a State, it might give a decision that would lead to an increase in State taxation, and that such a position would be outrageous. But surely they would not barter away justice for money? I am surprised to find the honorable member for Corangamite supporting the action taken by the Victorian Government in regard to retrenchment, and regret that whilst he was reading some newspaper extracts bearing on the question, he did not set before us the true position. When he spoke of professional agitators who provoked the railway strike, I understood him to be referring to the present Premier of Victoria. Mr. Bent was the professional agitator who brought about that trouble.

Mr. WILSON.—The honorable member's surmise is not correct.

Mr. SPENCE.—The honorable member's constituents are producers, and if the wages of railway employes were cut down the income of his constituents would be reduced.

Mr. WILSON.—No.

Mr. SPENCE.—If the purchasing power of the consumers be reduced, the demand for the goods of the producers must likewise be reduced.

Mr. WILSON.—The product of the farmers in my district is sent to England.

Mr. SPENCE.—If a man suffered a reduction of even a shilling a week in his wages, he would probably cut down his supply of butter, with the result that his dairyman would suffer. But, notwithstanding this fact, the honorable member would seek to protect the interests of his constituents by reducing the wages of railway employes.

e would resort to the old-fashioned method of dealing with an unpayable enterprise by reducing the wages of the employés. It is well known that an unprofitable business may be made to pay by securing good management and increasing the wages of the employés; and surely it is not suggested that we should barter away justice for the sake of mere profit. The President of the Conciliation and Arbitration Court is called upon to deal with a dispute among railway employés, he will give a just award. The honorable member would object to that, there were an interference in the direction of raising wages. We propose not to interfere with the administration of the railways by the States, by preventing the opposition and continuance of preferential rates, and compelling the States authorities to make fair charges for the freights which they carry, thus increasing their revenue. I wish honorable members to think rather of doing justice to all men than of the technical constitutional question which has been raised. The argument used by some honorable gentlemen, and especially by the honorable member for Echuca, is that we cannot safely trust the Parliaments of the States to deal with all these matters. He told us that the question paper of the Victorian Assembly was covered with notices affecting the grievances of public servants. I am not surprised at that. What did the Commonwealth discover when it took over the administration of the Postal Departments of the States? We found that, in the Postal Departments of the States of New South Wales and Victoria, there were 1,146 persons employed, whose length of service in every case exceeded three years, and in many cases was as much as twenty-three years, who were receiving less than £110 a year, which we have decided shall be the minimum for any official employed by the Commonwealth. We also found that over 400 officials in the Postal Departments of the States I have mentioned were, after in some cases sixteen, eighteen, and twenty-three years' service, receiving less than £90 a year. Does the honorable member for Corangamite think that £90 a year is a sufficient salary to enable its recipient to live decently, and to bring up a family, whose members will be creditable to the State? This Parliament, fortunately, is determined that justice shall be done to all employés of the Commonwealth. I shall not go into the history of the unfortunate strike which recently occurred in Victoria, but the pre-

sent position of the Victorian railway employés also refutes the argument that we can trust the Parliaments of the States. In this State there are engine-drivers who are at present working fifteen and a half hours a day, or seventy-six hours a week. Men leave their engines at 3 o'clock in the morning, and commence work again at 11 o'clock. Perhaps the honorable member for Corangamite believes in low wages?

Mr. WILSON.—No. I believe in democracy, and I think that the people of Victoria should be left to manage their own affairs.

Mr. SPENCE.—We are here to see that every person within our purview has justice meted out to him. That, if I understand it aright, is the first principle of government. I have within the last fortnight seen a time-table which shows the hours worked by the Victorian engine-drivers and firemen. Their hours have been increased by the Victorian Government, which some honorable members represent as an ideal one. It is physically impossible for the railway officials of Victoria to satisfactorily perform the work which is imposed upon them. If a loss of life caused by a collision or some other accident occurs, no doubt the people of the State will awake to the fact that something has been wrong in their railway management. But at the present time they are content to allow the Government to save money by working the engine-drivers for longer periods than they should work. No country, however, can be prosperous whose workers are oppressed and are given low wages. I have no patience with this talk about States rights. If any conflict arises as to the limitation of powers, a calm and peaceable method of settling it is at hand. It appears to me that an attempt is being made to separate the people into groups rather than to bring them together as a whole. We here represent the people who are contained within the six States.

Mr. WILSON.—Does the honorable member believe in unification?

Mr. SPENCE.—I am not now advocating unification. Prior to Federation it was no uncommon thing to see displayed upon banners the device, "One people, one destiny." We seem to have forgotten that we have become one people with a common destiny.

Mr. REID.—The destiny is all right now.

Mr. SPENCE.—It is now in the hands of true federalists, and if the right honorable member will allow it to stay there,

he will see some good work done. Some honorable members speak as though the people of the various States were separate communities. The division of the population of Australia into collective groups, such as those comprised in the States Governments, in the shire councils, in the municipalities, and so on, is merely to obtain a limitation of powers to secure their convenient exercise. But we should keep before the people the idea that they are one nation. If in administering the laws of the Commonwealth it is necessary, in order to secure equality and justice, that the people of one group or State shall be called upon to pay a little more than the people of another group, there is no unfairness in that. It is said that we should not interfere with those who wish to do things in their own way. If that argument were applied universally, there would be no Commonwealth Parliament, because every action of ours is an interference with the functions of the States. The line of definition between the two authorities will often be difficult to distinguish, and, therefore, we have appointed a High Court to determine it whenever a difficulty may arise. What the public is really concerned about is that the Railways and other Departments of Government shall work smoothly. At the time of the Victorian railway strike the feeling of the public was largely against the strikers, because of the interference with personal comfort and inconvenience which the stoppage of the trains entailed. Directly one interferes with another's comfort, he is considered a very undesirable person. The tendency of mankind is undoubtedly to settle down into grooves in which they find that they can move comfortably, and persons so settled naturally object to disturbances. It is a good old-fashioned conservative idea that things should not be disturbed. But in order that the departments of Government should work smoothly, it is necessary to provide for the calm and peaceful settlement of disputes by a paramount authority. Some of the States Parliaments have already provided for this within the boundaries of the States, and we wish now to provide for the settlement of disputes extending from one State to another. The honorable member for Corangamite, however, has threatened us with a strike of the Victorian Parliament and people against Federation if we bring the railway employes of the States under the Bill. There has been a great deal of talk about the friction created by Federation, but, to my mind,

*Mr. Spence.*

it is marvellous—and very satisfactory—that everything has worked so smoothly. I have never heard of a Federation in connexion with which there has been so little friction, or so much satisfaction with the work of its first Parliament. There have been trifling instances of dissatisfaction, of which the newspapers have made a great deal, but they cannot be said to count. Some time ago we heard a small voice in the far north crying aloud for secession, but what did the people of the State do with its possessor? He has since been relegated to political oblivion, never to appear again. We do not hear now of any proposals for secession. So far as I have heard the opinion of Victorians, I think that if a referendum were taken to-morrow, most of them would vote for the abolition of the State Government, and allow everything to be managed by the Commonwealth Government. That is my personal opinion, and I have moved about among the people of this State a good deal. The honorable and learned member for Ballarat appears to me to have been fighting a shadow. The States rights objection is a kind of ghost, of which we can easily dispose, because the High Court can safely be trusted to fairly determine all constitutional issues which may arise. We are safe in its hands. I hope, therefore, that honorable members will accept the amendment, which is a great improvement upon the original proposal. The objection to it is largely on the ground that it is an improvement, because many honorable members do not wish to see any provision of the kind adopted.

Mr. REID (East Sydney).—If it is the duty of an Opposition to find fault with the actions of a Government, I may be allowed to say that in my long parliamentary experience I have not known a Government which within a limited space of time has given more opportunities for criticism than have been afforded by the present Administration.

Mr. FISHER.—That is our generosity.

Mr. REID.—The honorable gentleman's generosity is proverbial, and his desire to remain where he is as long as he can is worthy of the grand old country from which he comes. I shall begin my remarks by criticising an observation made by the honorable member who represents the Never-Never Country—that the amendment is an improvement upon the original proposal. If it is, the fact shows the marvellous enlightenment which comes from high official station, because the same intellects, sitting

their mysterious tabernacle, and incubating for months the egg which was to produce a chicken, drew up quite a different proposal for dealing with this great national question. The matter was then put in a thoroughly straightforward and comprehensive way, as the result of the careful consultation of the members of the party.

Mr. WATSON.—It was not that.

Mr. REID.—A meeting of the party is sort of Star Chamber institution at the present, and therefore we can only conjecture what happens there. This is the provision which I refer, as it is recorded in *Ansard*—

A dispute relating to employment in the public Service of the Commonwealth or of a State, or to employment by any public authority constituted under the Commonwealth or a State.

Here is some sort of principle in that. When the Ministry had nothing but principle to live on, they lived on principle as hard as they could; but now they have something better to live on, their principle begins to decay. When some members of the Ministry assume the sort of virtue which was suddenly displayed itself, the effect is to show that all their professions of devotion to principle were the professions of a kind of political vagrant who had no means of showing that he was earning an honest living. Now that these gentlemen have to bear the heavy responsibilities of office, and the still heavier responsibility of having to stay where they are, we find them exhibiting a degree of dexterous diplomacy, to say nothing of an absolute abandonment of principle, which stands without a parallel in the history of parliamentary government. These gentlemen have been talking for years of their absolute incorruptibility, of the fact that they have carved out some great national policy which is without flaw, and which, above everything is a matter of principle, and yet the moment they are put under the test of responsibility, and have something to lose, they display a flexibility of political conscience which would put an old politician to utter shame.

Mr. WATSON.—We must be bad.

Mr. REID.—The wise and sensible leader may resort to navigation—and it is perfectly proper so long as it makes for the port of a defined principle and defined policy—navigation which leads the navigator in the quickest way to the realization of his principles, and of his policy, is a thing of which no man need be ashamed. But it is quite another matter when a party practically stake the

whole of the political affairs of Australia upon one principle, which, after a very long period of complacency under another Ministry was regarded as of so sacred a character that they must even bring the parliamentary temple down in order to assert it, and then abandon it. Honorable gentlemen bring the temple down; they escape from the ruins, and they find themselves in that position of ease and comfort, the possession of which must enable my honorable and learned friend, the Minister of External Affairs, to realize the full meaning of the expression—"beyond even the dreams of avarice."

Mr. WATSON.—I do not know that he has betrayed more anxiety than others to get there.

Mr. REID.—I have not said that he has or has not. I only say what I have said.

Mr. WATSON.—That is rather a new phase for the right honorable member.

Mr. REID.—I suppose that I may be allowed to say just a word or two. I want to point out that in regard to this great principle, upon which the Ministry have staked the fortunes of the whole Commonwealth—taking up the parable at the very point at which they left off—we suddenly find that instead of "one people, one destiny," the destiny is considerably altered, and a situation has arisen which, if it could only have been contemplated by the author of the phrase, would have afforded him good reason for diminishing the ardour of his Federal aspirations. But the point with which the public have to do is this: Here are gentlemen who have been living on their principle—who have had nothing else to live upon, during the course of their public career. I am not talking of personal matters. I am probably poorer even than the Minister of External Affairs, and I am speaking in a political sense. These gentlemen, who have been living on their principles all their lives, having had limited opportunities of doing anything else, now come into a position in which there are absolutely two things to be considered—principle and interest. These gentlemen, who have cast such an interested eye on the principles of other people, now cast their eyes only on their own interest. The amendment now before us, now that Ministers are in the same critical position that the late Government occupied on this very point, affords proof of the abandonment of a great principle. The late Government—I do not say all of them; do not let me violate the truth to that

tent—the head of the late Government, and a number of members of that Government, had the same interest as have my honorable friends now on the Treasury benches, but they had a different principle, and they acted in a different way on that principle. They acted, not to save their own interests, but in defiance of them. I want now to shatter for ever the fond delusion of the labour unions of Australia, that if they could only get their own men into office, they would inaugurate a grand new era in which the men who were in the high places would show an almost suicidal disregard for their own interests in carrying out those noble principles which were to lead to the universal happiness of mankind. But, the universal happiness of mankind has been converted into a phrase with another meaning, namely, the immediate well-being of the seven or eight gentlemen who used to live on their principles. Now, I say that if ever there was a point upon which a Government ought to have stuck to its principles, it is that upon which the present Ministry achieved their present high and elevated position. The Prime Minister laughs. I remember when he sat on this side for three years with that serious, enthusiastic face we came to know so well. He never used to laugh then. He laughs now only because he has at last achieved his present position. I am not saying one word by way of personal offence, because I am applying to my honorable friends only such criticism as I should direct against any Ministry in the world that did what this Ministry has done.

Mr. FISHER.—Hear, hear; we are glad to hear the right honorable gentleman.

Mr. REID.—I am sure that my honorable friends do not entertain any animosity towards me.

Mr. PAGE.—The right honorable gentleman means that they are not playing the game according to the book, like Lieutenant-Colonel Neild and Captain Wilks.

Mr. REID.—If my honorable friend will allow me to say so, the Prime Minister had one opportunity of putting a real military hero into a prominent position, and he missed it. I cannot understand under what sort of malign influence the Prime Minister acted when he missed that glorious chance. I need not quote the Minister of Trade and Customs in this matter, because it is well known that when he moved the amendment to which I have referred, he spoke, as he always does, in a perfectly clear and manly fashion, and made no attempt to disguise the

position which he took up. He mentioned no constitutional difficulties, but said—"We believe that what we are doing is right, if it is contrary to the Constitution we can be set right by an authority in another place." That position was quite intelligible. But now that the Ministry are in office they begin to play the part of the High Court themselves. They bring their own principles into a little High Court of their own, and they suddenly discover that this proposal, which they incubated so laboriously, is not only rotten to the core, but is unconstitutional. The voice of authority—the voice of the learned Attorney-General, and the voice of the honorable and more learned Minister of External Affairs—speaks now. These two voices speak now, they have their due weight with the Cabinet; and we now find that the party which looked upon mankind as one family regards "industry" as a term which divides humanity. There are some human beings whose occupations come under the head of "industrial," and others whose callings cannot be so described. This is in accordance with the aristocratic proclivities of my honorable and unlearned friend the Prime Minister, who is anxious to bring farmers within the scope of this Bill, but who looks askance at the farm labourers. This aristocratic thread is running right through this millennial policy.

Mr. WATSON.—What does the right honorable gentleman mean? I have no objection to farm labourers.

Mr. REID.—I know. Not so long as they come out as vagrants—without a definite calling in front of them.

Mr. WATSON.—Does the right honorable gentleman call that vagrancy?

Mr. REID.—No, I was wrong in using the term "vagrant." What I meant was men who have no definite prospects of subsistence. I have been suddenly called back to Sydney, and I do not wish to leave before expressing my views upon this very important matter. I desire to point out that, in my opinion, the distinction that is drawn between one man and another in the Public Services of the States and the Commonwealth—one man being regarded as engaged in an industry and another as not being engaged in an industry—is one of the most ineffably snobbish things I ever heard of as being conceived by a real Labour Ministry. If that is the position that is to be assumed by the genuine article, we can begin to understand how it was that men of privilege in

the older days of the world played such an enviable part in regard to the welfare of the people. I ask honorable members to remember that this very question was dealt with by the Prime Minister. He went into these differences, and admitted that the construction to be placed upon the word "industry" might be the subject of some discussion. He faced all these difficulties when the Bill introduced by the late Government was before the House, and, having looked at them, said in a straightforward way, that, in his opinion, we had it within our powers to include public servants within the scope of the Bill; and that if we were wrong we could be set right by the High Court. That was the position taken up by the Prime Minister, and it was a perfectly logical one. Irrespective of whether we agree with it or not, we could at least understand it. The Labour Party, having taken up that position, and having brought about universal confusion through their absolute adherence to it, surely the principle which was strong enough to impel them to shipwreck their political friends who had been doing their work for them for three years should also have been strong enough to induce them to stake the life of the Ministry upon it.

Mr. WATSON.—The proposal which is now put forward would have shipwrecked the Deakin Government in precisely the same way. The right honorable member knows that.

Mr. REID.—I know nothing of the sort.

Mr. WATSON.—Then the right honorable member must have become suddenly ignorant, because every one else knows it.

Mr. REID.—I have before me the proposal of the Government, and also the Bill in its original form, so that I am in a position to compare the two. The amendment proposes to limit the application of the Bill to disputes in industries which are carried on either by the Commonwealth or a State, or which are under the control of either the Commonwealth or a State. The Government declare that they cannot include within the provisions of the Bill public servants of the Commonwealth or of a State who are not engaged in some industry. I hold that a distinction of that sort—a distinction which is drawn between different forms of work, which recognises some men as being possessed of human interests and others as being pariahs who require to be kept outside the pale of this humane legislation, is one that no labour member

can justify before the people. When honorable members opposite talk of the High Court and the Constitution, the people will tell them what they themselves told the Deakin Government. They will say—"We believe that it is capable of being done; and, therefore, we insist upon it." I suppose that the Labour Party did not bring about the shipwreck of the late Government, upon an amendment to which they knew effect could not be given in this Bill. Surely they will not place themselves in that extraordinary position? By their action, I hold that, when they had nothing to lose, honorable members opposite exhibited a belief that this broad principle ought to be embodied in the Bill. Now, however, that they have something to lose, and the same principle to stand by, they wish to alter it, and instead of proposing to include all the public servants of the Commonwealth and of the States, and all the servants of a State or Commonwealth authority, the legal members of the Government are beginning to see that, after all, there are legal difficulties in the way, and that they must do the thing which one would suppose would be most odious to them—draw a line of distinction between one set of men who earn their living in a certain employment, and another set who earn their living in the same employment. These are matters upon which the Government must expect to be criticised. I must express my strong condemnation of their action in shifting their ground and proposing to limit the scope of the Bill in the way that they do.

Mr. CARPENTER.—Will the right honorable member say what class of public servants the Government proposal will not cover?

Mr. REID.—No honorable member can alter his own words, without assigning some reason for his action. Two months ago honorable members opposite declared that they wished the Bill to be applicable to any dispute in any employment in the Public Service. Will any one say that a clerk is not employed in the Public Service?

Mr. CARPENTER.—What class of public servants are excluded by the proposed amendment?

Mr. REID.—Is the honorable member ignorant of the statement of the Prime Minister, that there is a difference between clerical employment and industrial employment? My friend, the Prime Minister, does not raise these refined subtleties. Whatever may be his faults and mistakes

we never have to dig about for his meaning. He declared straightforwardly the other evening that the Government were doubtful of their power to include the clerical branches of the Public Service. He says that it is doubtful whether disputes in these branches will come under the heading of "industrial disputes" in the sense in which that term is used in the Constitution.

Mr. HUTCHISON.—The right honorable member said the other day that they constituted an industry.

Mr. REID.—The honorable member need not mind what I said. I am too old a hand to shift the venue in that way. When I occupy a seat upon the Treasury benches he may tell me what I said, but whilst I am in Opposition, I intend to tell the Government what they said.

Mr. HUGHES.—As a critic the right honorable member is superb.

Mr. REID.—I do not think that this proposal, even so far as it relates to the inclusion of the railway servants, comes within the powers which are conferred upon us by the Constitution. I look upon the words "an industrial dispute extending beyond the limits of any one State" as having no sort of application to a body of men who are a complete entity within a definite geographical area. Between the railway servants of Victoria and New South Wales there is no link or industrial connexion whatever. Each is in a different State, under a separate Act of Parliament, and under the control of a separate Government. Any attempt to bring the public servants of the States under the control of the Commonwealth must be in the direction of unification, and not in the direction of preserving States' rights. The moment we place the employes of a State under some outside tribunal and make the relations between themselves, the people, the Parliament, and the Government of that State, the subject for determination by an industrial Arbitration Court of the Commonwealth, we violate the first principle of the integrity of State rights. What is the use of talking of State rights if there be no State existence? What is the use of having a body of men under a State Act of Parliament if practically they are not under the control of that Parliament at all, or under that State? Of course I admit that shearers and sailors are in an absolutely different category. Their employment takes them into more than one State. For example, a sailor navigates the whole waters of the Commonwealth. His

employment extends from one State to another, and a dispute affecting the class to which he belongs will reach the whole of the Commonwealth ports. But, in the case of the civil servants and railway employes their avocations limit them strictly to one State. In its industrial working, the railway service of Victoria is as foreign to the railway service of New South Wales as if the two were 10,000 miles apart. I think that reason is quite sufficient to justify me in opposing this amendment. So far as the railway servants themselves are concerned, I take it that there is no dispute regarding their position. They are amongst the best public servants in the whole world. I have travelled over the railways for many years, and that is the impression which I entertain of every man who is connected with the service. They are a splendid body of men—there is no better in the world. Nevertheless, I do not think that our Constitution permits us to include in this Bill either the public servants of the Commonwealth, or of a State, and therefore we cannot, in my opinion, include the railway employes. Those who believe that the Constitution is wide enough to justify the inclusion of railway employes within the scope of the measure ought to stand by their principles, and extend the same boon to every other public servant throughout the Commonwealth and the States.

Mr. HUGHES (West Sydney—Minister of External Affairs).—The right honorable member for East Sydney has occupied his time very profitably, and now has to leave the chamber in order to catch his train. I do not desire to speak at length upon the present occasion, because everything that he said was coloured by the obvious bias that is very natural to gentlemen occupying his position. I desire, however, to say a few words in reply to the accusation which has been levelled against the Government by all and sundry, that we have abandoned the position which we lately took up. The honorable and learned member for Wannon, the honorable member for North Sydney, and others, with one accord—like the cherubim and seraphim—continually do cry that we have given up that to which we formerly held fast. The question is—"Is the accusation based upon fact"? What was the position which the Government formerly took up? We said that we were in favour of all the public servants of the Commonwealth and of the States participating in the benefits which will be conferred by the operation of

his Bill. To-day it is alleged that we claim something short of that, though how far short our critics are not quite agreed. Some urge that we have fallen very far short, and others a little short, but all are agreed that we have fallen something short.

I propose to show that we have not fallen short at all. The right honorable member for East Sydney had a good deal to say about our abandonment of principle. Unfortunately he is not present now, and, therefore, the reply which naturally springs to one's lips must remain unspoken. When, however, the time comes for him to fire—of these little crackers, but his big gun—we shall be ready enough to give him a fitting reply. Just now I propose to deal with his arguments, because all that he had to say in reference to our abandonment of principle, and our assumption of a virtue that is rather annoying to persons who occupy a less elevated position, is entirely beside the question. This Bill is introduced by virtue of sub-section xxv. of section 51 of the Constitution, which empowers the Commonwealth Parliament to legislate upon matters affecting—

Conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State.

It is under powers which are derived from that sub-section that we are enabled to submit this measure. So far, so good. This Bill is introduced in accordance with that power, and its title recites that it is "A Bill or an Act relating to Conciliation and Arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State." That is to say, it repeats the identical words of the sub-section in question. I now come to paragraph *b* of clause 4, and to the amendment which is proposed by the Government. We desire to insert after the word "State" the words, "including disputes in relation to employment upon State railways, or to employment in industries carried on by or under the control of the Commonwealth or a State, or any public authority constituted under the Commonwealth or a State." Let us deal with the matter fairly. Under the Constitution it cannot be denied that we are expressly and severely limited by the terms of sub-section xxxv. of section 51. Secondly, under the Bill we are limited to the order of leave. It is not our Bill, but that of a previous Government. The order of leave goes as far as sub-section xxxv. of section 51 of the Constitution will allow, because it repeats word for word the terms of that pro-

vision. It will thus be seen that the order of leave and our powers under the Constitution coincide. The question is—Do we stop short only at the obvious restrictions imposed by the Constitution, or do we not set up further barriers? Do we exclude even one individual, who under any interpretation of the sub-section could be brought under the Bill? If we do, we have fallen far short of that which we urged should be done; if we do not, then all this criticism, and the accusations which have been made against us, fall to the ground. But what do we say? We set forth that the Bill shall apply to Commonwealth and States servants employed in any industry. Apart from his personal criticism, which may be passed by for the time being, the right honorable member was not singular in his remarks. I shall be ready enough to reply to them when the time comes, and I think that no one would accuse me of hesitancy in that respect. But the right honorable member said what other honorable members had urged. Let us see if we have excluded one human being from this Bill. If we have not, I should like to know what all this pother is about. We propose to confine this provision to persons engaged in an "industry," and what is the meaning of industry as defined in the Bill? It means any—

Business, trade, manufacture, undertaking, calling, service, or employment, on land or water, in which persons are employed for pay, hire, advantage, or reward, excepting only persons engaged in domestic service.

So far as I am aware, only one honorable member has ventured to suggest that we have forgotten that exceedingly deserving section of the community—the domestic servants.

Mr. O'MALLEY.—We must provide for them in the Bill.

Mr. HUGHES.—I freely admit that we have forgotten them; but we never proposed either on the 19th April last, or any day prior to that date, to include them in this measure. Therefore, while we have fallen short of the ideal, we have not fallen short of our pledges. Can any honorable member point to any individual in the Public Services of the States or the Commonwealth, or in the railway services of the States, who does not come within this definition? If no such case can be brought forward, all this pother falls to the ground. Is a clerk outside the definition? My right honorable friend, the member for East Sydney, who spoke of the ineffable snobbishness—



"ineffable" is a favorite word of his—of making distinctions between one kind of civil servant and another, will perhaps answer this question. Failing the right honorable gentleman, the honorable member for Wentworth may do so for him. Let us hear the opinion of the honorable member upon whom has fallen the mantle of Elijah. I am not certain, for the moment, whether it was Elijah or Elisha from whom the mantle fell; but I think that it must have been the mantle of Elijah which fell upon the honorable member, because he went up in a chariot of fire. I appeal to the honorable member to name one of these individuals who are said to be outside the scope of the measure. A clerk obviously comes within it. A man who is employed as a clerk is engaged in a calling, service, or employment, and any one of these is an "industry" within the meaning of the Bill. This shaking of would-be venerable heads on the part of honorable members opposite is idle. The honorable member for Wannon assumes a wisdom which his years will not permit him rightly to affect. He affects an air of indignation which a man of his amiable and cheerful disposition is incapable of even pretending to assume; but I would ask, again, what men are excluded from the Bill? I question very much whether even the Commissioners are excluded.

Mr. KELLY.—Is not the honorable and learned gentleman dealing rather prematurely with a clause that has not yet been brought under our consideration?

Mr. HUGHES.—This is the unkindest cut of all. We have been listening for two days—it seems two years—to the onslaught made upon us by honorable members opposite, on the ground that we have departed from the line which Providence had hewn out for us, and now we are told that we are prematurely replying to their attack. After listening to his onslaught, which was limited only by your ruling, sir, we are told by the honorable member, that we are premature in our reply. He accuses us of being false to our pledges. The honorable member for Wannon and others have made the same charge, and now this latest recruit asserts that our reply is premature. I do not think that it is. Those who are familiar with the facts will say that in view of the patience with which this Government, consisting, as it does, of honorable members for the most part new to Ministerial work, have listened to this torrent of abandoned criticism—abandoned in its freedom, not from

the restraint that a sense of decency should impose, but from that which a sense of what is applicable to a new Government should impose—honorable members opposite should have dealt tenderly with us. They should have carefully examined the position. They should have asked themselves, "Are these Ministerial babes making the error which on the surface they appear to make?" and if, after diligent examination, they considered that we were, they might have said, "Let us give them the benefit of the doubt." Had we stood many times in the pillory of public opinion instead of on this occasion only, they could not have accused us more harshly than they have done. The honorable member for Wentworth last night commenced an harangue which was happily frustrated—I will not say by your ingenuity, Mr. Chairman, but by your very convenient decision that the honorable member could not proceed on the lines adopted. For that I am sure we were all very thankful; but the honorable member for Wannon started with a tremendous philippic. Then the honorable member for Franklin said, in effect, that the position taken up by us was terrible, while other honorable members attacked us in a remarkable way. I repeat, once more: "Let us hear of the men who will be omitted from the Bill under the terms of this amendment. Let us hear of a public servant who can say, 'You have omitted me from the Bill.' " What is his name? Is he a postman or a man in the clerical or general branch of the service? Is he employed in the service of one of the States? Is he a draftsman? What is he that he does not come within the terms of the definition to which I have referred? If no such man can be pointed out, why should honorable members waste an enormous degree of energy in attacking us because we have altered the phraseology of the amendment in order to keep it in harmony with the whole scope of this measure? In every place in which it may be conveniently done, the terms of the sub-section of the Constitution under which we get the right to proceed, are followed in the Bill.

Mr. McWILLIAMS.—If it covers every individual, why do the Government particularise railway servants?

Mr. HUGHES.—I am endeavouring to point out that if the provision covers every one, it is unnecessary for the honorable member and others to waste so much

nergy in bewailing the alleged fact that theirs have been left untouched.

Mr. KELLY.—Why specify any particular class?

Mr. HUGHES.—Because every Government has a right to frame its amendments in any form it thinks fit. We have selected a course which seems to annoy the honorable member by reason of the fact that it covers all that we desire to do, never set out to do, and still leaves no loophole for honorable members opposite. It cannot be said that it is *ultra vires*, because so far as this particular point is concerned it is obviously within the scope of the Bill.

Mr. McWILLIAMS.—That is not the reason that was given by the Attorney-General.

Mr. HUGHES.—All that I can say is that the amendment as proposed by us in effect gives to every man who is engaged in an industry—and an “industry” means any

Business, trade, manufacture, undertaking, calling, service, or employment on land or water—

the right to come under this Bill.

Mr. G. B. EDWARDS.—Even the common langman.

Mr. HUGHES.—I do not know whether it does; but it includes every person who can come within the scope of the Bill. If honorable members opposite take exception to the wording of the amendment, let them do so; but to take exception to the scope of the measure is more than they are able to do. I repeat most emphatically that I am not prepared to exclude even one human being from the operation of this Bill; that I am prepared now, as I always was, to include every one.

Mr. LONSDALE.—Then why exclude domestic servants?

Mr. HUGHES.—Any one would imagine that honorable members who have just been interjecting in chorus have been advancing opinions of which they are ashamed, and to which they do not desire to make converts. If it be a fact that we have slightly gone over to their side there should be rejoicing among them. Instead of that, they are plunged in a great grief, and almost into confusion, by reason of the fact that they believe, or say, that we have gone a little towards their way of thinking. What did the right honorable member for Swan say? He said that he was very sorry to see that we had abandoned our principles; that, for his part, he was opposed to the inclusion of

either Commonwealth or State servants, but that he was sorry that we proposed to exclude some of these officials for the benefit of the measure itself. Many honorable members have expressed the same opinion, while others agree that the public servants of the Commonwealth and of the States should be included, but disagree with the form of the amendment. I can deal with the latter section, but I cannot deal with those who say that we do not agree that the public servants of the States should be included, and then accuse us of excluding a few of them. The honorable member for Wannon stands up as the champion of State rights—he is a self-constituted champion, but nevertheless remains firm in his support of that principle. He asserts that he does not believe in the inclusion of even one public servant, and the honorable member for Corangamite, who holds the same opinion, was nevertheless most pathetic in his references to our alleged abandonment of principle.

Mr. WILSON.—I was not pathetic; I expected it.

Mr. HUGHES.—If I have done the honorable member an injustice by including him among those who think that no public servant should be dealt with in this way, I shall withdraw the remark, and say that he stands on a pinnacle so fine that there is room upon it for no other man. So far as I can see, we have simply followed the terms of the sub-section, which have been observed wherever possible in this Bill. In the order of leave the terms are repeated word for word. Wherever possible it ought to be done, and has been done, and we have merely done it in this particular connexion. Further, as to what constitutes an industry there can be no doubt. We do not propose to amend the definition of “industry” in the interpretation clause, in so far as it concerns business, trade, undertaking, calling, service, or employment. It will be wide enough to include everybody. Therefore, I ask honorable members to be a little more careful before they again accuse the Government of having abandoned our principles. Let them be candid enough to admit that they are unable to put their finger upon one person in the Public Service of the Commonwealth or a State who is excluded under the amendment now before the Committee, but who would have been included under the amendment of the honorable member for Wide Bay.

Mr. ROBINSON (Wannon).—I have listened with the greatest patience during the past twenty minutes to the speech of the Minister of External Affairs, in the hope of hearing him justify the great change of front which has been made by the Government, but he has not succeeded in doing so. On the contrary, he has made more patent than ever the fact that the members of the Government have abandoned the position which they took up in this Chamber on the 19th April last. I ask honorable members to again refer to the amendment then moved by the honorable member for Wide Bay. He moved the omission of the words—"But does not include," and inserted the words "and includes"; and he stated that his intention was to apply the Bill to all public servants of the Commonwealth and the States.

Mr. SPENCE.—The Government are not responsible for that.

Mr. ROBINSON.—The amendment of the honorable member for Wide Bay was supported by every member of the Ministry.

Mr. SPENCE.—But it does not bind the Government.

Mr. ROBINSON.—The statement of the honorable member for Darling is equivalent to an admission of the abandonment of position with which I charge the Government. Most sophistical arguments were used by the Minister of External Affairs to throw dust into the eyes of the non-legal members of the House. He says that the definition of "industry" in the interpretation clause is wide enough to cover every public servant; but, although he has been a member of the Bar for only six or twelve months, he knows as well as any one else that, even if there were no definition of "industry" in the Bill, the position would be governed by the provision in the Constitution. We have no power to extend the meaning of the word "industrial" by giving a wide definition to the term "industry." All we can do is to limit it. The High Court alone can define what is an "industrial dispute." The Minister was well aware of this; but, knowing that most honorable members have not had legal training, he tried to throw dust into their eyes. I desire to point out that a very large section of the Commonwealth public servants will be excluded if the amendment is carried. The proposal of the honorable member for Wide Bay was to bring all public servants of the Commonwealth and of the States within the scope of the Bill;

but under the amendment of the Government, Commonwealth public servants who are not engaged in some industry will be excluded. Those employed purely in clerical work will not be affected by the Bill. Possibly the postal officials may come within its scope, and if the Commonwealth were to take over the tobacco industry, or to adopt some of the other grand schemes of the Labour Party, the men there employed would be included. But it is well known to the Minister that most of the public servants of the Commonwealth will be excluded.

Mr. O'MALLEY.—Will the honorable and learned member vote to include them?

Mr. ROBINSON.—I shall vote on this question as I have always voted, in defence of States rights. The charge I make is that the Government have shown, to use the words of the right honorable member for East Sydney, a flexibility of political principle which the most hardened politician could hardly hope to emulate. Within the short space of six weeks, they have completely swallowed their pledges, so that but for the damning evidence of *Hansard* no trace of them would remain. They have gone completely back upon their original position. It is idle for them to say that they have only altered the phrasing of their amendment. If that were all, why did they not adopt the plain, simple, direct language used by the honorable member for Wide Bay? His amendment included every public servant in Australia. It was as wide as a church door, and as deep as a well. The Government, however, have shifted their ground and given a narrower construction to the provision, because they know that they are unable to justify their former position. When they were before the people they threatened to wreck any Government which would not bring all public servants under the Bill.

Mr. LONSDALE.—But they did not threaten to wreck themselves.

Mr. ROBINSON.—If they carried out their election pledges they know that the provision would be nugatory.

Mr. KELLY (Wentworth).—The Minister of External Affairs made a very sarcastic speech a few minutes ago, mainly in refutation of the hideous calumny hurled at his party by the right honorable member for East Sydney. Before getting to the crux of what I have to say, I should like to again point out what has been already demonstrated, that the amendment now before the Committee differs greatly from that

oved by the honorable member for Wide Bay. Every honorable member opposite appears to be a leader, and apparently all have changed their convictions in this matter, to the discredit of the whole body. The Minister of External Affairs dealt at great length with the meaning of the word "industry." I am not a lawyer, as the honorable and learned member for Annan, but it seems to me that we can ascertain the meaning of the word better from an ordinary dictionary than from an Act of Parliament.

Mr. O'MALLEY.—What does *Webster* say?

Mr. KELLY.—I am about to tell honorable members. *Webster's* definition will be as unwelcome to the Ministry as most other American precedents have been. *Webster's* definition of "industrial" is this—

Consisting in industry; pertaining to industry, or the acts or products of industry; concerning those employed in labour, especially in manual labour—their wages, duties, and rights.

"Labour" is defined as "physical toil, or bodily exertion," as "intellectual exertion, mental effort." "Industry" is—

Any department or branch of art, occupation, or business; especially one which employs much labour and capital.

According to that authority, the term "industry" can be applied to any department or branch of art, occupation, or business. Surely that is wide enough to include all the public servants of the States. I do not think that the Minister of External Affairs acted fairly in asking us to accept a definition contained in a clause with which we have not dealt, and which he may subsequently move to amend. It seems to me rather dangerous to pass one clause on the assumption that another clause will remain unaltered.

Mr. BATCHELOR.—The Bill must be considered as a whole.

Mr. KELLY.—Yes; but the Government ask us to accept their assurance that the amendment has been framed to include all public servants, and in support of that statement they refer to the definition of "industry" in another and later clause. Furthermore, the Minister of External Affairs seems to be at variance with his colleagues. The Prime Minister, in defining the policy of the Government, stated that—

Guided by the opinion of our learned Attorney-General, we take the view that this Parliament is empowered by the Constitution to include within the scope of the Bill all industrial servants of the Commonwealth or of a State.

Beyond that we feel, according to our reading of the Constitution, that we are not entitled to go.

Mr. FISHER.—What does the honorable and learned member contend that that qualification means?

Mr. KELLY.—I will read further—

We propose to bring within the scope of the Bill, first the railway servants of the States and, secondly, all other servants of the Commonwealth, or of the States, who are engaged in industrial enterprises carried on by those Governments.

A distinction is drawn between clerical and so-called industrial employés.

Mr. BATCHELOR.—The distinction is drawn in the Constitution.

Mr. KELLY.—The Constitution empowers us to legislate for the "prevention and settlement of industrial disputes extending beyond the limits of any one State." I have quoted *Webster* to show that the word "industrial" practically covers all employment, so that the Government cannot shelter themselves behind the provision in the Constitution. I think that they should admit that they feel that they could not get the Committee to pass their original proposal, and do not wish to be placed in a humiliating position.

Mr. WATKINS.—The Committee would again pass the amendment of the honorable member for Wide Bay.

Mr. KELLY.—It might not. At any rate the Government fear that a few honorable members, in addition to their own followers, may have discovered an equal aptitude for changing their position. The Minister of External Affairs said that he first proposed to include railway servants within the scope of the Bill. He said that railway servants were especially mentioned, but that the same measure would apply to all the public servants of the States. If so, why should any distinction be made between two classes of servants? Why should one class receive special mention? Why should a blue ticket be given to the railway servants, and a white ticket to other public servants? Surely this differentiation was not necessary. If the amendment must be passed—I disagree with it, and hope that it will not find a place in our statute-book—I trust that the Government will be consistent, and introduce a provision in the same form as that which was put forward by them prior to their accession to office. We can then ascertain the exact feeling of the Committee with regard to the Government proposal. It seems to me that the amendment, in its present shape, is intended by the Govern-

ment to afford them a means of escape from a very awkward position. They swallowed their principles in order to obtain office, and now they find them very indigestible. We cannot expect them to stand or fall by the amendment, because, apparently, they are determined to retain office, no matter how many votes may be given against them. I hope that the Committee will be afforded an opportunity of definitely expressing its opinion.

Mr. LIDDELL (Hunter).—I have been altogether upset by the words which have recently fallen from the Minister of External Affairs. I had made up my mind as to how I should vote, and I had what I conceived to be the best of reasons for giving my support to the Government. I have always been in favour of the principle of the Bill, and I conscientiously voted in support of the Labour Party upon the division which resulted in the ejection of the Deakin Ministry from office. I should like to be able to vote in the same direction to-night, but after the catherine-wheel-like ebullition of the Minister of External Affairs, I am entirely at a loss to know what to do. I should like to have the matter clearly defined. I am not a member of the Labour Party, but I consider that I represent the labouring men of Australia. In this case the questions to be considered are—Firstly, whether it is good for employes of the States to be brought within the scope of the Arbitration Bill; secondly, whether it is good for the States; and thirdly, whether the action contemplated by us is constitutional? I do not propose to express any opinion upon the constitutional aspect, because I think that those who made the Constitution have to take the responsibility. If the laws which we pass prove to be *ultra vires* we shall soon be placed in our proper position by the High Court. It has been stated that we should take care to conserve the interests of the States, but I believe that it is our duty to protect the weak against the strong—the citizen against the State. Therefore, if it is to the advantage of the worker to be brought within the scope of this measure, I shall give the Government proposal my support. But, after having listened to the Minister of External Affairs, I confess that I do not quite know what to do. I think we are gradually reducing this debate to a farce, and I regret that the discussion of a vital matter of this kind has not been carried on in a more orderly fashion. The Government have shown

themselves very wary; they are able to say one thing to-day and another thing to-morrow, and although I am anxious to give them every support I possibly can, in the interests of the constituents who sent me here, I recognise that I must be very careful in following them. Ministers talk of themselves as babes and sucklings, and as inexperienced, so far as the discharge of Ministerial duties are concerned, but I think that they have old heads on their young shoulders, and that I must be very careful how I proceed. I do not think that they really represent the working man. In the first place they represent themselves, and in the second place they represent certain associations outside of this House. There are brilliant, clever, able, shrewd, and honest men at the head of the party, but they have a very dangerous socialistic wing.

Mr. BATCHELOR.—I am afraid that the honorable member is allowing his prejudices to run away with him.

Mr. LIDDELL.—No; I am simply giving the results of my own observations. The Government and their supporters represent only a small minority, and the Treasurer's bench is not the proper place for the present Ministry. I feel that I must act honestly towards those whom I represent, and I shall vote with the Government if I consider they are right, no matter what I may think of Ministers themselves. I must confess, however, that from the want of a definite interpretation of the amendment now before us, I do not know exactly where I stand.

Mr. GLYNN (Angas).—I am rather surprised that the Government have introduced the amendment now before us. They accepted office on a test question, and now they are seeking to make an apparent alteration in substance, which is really nothing more than a verbal alteration. What is the object?

Mr. BATCHELOR.—The object is certainly not to whittle down the provision.

Mr. GLYNN.—What is the object of making a purely verbal amendment? Is there such a conflict of authorities in the Cabinet that the Ministry really do not know the meaning of the amendment as drafted? Are they going to insert these words for what they are worth, because they cannot explain what they mean? The position is simply ridiculous. The Ministry took office upon the strength of an amendment which must be assumed to be one of substance, and now they come down and attempt to qualify

it. If the alteration now made is one of substance, it must be granted that the principle upon which they took office was one upon which the late Government ought not to have resigned, and also one upon which the present Ministry should not have replaced them, because the only reason for their taking the control of the administration was that the amendment which they carried was a good one, and that without their paternal care it would probably not be carried into effect. Why is it considered necessary to qualify the provision of the Bill by stating that it shall include within its scope the railway servants of the States? Surely the Constitution provides in effect that the Bill cannot apply unless the employees are engaged in some form of industry. I do not see what object is to be served by the amendment, unless some futile attempt is being made by the Ministry to back down. It is a case of divided counsels, and bad advice, and for the sake of appearances of standing by an amendment which is futile. If the object of the Ministry is as I assume, their position is rather humiliating than one of which they can be proud. Dealing with the substance of the matter now before us, I am disappointed to find men of experience like Ministers attempting to imperil the Bill by overloading it with provisions of this kind. Surely this is not a time for us to interfere with the autonomy of the States, especially whilst there is a doubt as to our constitutional position. I do not wish to quote authorities, or to enter into an elaborate argument upon this aspect of the question; but I would simply remark that, according to my view, the balance of authority leans against the constitutionality of our exercising authority over the States as States. According to the views of all the leading American authorities, the object of the Constitution is not to give the Federal authority jurisdiction over the States as units, but only over the individuals in those States. The States, as units, are not represented in the Federation, and it follows that, as they cannot control the policy of the Federation, they should not be controlled by it, except as provided in express words in the Constitution. In this particular case there are no express words in the Constitution which would enable us to exercise control over the States. The reason for taking this view is that the subjection of the States to control by the Federal authorities should be accompanied by representation of the

States, so that the control could be checked in its operation. In the interests of the Federation, and upon the broader ground of expediency, I would ask honorable members to reject the amendment. Surely it is not contemplated that the provisions of the States Railway Acts shall be modified at the whim of an Arbitration Court, not constituted, as originally intended, of a Judge and two permanent members, but of a Judge and two other members selected to arbitrate in regard to each particular dispute. How should we proceed to select experts to constitute a Court to deal with matters affecting the internal management of the railways of any one State or of all the States? If the members of the Arbitration Court sat regularly for six or seven years they might, by special study of the accumulated reports, and of the evidence which would be open to them, arrive at some understanding of the railway systems.

An HONORABLE MEMBER.—How could penalties be recovered from the States servants?

Mr. GLYNN.—That is another point. The principle upon which it is proposed to constitute the Arbitration Court is a bad one. Whom could we select to adjudicate in regard to a dispute as to the rates of wages to be paid to the railway servants of a State? If that question were referred to the members of the Inter-State Commission—if such a body is ever created—we might secure the services of an expert tribunal, or one that would become thoroughly familiar with the charges made upon the railways and other circumstances. But, under the provisions of the Bill as proposed by the Government, these disputes are to be referred to a Supreme Court Judge—not necessarily the same Judge on all occasions, and not necessarily an expert in relation to this matter—and to two other persons who are to be selected for the occasion. By whom would these two other arbitrators be chosen? If one were chosen by the Railway Commissioners, he would probably be one of the Commissioners, who would thus be sitting as an expert to adjudicate upon a dispute to which he was a party. If this were not done we should have to call in outsiders, who would probably not know anything whatever about the conditions under which the railways have to be managed. We have railway experts, who are paid annually salaries which, in the aggregate, represent a very large sum. The late Mr. Eddy, for example, was paid £7,000 a

year, and the salaries of other Commissioners range from about £2,000 to £5,000. The services of these gentlemen, who possess the highest qualifications, would readily command several thousands of pounds a year in England. Yet, after they have been appointed to their present positions, and after they have acquired all the information which is available to them concerning the properties which they control, it is proposed to set aside their judgments in favour of those of the tribunal the creation of which this Bill contemplates.

Mr. WILKS.—Their opinions are set aside in New South Wales. At the present time a case in which railway employes are interested is engaging the attention of the Arbitration Court there.

Mr. GLYNN.—I know that there is a distinction between the provisions of the New South Wales Arbitration Act and those of this Bill, which purports to give absolute jurisdiction to the extent to which the Constitution justifies it. I was under the impression that under the legislation of that State the powers of the Court were limited.

Mr. WILKS.—There is absolutely no limitation.

Mr. GLYNN.—I accept the honorable member's assurance, but I thought that the Act contained a qualification similar to that which operates in New Zealand. But I would point out that if a State chose to enforce a certain principle in relation to its own public servants, and a mistake occurred, it would have power to rectify that error by Act of Parliament. On the other hand, if we embodied that principle in Commonwealth legislation as affecting State public servants, the States Legislatures would have no power to alter it. Therefore, a Federal Statute passed by a body over which the States themselves can have no control might land them in the position that a huge mistake might be made which could not be remedied. On grounds of expediency, I say that the constitution of this tribunal is not one which justifies us in departing from the discretion of the Railway Commissioners to that of the Arbitration Court. But I would further ask—How are we to enforce Commonwealth awards against a State? We really have no power to do so. I know that the question has been asked—"Do not the States pay up when judgments are given against them?" My reply is that they do pay as a matter of morality, but that they cannot be compelled

to do so as a matter of law. In point of fact, both Queensland and Western Australia absolutely refused to satisfy judgments, because they disagreed with the principles of the decisions which were given against them. It was only then that the provision was introduced into the Queensland Act, declaring that when a judgment was given against the State the necessary funds to satisfy it must be provided by the Executive of the day. No provision of that sort, however, can be embodied in a Commonwealth Act, because it would not be operative in the case of the States. It therefore remains for the latter to say whether an Act which interferes with their internal administration shall have their co-operation. If a dispute occurred between, say, Messrs. Hill and Co. and their carriers as to the rate of wages which should be paid to drivers employed upon contracts between New South Wales and Queensland, and if an award were given in favour of the men, and the common rule of that award were applied to the railways of Australia, should we be likely to receive the aid of a State Act of Parliament to enable us to enforce that award? The idea is repugnant to common-sense, and as a matter of expediency is unsound. I ask the Government whether it would not be better to agree to the tremendous concession which is involved in the acceptance of the Bill itself, and to abstain from over-loading it with these provisions? I opposed the second reading of the measure, but it was carried. It has now reached the Committee stage. Surely, from the stand-point of those who support the Bill, we ought not so to interfere with the internal economy of the States as to break down their administration? We should also remember that if at the beginning of its existence we bring discredit upon the tribunal which we establish we shall probably jeopardize the efficacy of other provisions in the measure. The probability is that the first decision will be in connexion with a State industrial dispute. We know the source of all the anxiety that is exhibited to push this Bill through. Does it not arise out of the recent Victorian railway strike? I hold that to precipitate a further dispute in Victoria, and to make it extend beyond the limits of this State would produce a far greater industrial shock than did the strike to which I have referred. Let us not bring the tribunal which it is proposed to establish into disrepute by making a futile attempt to bind the States as

its. On the grounds of common expediency as applied by the advocates of the bill, I ask that the limitation proposed shall not be made a part of this clause. After the amendment which emanated from the Labour Party had been recognised as a vital one, as was manifested first by the resignation of the Deakin Government, and, secondly, by its corollary, the acceptance of office by those who tabled it. I say that the present proposal is humiliating inasmuch as it is an attempt to modify that amendment by words which have been introduced for that specific purpose. Evidently these have not been inserted as verbal quibbles; but, because they offer a way out of the difficulty. In other words, the Government wish to put down the principle which they affirmed by accepting office. It may be urged that the proposed words were futile. That, however, was not in the minds of the Government when they assumed Ministerial responsibility. Such conflicting opinions have been given expression to by the Government that I am justified in assuming that they started with the idea that this clause meant something, and now find that it means nothing. As the whole provision has yet to be put, if the amendment is incorporated in it, I ask the Committee to reject it if for no other reason than to make the Bill an effective one. The reference to industrial disputes is not necessary. The Constitution contemplates only such disputes as are industrial, and therefore the inclusion of those words would only harass the High Court in its interpretation of this provision. As the clause was originally drafted, it was much clearer. It covered everything that was desired unless it is to be limited to some particular body. But we are now invited to insert words which will have the effect of forestalling the judgment of the High Court. We are asked to prevent that tribunal from holding, contrary to the provisions of the Constitution, that this Bill applies not only to industries, but to State and Commonwealth employment, which are not industries. We were told previously that we ought to trust the High Court in this matter. Why, then, should we be asked to place a limitation upon its wisdom? We were formerly told that we should allow the provision to pass—irrespective of whether it was good or ill—and let the High Court impose any limitation upon its operation that might be required by the Constitution. Now the Government declare that they do not wish the High Court to interpret the provision, and

therefore they specifically affirm that the employment referred to is industrial employment. That implies a withdrawal of that trust in the wisdom of the High Court which was formerly expressed by the advocates of this proposal. When superfluous words are embodied in a provision, the Court always seeks to discover the reason for their inclusion, and, in doing so, very frequently big mistakes are made, even by the most influential tribunals. On the grounds of policy, expediency, and clear draftsmanship, I ask honorable members to reject the amendment, and not to cumber the measure with unnecessary provisions.

Mr. LONSDALE (New England).—Whilst the honorable member for Darling was addressing the Committee, I interjected—"What is justice?" It appears to me that very frequently the justice of which we hear so much, means giving everything to one man, and nothing to another. I am opposed to the inclusion of railway servants in this Bill as I am opposed to the measure in its entirety.

Mr. TUDOR.—The honorable member voted for the inclusion of railway servants on a previous occasion.

Mr. LONSDALE.—That is so. But nobody can possibly misunderstand my position. I am always prepared to vote for amendments which will make the Labour Party "toe the mark." I should like to see its members compelled to do so upon every possible occasion, in order that we might ascertain whether, when they are in office, they are prepared to carry out what they advocate when they are out of office. I wish to force men to stand by their principles.

Mr. HUGHES.—What are the honorable member's principles in this connexion?

Mr. LONSDALE.—I am opposed to the Bill, and to the Government. A union of railway servants in my district wrote to me some time ago asking me to support this proposal. I replied that, in their interests, I did not think it wise for them to be brought under the provisions of the measure, and that, in the interests of the country, I could not support such a proposal. I put my answer in writing, so that they can use it against me at election time if they choose. This amendment has been supported by the honorable member for Fremantle, and I understand that the railway servants of the State from which he comes receive higher rates of pay than are given in any of the other States. In these circumstances, I inquired, whilst he was speaking, whether he wished the railway servants of W



Australia to suffer a reduction of pay. If the Conciliation and Arbitration Court is given power to deal with railway servants, the wages of those who are receiving the higher rates of pay will be reduced, while the remuneration of those receiving lower wages will be correspondingly raised.

Mr. BATCHELOR.—That is mere speculation.

Mr. LONSDALE.—That is the system generally followed in New South Wales. There the Arbitration Court usually determines a dispute by splitting the difference.

Mr. HUGHES.—How does the honorable member arrive at that conclusion?

Mr. LONSDALE.—By the evidence.

Mr. HUGHES.—Has the honorable member read the evidence given in any one case?

Mr. LONSDALE.—So far as this particular point is concerned, I cannot say that I have; but I know that when a certain rate of pay has been sought by the workers, whilst the masters have offered to give a lower rate, the Court has usually fixed an amount between the two.

Mr. HUGHES.—Is the honorable member able to definitely make that statement?

Mr. LONSDALE.—Yes. I shall be able to refer the honorable and learned gentleman to decisions given by the Court.

Mr. HUGHES.—The statement is not in accordance with facts.

Mr. LONSDALE.—I repeat that it is. Cases have occurred in which men have been awarded less than the rate for which they applied.

Mr. HUGHES.—Perhaps they did not deserve any increase.

Mr. LONSDALE.—That may be. But will the honorable and learned gentleman tell the railway servants of the States that they must accept this measure with the distinct understanding that as a result of the creation of the Court their wages will probably be reduced? Do not those who support this class of legislation frequently tell men that the Federal Conciliation and Arbitration Court will improve their conditions?

Mr. HUGHES.—They do not.

Mr. LONSDALE.—The honorable and learned gentleman, in the course of a speech delivered at the Protestant Hall, Sydney, spoke of there being a likelihood of "bloodshed and chaos" if this Bill, or some other measure, were not passed. At that meeting a railway employé complained that men who had worked as engine-drivers until their sight failed were given employment in a lower grade of the service, and that

their wages were lowered. He urged that it was unfair to reduce their wages, but no one corrected his apparent belief that this state of affairs would be remedied by a Federal Conciliation and Arbitration Court.

Mr. HUGHES.—What has that matter to do with the question now before us?

Mr. LONSDALE.—It has much to do with it. At this meeting the Minister talked about bloodshed and chaos, but did not believe that anything of the kind would occur.

Mr. HUGHES.—I did not say that.

Mr. LONSDALE.—The Minister simply desired to rouse some feeling on the part of those who were present; he did not believe one word that he said.

Mr. HUGHES.—That assertion is distinctly out of order. An honorable member definitely asked me whether I had made such a statement as that to which the honorable member for New England has referred, and I told him that I had not. I repeat now that I never made the statement in that connexion. To say that I made a statement in which I did not believe, is to say something contrary to parliamentary usage.

Mr. BAMFORD.—Hear, hear; I was present at the meeting, and heard what the Minister said.

The CHAIRMAN.—Does the honorable member for New England withdraw the statement of which the honorable and learned gentleman complains.

Mr. LONSDALE.—If the Minister says that he did not make the statement that I attributed to him, I must certainly withdraw the remark. I can only say that he was reported in the press to have given utterance to those words, and that I saw no contradiction of that report.

Mr. HUGHES.—If the honorable member consults another honorable member opposite he will obtain the true version, as I gave it to him. I am sure that he will accept my denial.

Mr. LONSDALE.—I do. I should not have referred to the matter, but for the interjections. The Minister has asked what bearing the complaint made by the railway man at the meeting in question has upon the issue now before us. I contend that it has a very important bearing upon it. The object of this Bill is to fix the conditions of labour.

Mr. HUGHES.—And stop strikes.

Mr. LONSDALE.— Strikes cannot be prevented unless the conditions of labour are fixed. If this Bill is not designed to

allow conditions of labour to be fixed by the Court, what is its object?

Mr. HUGHES.—That is its object.

Mr. LONSDALE.—Then do not let us have any quibbling. I have disabused the minds of many railway men of the belief that this measure will, if passed, improve their conditions. I have told the men in my own district that if they accept the Bill, they will have to take certain risks. In some cases it may possibly improve the conditions under which they are employed; but in others it will make them worse. In view of the satisfactory returns obtained from the Western Australian railways—

Mr. FRAZER.—We had two strikes in two years in Western Australia.

Mr. DUGALD THOMSON.—And there is a Conciliation and Arbitration Act in operation in that State?

Mr. FRAZER.—Yes.

Mr. LONSDALE.—Good returns have been obtained from the Western Australian railways, and the wages given to those employed on them are high. If the conditions of the railway employes of all the States came before the Conciliation and Arbitration Court, the question of whether the railways of any State are paying will be one of the matters that will govern the decision. Evidence will be given as to paying or non-paying railway services, and the position of the men employed, and the Court will then arrive at its decision. In my opinion, it is improbable that the wages of the whole of the railway servants will be raised to the Western Australian standard. It is much more likely that that standard will be reduced. The complaint made by the worker at the meeting to which I have referred was that engine-drivers who, because of some physical failure, were unable to follow their ordinary occupation had been put to other work by the Commissioners, who desired to do the best they could for them, and that their pay, instead of being retained at its former level, had been reduced. The Commissioners said, in effect, to them—"You were receiving 15s. a day as engine-drivers; but you cannot expect to receive the same rate of pay for the less important work allotted to you. If you will not take the lower rate, you must leave the service." I contend that no Arbitration Court would say that a man employed, for example, as a luggage porter, should receive 15s; and those who consider that the state of affairs of which this individual complained will be remedied by the passage of this Bill, must be disappointed.

When steam was replaced by electricity, as the motive power for the tramway system of New South Wales, many of the engine-drivers were no longer required; but the Commissioners, wishing to appoint them to the best posts available, engaged them at reduced wages to drive the electric cars. There was a great outcry against the reduction; but would any Conciliation and Arbitration Court say that, in such circumstances, engine-drivers should continue to receive the old rates of pay? No change would be made in this respect by any Arbitration Court. My complaint is that the men are not told of what will be the probable effect of the creation of this Court. If they were, many of them would not be so anxious as they are to secure the passing of this measure.

Mr. SPENCE.—They are not children, who require to be taught.

Mr. LONSDALE.—I do not say that they are; but, in matters of this kind, many men do not like to take up a position of antagonism to others. If a man begins to oppose certain proposals made by the union, of which he is a member, he is called a blackleg.

Mr. FRAZER.—No.

Mr. WATSON.—Is the honorable member for New England speaking from experience?

Mr. LONSDALE.—No.

Mr. WATSON.—I have had personal experience of the working of a union, and can say that the honorable member's suggestion is not correct.

Mr. SPENCE.—And after thirty years' experience, I can also deny the statement made by the honorable member.

Mr. LONSDALE.—I am afraid that if I were to join a union, I should in ten minutes be shown the door.

Mr. WATSON.—No; I think that the unions would tolerate even the honorable member.

Mr. WILKS.—The Prime Minister was for years in a minority, so far as many fights in his union were concerned; but no exception was taken to his actions.

Mr. WATSON.—Hear, hear.

Mr. LONSDALE.—If the Government really desire that all classes of public servants should be included, they should have adopted the amendment first proposed by the present Minister of Trade and Customs. Whether we agree with honorable members opposite or not, we must admire them for their consistent adherence to the principles they

profess. But since coming into office their desire to find another way out of this difficulty has induced them to water down their proposal. Instead of boldly standing out for that which led to their occupancy of the Treasury benches, they have thrown it overboard. When this matter was before us prior to the defeat of the late Government, I spoke in terms similar to those to which I have just given utterance, and honorable members of the Labour Party severely criticised my statement, that, notwithstanding that I held these opinions, I intended to vote against the Government. The honorable member for Gwydir, who represents a constituency which adjoins my own, was especially severe in his criticism, and whilst he was speaking, I interjected—"Is this amendment a sham? Do you not want it carried? Why do you object to my voting with you?" We have now proof that it was a sham—that the Labour Party did not want it to be carried. It was their desire to pose as a party anxious to do something for these men, but they wished the House to defeat the amendment, and would have accepted their defeat.

Mr. WATSON.—We fear the Greeks when they bring gifts.

Mr. LONSDALE.—I am against this proposal, and I have informed a number of railway men in my electorate that I oppose the Bill because I do not think it would improve their conditions. It is because of this belief that I am going to vote against the amendment. The honorable member for Darling has said that some honorable members favour low wages. I do not think that there is any occasion for me to reply to that statement, save to say that I pay as high wages to men in my employ as does any member of the Labour Party. I have always paid high wages, and believe in the principle. I admit that if men who are worthy of them are paid high wages they will do better work, and prove more profitable to their employers, than if they were paid low wages. I am not in favour of paying low wages. The taunt is always hurled against men like myself that we favour the paying of starvation wages. I have always believed in high wages, and I shall do what I can to keep up rates of payment. If I believed that the provision now before the Committee would do no injury to the community, and especially to the working classes, I should vote for it, and do all I could to secure its adoption; but, as I hold that it would have the contrary effect, I should be recreant to the trust imposed upon me if I supported it.

Mr. KNOX (Kooyong).—I rise with considerable reluctance, because I desire to see this question settled; but some of the remarks of the honorable member for Hunter have shown me that a prolongation of the debate may be serviceable. If one thing has been made clearer than another, it is the conviction held by all who desire to look things straight in the face that the Government have, for some reason known only to themselves, changed their attitude in regard to the question at issue. The wording of the amendment of the honorable member for Wide Bay seems to me clear, incisive, and unmistakable, while that of the amendment now before us indicates, as previous speakers have remarked, that the Government are arrogating, not only the power to coerce the States, but also the power to interpret the Constitution. I have a very high esteem for the members of the Labour Party personally, and I believe that many of their efforts are directed, and tend, towards the improvement of the condition of the workers of Australia, by increasing their share in the profits of their labours. I shall be found supporting these efforts, and I have declared myself in favour of them, both in this Chamber and outside. But what is the present position? The Labour Party has hitherto displayed one commendable characteristic—that of consistency and devotion to principle. But it has been shown during the debate that they have departed from that characteristic in regard to other matters besides that now under discussion. They would have occupied a much stronger position in the minds of honorable members generally, and of the public, if they had maintained the position of absolute independence which they held in the past. It is true that they may now be influenced to some extent by the fact that certain of their members are holding office. I am of opinion that the high and honorable positions which Ministers fill were not sought by them, but forced upon them, and that they are justified in retaining them until the existence of a solid majority opposed to their programme is demonstrated. I have already indicated my fundamental objections to the Bill, based upon the belief that it is too comprehensive and far-reaching for the interests involved. In my opinion there are only three classes of employment in regard to which interference is at all necessary—that of the waterside workers, the shearers, and the seamen. Surely it would have been better not to have caused

the friction, turmoil, and waste of time which the introduction of this large measure has brought about, together with the further undesirability of lowering the public estimation of our capacity for legislation. The measure has indeed been tragic in its results. It brought about, in the first instance, at the end of last session, the death of the prospects of the Labour Party, and it only recently caused the death of the Deakin Administration. Before it is passed I hope still more tragic consequences will follow from it, with a correspondingly beneficial result to the community. I hold that it is undesirable that this Bill should be forced upon the public. I feel, as I have frequently said, that the line of division between parties in this Chamber must show itself more clearly every day, and separate those who wish to respect the rights of the States from those who favour unification. No honorable member can have any doubt as to my individual position. I trust that a majority of honorable members will always be found ready to respect the rights of the States. Quite apart from the constitutional aspect of the question at issue, I think that the trend of the legislation which has been introduced, and of the amendments of which notice has been given, will be to solidify the party which is composed of those who desire to maintain States rights, and to oppose them to those who are ready to ignore the rights of the States. I hope that day by day, and month by month, as each piece of legislation is brought before us, those who support the integrity of the States will become more and more clearly distinguishable from those who are in favour of unification. The Labour Party, as a whole, have clearly indicated that they favour unification, and they are endeavouring to use the Constitution to secure advantages which they have been unable to obtain under the Constitutions of the States. One of my strong objections to the Bill is that it is an attempt to use the Federal Parliament as an instrument for the easier accomplishment of their ends. I base my objection to the inclusion of the railway employes on the ground that we have no right to interfere with the administration of the States in regard to a matter of such serious consequence. If the Bill, as it is proposed to amend it, became law, there would, undoubtedly, be great and continuous friction and irritation in the relations of the Commonwealth and the States. In the first session of last Parliament, the present Attorney-General moved

the following motion, which will be found in *Hansard*—

That in the opinion of this House it is expedient for the Parliament of the Commonwealth to acquire, if the State Parliaments see fit to grant it, under section 51, sub-section xxxvii, of the Constitution Act, full power to make laws for Australia as to wages, hours, and conditions of labour.

The Prime Minister of that day, the present Mr. Justice Barton, was inclined to agree to that motion, but he suggested the substitution of the expression "accept" for the word "acquire," because he was anxious that there should be no friction between the Commonwealth and the States. He said—

This will make it clear to the States, that we are simply declaring our willingness to accept this power, if they grant it—not that we set about acquiring it in any sense that we wish to wrest the power away from them. It is absolutely necessary in our early dealings—and, in fact, in all our dealings with the States of the Union—that, whatever treatment we may experience ourselves, we shall behave in the most conciliatory way to the States.

In agreeing to the amendment suggested by the then Prime Minister, the present Attorney-General said—

I am quite sure that the Prime Minister knows exactly how the matter stands, and that it needs tact and care and cautious approaches. . . . but our efforts would be perfectly useless if we approached the State Legislatures with a whip in our hands.

The resolution was transmitted to the various States Governments, and the replies sent by the Premiers show that their feeling was opposed to any interference with the control exercised by the States over their own interests. The Tasmanian Premier said—

It is undesirable for the Parliament in this State to surrender its rights to make its own laws upon the important subjects named in the resolution.

Sir John See wrote—

In my judgment this is a question that should be left to each State to determine.

Mr. Jenkins, the Premier of South Australia, wrote—

That his Government did not consider it expedient to take action in the matter.

The Premier of Victoria appears to have merely acknowledged the receipt of the Prime Minister's communication. The late Mr. Leake, who was then Premier of Western Australia, said that—

While not favorable to the transfer from the States of powers to deal with industrial legislation, he would not oppose the transfer, if the other States agree.

If the Government had desired to approach this matter in a conciliatory spirit, they might have endeavoured to secure the concurrence of the States Governments, or, at any rate, an expression of their views with regard to the proposal. I know that in many of the States the interference with States rights, which is contemplated by the amendment, will probably give rise to very serious friction. I do not wish to express any opinion upon the constitutional aspect of this question; but, so far as I can, as a layman, judge of its merits, it appears to me that the law is clearly and distinctly against any interference on our part with the control exercised by the States Governments over their servants. It is not, however, upon that ground, but because it is desirable to preserve intact the rights of the States, that I have decided to vote against the amendment.

Mr. LEE (Cowper).—I had not intended to take any part in this debate until I heard the remarks which fell from the honorable member for Koovong. He considered that if we brought the railway servants of the States within the scope of this measure, we should infringe States rights, and that was his sole reason for opposing the amendment. As I understand the position, we shall not in any way invade the sphere of the States by bringing railway servants under the control of the proposed Arbitration Court, because it is only when disputes extend beyond the control of the States that any authority can be exercised under the Bill. I think it is highly desirable that some tribunal should be created to deal with disputes affecting the great railway services of the Commonwealth. If a horse gets beyond the control of its owner, and runs away, and some one else comes forward to stop it, the owner cannot justly say to the person who comes to his assistance—“You are interfering with my property.” The intervention in that case is with the object of preventing injury or loss of life, and in the same way we should interfere in disputes extending beyond any one State for the purpose of averting national disaster. No honorable member wishes to interfere with States rights. Personally I have no desire in that direction; and, moreover, I feel sure that the States will take good care that we do not trespass upon their domain. The States railways are the great highways of commerce, and if a strike were to occur in connexion with them, the whole of our trade operations would be utterly disorganized.

I believe that the application of this measure to the railway servants will prove its one redeeming feature. I am opposed to the Bill upon general grounds, because I do not believe in handing over the industrial affairs of the Commonwealth to the control of a Court consisting of a Judge and two assessors. At the same time, in view of the probability that the Bill will be passed into law, I consider it my duty to do my best to make it a workable and beneficial measure. I shall therefore support the Government proposal to bring railway servants within its scope. I do not see that we shall in any way interfere with the States, because the tribunal which we propose to create will not step in until the States Governments are no longer able to exercise control. Although I hold that the present Government have, owing to their change of attitude, absolved all those who previously supported them from any further obligation to vote in their support, I still cast my vote in favour of the amendment.

Mr. DUGALD THOMSON (North Sydney).—I desire to say only a few words, and I should not have risen but for the appeal made to me by the Minister of External Affairs in connexion with some remarks of his which were referred to by an honorable member on this side of the chamber. The honorable and learned member was reported as having, at a meeting in Sydney, made certain remarks which, from my knowledge of him, I scarcely thought he would utter. I intimated to him that if these remarks were accurately reported, I should take action in this Chamber with regard to them. I am glad to say, however, that the honorable and learned gentleman told me that, although he had made use of some of the expressions attributed to him, the press report did not accurately convey his meaning. He stated that so far from anticipating or desiring bloodshed or anything of that sort, he expressed the fear that in the future such a powerful control would be exercised by the masses of the people that those who considered themselves injured by such control might have no recourse but revolution and bloodshed, and that he desired to avert any such consequences by erecting a tribunal which would arbitrate between the parties concerned. I accepted that explanation as being quite in keeping with the honorable and learned gentleman's good sense, and because I could see how a wrong impression had been conveyed by the

omission, from the newspaper report, of certain connecting remarks. The Minister having appealed to me, I feel bound to express my opinion that an entirely wrong impression was conveyed by the report.

Mr. WATSON.—I was present at the meeting in question, and I can testify to the correctness of what the honorable member has just stated.

Mr. DUGALD THOMSON. — I have only one or two additional words to say. A number of entirely different opinions have been placed before us by Ministers. The Prime Minister stated—

Personally, I have never asserted that we are bound to include the clerical employés of the Governments of the Commonwealth and the States other than those who may be incidentally connected with industrial concerns carried on by those Governments.

He expressed his opinion that they could not be included, owing to our limited power under the Constitution. The Attorney-General supported that view, but the Minister of Trade and Customs differed from it to the extent of stating that, in his view, most of the employés of the States Governments would be brought under the provisions of the Bill as proposed by the Government. Then the Minister of External Affairs defied any one to name any employé of the States who would not be brought within the scope of the measure. We are entitled to expect corporate opinions in the same way as we look for corporate decisions from the Ministry, and it is rather unfortunate that several Ministers should have presented to us different interpretations of their own measure.

Mr. WATSON.—The difference of opinion related only to a law point.

Mr. DUGALD THOMSON. — But Ministers have expressed varying desires. The Prime Minister himself said—

I have never asserted that we are bound to include the clerical employés of the Governments of the Commonwealth and the States.

Mr. WATSON.—But I stated that we should bring within the scope of the Bill all the employés we could, consistently with our powers under the Constitution.

Mr. DUGALD THOMSON.—Yes, but the Minister at the same time expressed the opinion that, under the restricted power given by the Constitution, we could not include public servants, except such as were engaged in industrial undertakings. Ministers must not complain if, owing to the varying expressions of opinion given by Ministers, honorable members should express doubt as to the meaning of the amendment which they propose.

Mr. SPENCE (Darling).—I do not wish to make a second speech, but I desire to add a few remarks to those which I was induced to shorten in order to allow the right honorable and learned member for East Sydney to speak prior to his departure by this afternoon's express for Sydney. I have been very much struck by the divergent views expressed by honorable members belonging to what may be termed the third party.

Mr. WATSON.—Would they not be more correctly described as the fourth party?

Mr. SPENCE.—They may belong to the fourth party, but they fill the seats formerly occupied by the members of the Government and their supporters, and I think they may be appropriately referred to as the third party. Some honorable members have complained that the Government, in their proposal, have not included the whole of the public servants of the Commonwealth and of the States. They affirm that State employés who are engaged in a purely clerical capacity will be exempt from the operation of the Bill. Others, again, complain that the amendment will include all public servants. In this connexion the honorable member for Wentworth gave some interesting definitions from *Webster's Dictionary*—definitions which appear to be wide enough to cover every person who is engaged in the performance of any kind of manual or intellectual work. It has been said that the Government have abandoned the views which they previously held upon this matter, as if its members were an entity prior to assuming office. That sort of criticism is unfair because the Ministry is a new one.

Mr. KELLY.—But they all held the same view prior to the defeat of the late Government.

Mr. SPENCE.—Nothing of the sort. The honorable and learned member for Wannon declared that the members of the Labour Party at the last election advocated the inclusion of all public servants. That, however, is not a fact. I would further point out that the position of an individual member of the Committee, and that of a member of the Ministry, is widely different. When a private member submits an amendment, as the present Minister of Trade and Customs did upon this clause, he drafts it in the way that suggests itself to him at the time as being the most applicable to the Bill of which the Government have charge, and in the framing of which he has had no hand. But when a new

Government takes charge of the measure, they naturally make alterations in it. That is only to be expected. To my mind, the Ministry, instead of being blamed for having drafted an amendment which gives effect to the same idea, should be commended for so doing.

Mr. KELLY.—Is it the same idea?

Mr. SPENCE.—Most certainly it is. The Government have adhered to the wording of the Constitution. I hold that where our Constitution is vague, the wisest course to follow is to adhere to its wording, and allow that Constitution to be interpreted by the tribunal which has been created for that purpose. Do we not know that honorable members of this House who were delegates to the Federal Convention are unable to explain what was intended to be conveyed by some of the provisions of our Constitution? Have we not heard the right honorable member for Swan asserting that had he known that sub-section xxxv. of section 51 of the Constitution could have been applied in this way he would have opposed it? Personally I think that the amendment proposed is an excellent one, and probably that is the ground for much of the objection which has been urged against it. I had intended to dwell at some length upon the remarks which were recently made by the Chief Justice of New South Wales upon the working of the Arbitration Act in that State, because a great deal is being made of them outside of this House. I have read those comments, and I hold that when they are analyzed specifically they will apply to any Act of Parliament. In the first place he declares that that statute interferes with the liberty of the subject. That, I claim, is the object of every law which is passed.

Mr. KELLY.—The effect—not the object.

Mr. SPENCE.—The real object of every law is to prevent some person or persons from committing unjust acts. The Chief Justice then affirms that the operation of the statute creates new crimes. But I would point out that a breach of any law is a crime. Indeed, the greatest law-breakers at the present time are to be found amongst those individuals who a few years ago clamoured for law and order, all the time desiring in reality that license should be extended to them. Then the Chief Justice says that the Court fixes the terms and conditions of employment. But the State acts in a similar way in regard to everything. The object of our factory laws is to determine the limits to which employers

and employes may proceed. So it is in regard to the Mines Regulation and Inspection Act. This judicial authority also declares that the Arbitration Act deprives employers of the conduct of their own businesses, except upon the terms laid down by the Court. Is not that the main object of all Statutes of the kind? Is not the idea underlying such legislation that some impartial person, after hearing the evidence upon both sides, shall give a fair award between the parties? The Act, he declares, is productive of litigation and ill-will. With regard to that, I admit that the New South Wales Statute is faulty, in that it permits of lawyers appearing in Court on behalf of the parties concerned. The Chief Justice also urges that it divides people into two camps, altogether forgetting that such a division existed prior to the passing of the Act. I venture to say that the experience of New South Wales shows that many thousands of persons have been benefited by the operation of the Act, and are working peacefully and without friction. Indeed, I do not know of any case in which the wages now being paid to employes have been increased beyond the level of those previously paid by fair employers. Further, a great many cases have been settled without any appeal whatever to the Court. Any one who will take the trouble to peruse the actual records will see that the Act has been productive of peace, and that it has conduced to a better understanding between masters and men. I think that no Judge has a right to use the Bench to deliver socialistic addresses. He should leave that task to politicians. His duty is to administer the law. I hope that the Committee will support the amendment proposed, because of the great good which it will confer in the event of any industrial trouble arising.

Mr. WILKS (Dalley).—The discussion that has surrounded this amendment covers the whole gamut of the Conciliation and Arbitration Bill. This afternoon we heard the still small voice of those honorable members who are entirely opposed to arbitration, and later on a louder voice was raised against the invasion of State rights. It is worthy of notice that the opposition to the amendment comes from those who are opposed to the Bill as a whole. A small voice has been raised in opposition to the principle of conciliation and arbitration, and while I can understand the opposition of a man who calls himself an individualist, I feel that it is absurd for any one to expect that those who believe in the principles

of this Bill will be drawn away from their purpose by the contention that the amendment does not go as far as they desire. I said last night that I was astounded at the failure of the Government to vote for the inclusion of public servants of the Commonwealth. A great army of public servants is employed in the Post and Telegraph and Customs Departments, which are under our control, and it appeared to me that if the Government could not consent to the extension of the Bill to these Commonwealth servants, they were placed in a very invidious position. I subsequently had an opportunity to express my regret at the failure of the Government to propose the inclusion of all public servants, but this evening I find the Minister of External Affairs sheltering himself behind the definition clause, which, he points out, includes persons engaged in all classes of employment. In opposition to the opinion expressed by the Minister, the honorable and learned member for Wentworth has presented the Committee with the definition of the word "industry" given in a well-known dictionary, and in these circumstances I desire to know from those who are versed in the procedure of the Courts, whether the High Court will give to the word "industry" the meaning ordinarily applied to it, or whether some particular definition is to be given as regards its application to the wage-earning classes. The honorable and learned member for Angas asserts that if we carry this measure—and it must be borne in mind that he is opposed to it—the Conciliation and Arbitration Court will not be able to enforce an award against a State. But that is exactly the position in which the High Court stands. The honorable and learned member supported the creation of that Court, believing that it would provide for the mercantile, commercial, and capitalistic classes of Australia a means of fighting out their differences; but we cannot lose sight of the fact that it has no power to enforce its decisions against a State. It has no power of execution. It can simply present its certificate to the Treasurer of the State against which the decision has been given. That is my view of the position, and I have never heard anything to the contrary in this Chamber. When the High Court Procedure Bill was before the House, many honorable members who belonged to the legal profession pointed out that there was no provision for execution, and the honorable and learned member for Angas now points to what he

regards as a similar weakness in relation to the Court proposed to be created under this Bill. If an honorable member fails to say that he believes in States' rights it is at once asserted that he is a unificationist. The average elector will imagine that there must be something radically wrong with the representative to whom that term is applicable. You, Mr. Chairman, would not like to be described as a unificationist before a mixed audience that did not fully understand the meaning of the word. Many persons would imagine that to be a unificationist approached being a rebel; but young as I am, I shall not be prevented by any such bogey from doing my duty. The Minister of External Affairs has informed the Committee that, under the definition clause, men engaged in occupations of all kinds throughout the Commonwealth will be covered by the word "industry." That being so, I wish to know what object the Prime Minister has in view in submitting this amendment. Why should the Government propose that the clause shall specifically refer to railway employes? I am in favour of the inclusion of railway servants, but I fail to understand why the Prime Minister should desire to insert the amendment if the clause itself is governed by the definition of the word "industry." The definition is a very wide one, and to the lay mind, appears to cover every occupation. That being so, why is this amendment necessary?

Mr. WATSON.—There is some little difference of opinion as to what the word does mean.

Mr. WILKS.—If the Prime Minister simply submits the amendment in order to overcome some little difficulty, so far as this Chamber is concerned, as to the definition, I can understand the position that he takes up.

Mr. WATSON.—I appreciate it as being more than that.

Mr. WILKS.—Then I cannot reconcile the two Ministerial statements. The Prime Minister, for some reason or other, believes that the amendment must be inserted, whilst the Minister of External Affairs has said in effect that there is really no necessity to particularize railway servants, inasmuch as they are covered by the definition of the word "industry." With the exception of myself and one or two others, the Government have no supporters of their proposal on this side of the House. For the most part those with whom I am associated have taunted the Prime Minister with a desire to



escape from the position taken up by him prior to his taking office.

Mr. PAGE.—But are not such attacks only part of the game?

Mr. WILKS.—If they are, that fact should be known. But I cannot believe that those with whom I have been so long associated would be guilty of resorting to such tactics. I cannot believe that for mere party purposes they would level such charges at a new Ministry. I hear no denial of the suggestion. Am I to understand that those who are opposed to the principle of conciliation and arbitration are merely attacking the Ministry as "part of the game"? If that be so, the public will readily recognise such tactics. The honorable member for New England, in referring to the position of the railway employes of Western Australia, mentioned that they are receiving higher wages than are paid to operatives doing similar work in other States, and urged that their remuneration would be reduced by the Court. In other words, he held that a dead low level would be fixed. There are fewer railway men in my electorate than there are in any of the suburban divisions of Sydney; but my knowledge of them convinces me that they would not support a proposal that was calculated to make their position worse than it is. The honorable member asserts that many trades unionists have not the moral courage to withstand any agitation in their ranks, although they may really be opposed to it. As one who, while not a trades unionist, has been intimately acquainted with members of trades unions from his boyhood, I have no hesitation in saying that this is not the case, and that the majority never attempt to tyrannize over the minority. The Prime Minister, as the representative of the Typographical Society, was a member of the Sydney Trades Hall Council. He was for years one of a very marked minority in the organization, and is a living proof of the fact that trades unionists do not allow their individual opinions to be submerged by a tyrannical majority. A fallacy which is very generally accepted is that, in the trades unions, at all events, of New South Wales, those who are in a minority give way to numerical strength—that, because of moral cowardice, they do not stand by the views they hold. That is not the case.

Mr. SPENCE.—The honorable member is quite right.

Mr. WILKS.—Then it is said that the railway employes are supporting a proposal

which, if carried, would lead to a reduction in wages. Can it be imagined, even for one moment, that all the employes in Australia will rush the Conciliation and Arbitration Court as soon as it is created. I think not; and, although I approve of the establishment of the Court, I hold that the fewer the cases in which it is resorted to the better it will be. The position which it will occupy will be very much like that of the police who patrol our streets. If the residents of Melbourne were seized with a sudden desire to become disorderly, the police who patrol the streets of the city could not control them. It is not the police who keep order; it is the moral force of the community. We may expect this moral force to continue to work in respect to the ordinary affairs of trade and commerce, and that both employers and employes will continue to obey the law. But are we to assume that the Arbitration Court will be biased in favour of one side or the other? Business men and other members of the community are not afraid to trust the decision of their disputes to the ordinary Courts. If they fail before one Court, they will sometimes appeal to another—especially if they think their opponents are without money—until they get to the Privy Council. But it is not generally held that the decisions of the Courts are unfair or prejudiced. Are we to believe that the Arbitration Court will act differently from the other Courts, that its judgments will be opposed to justice and wisdom, and that it will favour either the employers or the employes? Then it is not to be forgotten that there must be always two parties to a dispute. If a dispute arose between the Railways Commissioners of any State, or States, and their employes, which would ultimately bring both parties before the Court, the employes would have to show that their claim was a good one, and the employers that they had good reason for resisting it. The object of the Bill is to prevent resort to the rough and rude methods of settling disputes which have hitherto obtained. Before employers will take the risk of being brought before the Court, they will satisfy themselves that they have good reasons for opposing the demands of their employes, while, on the other hand, the employes will know that they will be called upon to show good reasons for the demands which they make. Both sides will be bound by the decisions of the Court, which will be supported by the moral force of the community at large. I have heard it said that the

proposal is an invasion of States rights. Although it is not held to be an invasion of States rights to bring private employers and employes within the scope of the Bill, it is said that to make it apply to public servants of the States, such as railway officials, is to invade States rights. I would like to hear a State right defined, so that I might know one when I met it. At the present time I should not know one from a barber's pole. I am constantly being told—"Don't you touch that. If you do, you invade a State right." In the pre-federal days, you, Mr. Chairman, are said to have stated that the only State right you knew was the Peacock laugh in Victoria. Apparently, if we legislate in respect to the employes of a State Government, we are invading a State right, but if we legislate only in respect to the private citizens of a State, we are not invading a State right. Surely the public servants, including the railway employes, of a State, are as much citizens of the Commonwealth as are the private employes living within that State, and, similarly, the Railways Commissioners of a State are as much citizens of the Commonwealth as are the private employers within it. Therefore, the contention seems to me anomalous. Furthermore, I am told that if I support the application of the provisions of the measure to the public servants of the States, I am a unificationist. Apparently, according to the logic of some honorable members, if I were admiring the Melbourne Post Office, which is a Commonwealth building, and saying to myself, "I, as a citizen of the Commonwealth, have an interest in that building. One brick of it, perhaps, belongs to me"—another man could come along and say, "You have no right to admire that building. It is a Victorian building, and only the citizens of Victoria have an interest in it." The people of the States are not distinct nationalities. The legal argument is that the provisions of the Bill must not be applied to the public servants of a State, not because it would be inexpedient, unjust, or dangerous to so apply them, but because it would be unconstitutional. Many legal members, however, tell us that it would not be unconstitutional. I desire to bring every individual in the Commonwealth under the Bill. I believe in arbitration, and I would neither particularize nor exempt any class of the community in regard to its application. It is only when a dispute extends beyond the limits of a State that the measure will operate. Some people

seem to fear that we are providing machinery which will be an addition to the machinery already in operation in some of the States. In New South Wales, for instance, they have an Arbitration Court. That Court has power to deal with all disputes occurring within New South Wales. The Commonwealth Arbitration Court will not interfere in the settlement of those disputes. But the New South Wales Court cannot deal with disputes extending beyond the limits of the State, and, to supply that want of power, the Commonwealth Court will be given jurisdiction. I cannot understand, however, why the Ministry propose to limit the scope of the Bill practically to railway employes. Do they propose to make a distinction between the wage-earner and the man who is paid a salary? Surely that, as the leader of the Opposition put it, would be the height of snobbishness. The reply of the Minister of External Affairs, which, I take it, was indorsed by the Prime Minister, was that the Ministry do not wish to exempt salaried employes.

Mr. FISHER.—The amendment covers the whole ground, so far as we think it can be covered. It admits of the exercise of all our powers under the Constitution.

Mr. WILKS.—I have risen to support the application of the Bill to railway servants, though I am sorry that the Government have moved the particular amendment now before the Committee.

Mr. WATSON.—We wished to "make assurance doubly sure."

Mr. WILKS.—The action of the Government on the present occasion surprises me, in view of their support of the amendment of the honorable member for Wide Bay. Was that amendment carried contrary to their expectations? How it was carried is no concern of mine. I voted for it, believing in the principle it embodied. Apparently, however, the members of the Labour Party expected to come into office on the carrying of an amendment including only railway servants. At any rate, they are not prepared now to "make assurance doubly sure," so far as the position of other Commonwealth and States public servants is concerned. I cannot refuse to vote for the present amendment, but I should like to have seen both Commonwealth and States officials brought within the scope of the Bill. I cannot respect the Ministry for including the railway officials and excluding others. The Deakin Administration stood condemned because they believed it unconstitutional to

the provisions of the measure to Commonwealth and States officials, including railway officials. They baulked at three hurdles, whereas the present Ministry baulked at two, because they deem it unconstitutional to apply the provisions of the measure to the public servants of the Commonwealth or of the States, other than railway employes. Personally, however, I am, in the vernacular, a "whole hogger." That is an inelegant but expressive term to define my position as that of one who wishes to include all classes of public servants. I should like to see this Labour Ministry "whole hoggers." I suggest to them, not as a Greek bringing presents, but as one who wishes them well, and desires to assist them, that it is not too late to change their attitude on this matter. I have been with them in many of their proposals for years past, although not officially associated with them. If the interpretation clause, with its definition of an industrial dispute, covers the whole ground, well and good, but if it does not we shall have what may be termed an emasculated measure. I am afraid that unless the Government stand to their guns in connexion with their original proposal to bring the public servants of the States within the scope of this measure they will not command the same respect as they have hitherto enjoyed. I hope that they will not attempt to run around the hurdle which the Deakin Ministry refused to jump, and that they will not expose their friends to any reproaches on their account. I believe that the Minister of External Affairs is perfectly honest in his opinion that the amendment will embrace all public servants of the States, and, although I should like to have some further assurance upon that point, I shall vote for the amendment under the impression that it will confer the benefits of the measure upon all classes of employes.

Mr. LONSDALE (New England).—I desire to say a few words in reply to the honorable member for Dalley. The honorable member said that I had asserted that the effect of the Arbitration Act would probably be to reduce the wages of the railway employes. I pointed out that the railway men of Western Australia were being paid at higher rates than those which ruled elsewhere in the Commonwealth, because the railways of that State were paying much better than others. I mentioned that this fact must be taken into consideration by any tribunal which might be called upon to fix

the rates of wages, and that, whereas it would be impossible to make the Western Australian scale general, the effect of any arbitration proceedings would probably be to reduce the wages in Western Australia and possibly to raise those in other States in order to bring about uniformity. I argued, therefore, that whilst some of the railway employes would probably gain, others would sustain an injury. I do not for a moment contend that the Bill would operate to reduce wages, but that it would probably average them by reducing them in one State and raising them in another.

Mr. BAMFORD.—There is nothing to compel the Court to make the wages identical in all the States.

Mr. LONSDALE.—No; but they could do so, and we know that that has been done in connexion with other arbitration proceedings. In New Zealand, the unions are now agitating to have the decisions given by the Arbitration Courts in one part of New Zealand applied all over the Colony, and the chances are that if a dispute arise upon the railways and extended beyond any one State, the Arbitration Court would place the wages in the States concerned upon the same level. The honorable member for Dalley said that the railway men would be foolish to submit to an authority unless they had some expectation that their wages would be raised, and he thus gave away the whole case. He apparently believes that the effect of this legislation will be to raise the wages of the men, but Ministers tell us that the men will have to accept a reduction if the Court so decides. One of the railway men, speaking at a meeting recently held in Sydney, complained that the Railway Commissioners adopted the practice of giving comparatively unimportant work, and a correspondingly smaller rate of salary, to men who had become incapacitated for employment in the higher branches of the service, and I submit that no Arbitration Court could be expected to award a man who is employed looking after luggage the same rate of wages as is paid to engine-drivers. The honorable member for Dalley endeavoured to make us believe that the railway employes would submit to the adjudication of the Arbitration Court only in the hope of their wages being raised, but if they are brought within the scope of this measure they will have to take their chance of a reduction of wages. I want the case to be fairly placed before the men, so that they may know what are the risks on the one side, and the

advantages on the other. The honorable member challenged my statement that in many cases unionists had not the moral courage to take an independent course. I am in a position to prove the absolute correctness of my statement. I was informed that the last big strike at Mort's Dock would not have occurred if the married men had had the power to prevent it. The single men brought about that strike, and the married men could not resist them. We all know that that strike was a fiasco from beginning to end, and was brought about by only a section of the employés. The same remarks would apply to many of the strikes which have occurred at Newcastle from time to time. Then, again, when the Australian Workers' Union demanded 25s. per 100 for shearing, a number of shearers would not go out on strike. I was told by some of the unionists, who live in my own constituency, that the demand should never have been made. I asked them why they did not oppose it, and they said it would be utterly useless for them to attempt to do so. I then asked—"Why do you not go to work for the squatters?" and they replied, "We are not going to shear at all; we do not believe in this demand, but we cannot blackleg." I think that these instances are sufficient to abundantly prove my assertion. The honorable member for Dalley also told us that in his view every Court was a Court of Justice, but my experience is that although there may be plenty of law in our Courts there is extremely little justice. I have always advised others to adopt the same course that I follow, and on no account to go to law, or have anything to do with lawyers. The honorable member did not apparently understand what constituted a State right. I would point out to him that the railway services belong to the States and not to private individuals, and, therefore, that the right to control the railways is a State right. Even though a railway strike might extend from one State into another, it could not be said to have passed beyond the control of the States authorities, because it could be dealt with by the authorities in those States over which the dispute extended. I do not believe that even in such a case the Commonwealth should interfere. If it had been clearly provided that the Commonwealth should exercise control by means of a Conciliation and Arbitration Court over the railway services of the

States, none of the States would have accepted the Constitution, and it would be absolutely wrong for us to seek by a side wind to exercise power which was never intended to be granted to us.

Mr. FULLER (Illawarra).—As one of those who on a former occasion supported the proposal to bring railway servants within the scope of the Bill, I desire to say that I intend to vote for the amendment. When I voted previously, there was no crisis, and no question as to whether the Ministry should remain in office, or be rejected from it. I voted for what I believed to be an important principle, and I shall act similarly this evening. It was rather amusing to listen to the wordy conflict between the honorable member for New England and the honorable member for Dalley. The former honorable member has laid it down that lawyers are persons to be avoided, and he evidently regards them as robbers. I do not greatly care whether the proposal of the Government is constitutional or otherwise, notwithstanding that, upon numerous occasions we have heard the leading members of this House discussing that question. The chief reason why I voted in favour of the early establishment of the High Court, was that it might be able to decide questions affecting the interpretation of the Constitution. That was one of the principal reasons advanced for the creation of that tribunal. I have every confidence in the ability of the Justices of the High Court to decide whether this proposal is constitutional or otherwise. We have been told by some honorable members that it involves an interference with States rights. To my mind, however, a dispute affecting the railway employés of the States is one of the most important that could occupy the attention of any Arbitration Court. Honorable members should recollect that the States railways carry our mails as well as our produce. Some opposition has been urged to the Bill, upon the ground that it will interfere with the producers of the country. But I ask, "Could anything worse happen to the producing classes than the sudden stoppage of our railway system?" Why, such an occurrence would be nothing short of a national disaster. I take it that the chief object of this measure is to prevent strikes. If, by including the railway servants of the States within the scope of this measure, we can prevent the possibility of a great railway strike, we are making a wise provision against a calamity which may, at any time, befall our producers and people generally.

Doubtless, we all remember the great maritime strike, which was productive of so much injury to our big producing industries several years ago. Let honorable members reflect for one moment upon the interests that would be imperilled by the stoppage of our railway system in any of the States. Why, if the railway service of New South Wales were suddenly stopped say, for example, between Sydney and Camden, or between Sydney and Nowra, what would be the result? Not only would the producers be injured, but also the thousands in the city, who depend upon them for their supplies of milk and other dairy produce. For that reason I strongly favour making this Bill applicable to railway employés. At the same time, I recognise the great difficulty which is involved in enforcing an award made by the Commonwealth Arbitration Court against a State. In the case of individuals, of course, an award can be enforced, because, as a last resort, the person refusing to comply with it can be sent to gaol. In the case of the States, however, no award can be enforced, except in a way that none of us desire. Personally, I regard the inclusion of the railway servants in this Bill, not only as a matter of expediency, but as one of principle. One remark made by the honorable member for Maranoa to-night was unfortunate. Whilst the honorable member for Dalley was supporting the very just accusation that the Government had effected a change of front upon this matter, he remarked that it was "part of the game." If there was one party in Australia which, up to the present time, could claim credit for consistency, it was the party which now occupies the Ministerial benches. But when in connexion with this particular clause, we find that they have turned a complete somersault, and when the honorable member for Maranoa, who is one of their strongest supporters, acknowledges that they are simply playing "the same old game" which has characterized politics in the past, those who advocate the inclusion of State railway servants have a right to assume that the Government are now acting the part which was played by their predecessors during the first three years of the Commonwealth's existence. I hold that the Government of the Commonwealth was degraded by the actions of the Deakin Administration, and I trust that during their term of office the present Ministry, or any succeeding Ministry, will not emulate their bad example.

*Mr. Fuller.*

**Mr. KENNEDY (Moir).**—In a jocular way the honorable member for Dalley remarked that he would be unable to distinguish between a State right and a barber's pole if he met one in the street. It is to be hoped that his ideas in this respect will undergo an improvement, and that he will not come into serious conflict with an officer of the law outside, as grave results might follow. I hold that there is grave doubt as to the constitutionality of the proposal to include in this Bill either the public servants of the States or the railway employés. I am indeed surprised at the changed attitude which is now taken up by the Government. Upon previous occasions we have heard the Prime Minister repeatedly urging that, irrespective of whether the same proposal was constitutional or not, it should be incorporated in the Bill, and that the High Court should be allowed to determine its validity. Both the honorable and learned member for Ballarat and the right honorable member for East Sydney have declared that it is unconstitutional, and even the present Attorney-General declines to affirm that it is constitutional. Those who assert that they can see no distinction between a State employe and a private employe miss the whole point of the situation. What private employe is protected by special Act of Parliament? Where is the private employer who is not brought into competition with other employers? But in what avocation is the State brought into competition with private individuals? In every instance, through our Public Service Acts or our Railway Acts, special provision is made for State employés. Personally, I cannot conceive how a dispute between the public servants and the Government of a State can extend beyond the limits of that State. Take the railway servants of Victoria as an example. Could a dispute between them and the Railway Commissioners extend beyond the limits of this State, unless the members of some affiliated union also went upon strike as a matter of sympathy?

**Mr. WATSON.**—That is nearly always the way in which these disputes extend.

**Mr. KENNEDY.**—It has been clearly laid down by the legal authorities in this House that sympathetic strikes would not come within the jurisdiction of the Arbitration Court.

**Mr. WATSON.**—I think so.

**Mr. KENNEDY.**—I venture to say that the Attorney-General will confirm my opinion. A strike which is purely of a sympathetic character would not be within

he jurisdiction of the proposed Arbitration Court. The present attitude of the Government forcibly recalls to my mind that human beings, irrespective of their station in life, are to a great extent governed by their environment. The present action of the Prime Minister and his colleagues is governed by the circumstances which confront them. The Deakin Ministry frankly asked the House to exclude from the operation of this Bill the public servants of the States and of the Commonwealth. The present Prime Minister and his supporters most strenuously objected to the adoption of that course. The result was the defeat of the late Government. Yet the present Ministry now turn a complete political somersault. I presume that the Prime Minister had some hand in drafting this amendment, which proposes to include only States railway servants, or those employed in industries which are carried on by or under the control of the Commonwealth, or a State, or any public authority constituted under the Commonwealth or a State. It leaves in doubt the class of person intended to be brought within the operation of the Bill. In the amendment originally formulated by the present Minister of Trade and Customs, the language employed was beyond question. A perusal of it showed at once that the intention was that every member of the Public Services of the Commonwealth and of the States should be brought within the provisions of the Bill. But without any explanation, the Government have departed from the phraseology employed in that amendment. I did not have the privilege of hearing the explanation made this evening by the Minister of External Affairs, but it seems to me that the members of the Government are themselves in doubt as to the extent of our constitutional power in this direction. Before they took office, however, they entertained no doubt whatever in regard to the matter. It is for the High Court to determine whether the Constitution enables all the public servants of the States to be brought within the scope of this measure, and there should be no room to say that the language employed in the Statute does not show the clear intention of the Parliament. It may be that the Ministry now realize the responsibility of their attitude, but it is well that the Committee and the country generally should know what is the true position. It is unnecessary for me to explain my attitude. I put my views clearly and distinctly before my constituents at the last elec-

tions, and was returned as one wholly opposed to the inclusion either of public servants or railway employés. As a member of the State Parliament of Victoria I supported the application of compulsory arbitration to the larger concerns of industrial life, in which there is competition among private employers, and as one familiar with the results of a resort to a strike I have from the first advocated that application. It has always been open to parties to resort to voluntary arbitration, but as the voluntary principle has never been successful I favour compulsory arbitration. I am emphatically opposed, however, to the proposal to bring the public servants or railway employés of the States within the scope of this Bill, for, in my opinion, it would be an infringement of States rights to do so. I may not have any definite opinion of what really constitutes States rights. I know that prior to the Federation the States had sovereign powers, and that under the Constitution of the Commonwealth they transferred certain of their powers to this Parliament; but I am convinced that the States have never transferred to the Federal Parliament power to deal with the public servants of the States. It is for this reason that I have pledged myself to oppose the extension of the Bill to States employés, and it appears to me that those who profess to see no distinction between the position of a State employé and the employé of a private individual are really burking the issues with which we are at present confronted.

Question—That after the word "State," line 12, the words "including disputes in relation to employment upon State railways," be inserted—put. The Committee divided.

Ayes	...	...	...	36
Noes	...	...	...	24

Majority	...	...	12
----------	-----	-----	----

AYES.

Bamford, F. W.  
Batchelor, E. L.  
Brown, T.  
Carpenter, W. H.  
Cook, J. H.  
Crouch, R. A.  
Culpin, M.  
Edwards, G. B.  
Fisher, A.  
Frazer, C. E.  
Groom, L. E.  
Higgins, H. B.  
Hughes, W. M.  
Hutchison, J.  
Lee, H. W.  
Liddell, F.  
Lyne, Sir W. J.  
Mahon, H.  
Maloney, W. R. N.

Mauger, S.  
McDonald, C.  
O'Malley, K.  
Page, J.  
Poynton, A.  
Ronald, J. B.  
Spence, W. G.  
Storrer, D.  
Thomas, J.  
Thomson, D. A.  
Watkins, D.  
Watson, J. C.  
Webster, W.  
Wilkinson, J.  
Wilks, W. H.

Tellers:

Fuller, G. W.  
Tudor, F. G.

## NOES.

Bonython, Sir J. L.  
 Chanter, J. M.  
 Chapman, A.  
 Deakin, A.  
 Edwards, R.  
 Forrest, Sir J.  
 Fysh, Sir P. O.  
 Gibb, J.  
 Isaacs, I. A.  
 Kelly, W. H.  
 Kennedy, T.  
 Knox, W.  
 Lonsdale, E.

McColl, J. H.  
 McLean, A.  
 McWilliams, W. J.  
 Phillips, P.  
 Quick, Sir J.  
 Robinson, A.  
 Skene, T.  
 Thomson, D.  
 Wilson, J. G.

## Tellers:

Fwing, T. T.  
 McCay, J. W.

## PAIRS.

Cook, J.  
 Kingston, C. C.  
 Willis, H.  
 Smith, S.  
 Fowler, J. M.

Smith, B.  
 Turner, Sir G.  
 Reid, G. H.  
 Glynn, P. Mc.M.  
 Harper, R.

Question so resolved in the affirmative.

Amendment agreed to.

Mr. WATSON.—I move—

That after the word "railways," the words "or to employment in industries carried on by or under the control of the Commonwealth or a State, or any public authority constituted under the Commonwealth or a State," be inserted.

I do not intend to revive the discussion. It has been argued that if the subsequent words cover all that has been claimed for them by the Minister of External Affairs, there was really no necessity to insert the words which we have just agreed to add to the clause; but, while I do not presume to offer my opinion so far as the question of construction is concerned against that of my honorable and learned colleague, I think that in order to make assurance doubly sure from the point of view of those who are anxious that the Bill shall cover all that we believe the Court is likely to allow us to include within its scope, it is essential that we should insert these additional words.

Mr. DEAKIN (Ballarat).—I do not propose to renew my argument on the principle upon which this amendment is based; but desire to point out, by way of caution, that honorable members opposite in submitting this proposal have, as the Prime Minister admitted, adopted a form of words that will bring under the Arbitration Court every individual who can possibly be brought within it, presuming their reading of the law to be correct. At the same time, they have not regarded in the slightest degree the questions of practical convenience and inconvenience which must necessarily arise. So far as I have gathered from the opinion expressed by the Attorney-General, he holds

that wherever we find an industrial occupation, whether it be that of one individual or of more, there at once the jurisdiction of the Conciliation and Arbitration Court will extend.

Mr. HIGGINS.—One individual?

Mr. DEAKIN.—Yes.

Mr. HIGGINS.—Limited by—

Mr. DEAKIN.—But we cannot make any limitation. The illustration which the honorable and learned gentleman gave was that of the Post Office.

Mr. WATSON.—Limited by the definition of the word "organization."

Mr. DEAKIN.—Yes, but only indirectly.

Mr. HIGGINS.—Directly.

Mr. DEAKIN.—I understand that the Attorney-General considers that the officers of the Postal Department, as well as the railway employés of the States, must be taken to be engaged in industrial employment. I do not know whether that applies only to certain officers, such as letter carriers, bag makers, stampers—

Mr. WATSON.—The whole Department is to be taken as carrying on an industrial employment.

Mr. DEAKIN.—Would the Deputy Postmaster-General and his staff be considered as engaged in carrying on an industry?

Mr. WATSON.—I think so. In my view, they are engaged in carrying on an industrial concern.

Mr. DEAKIN.—I think the Attorney-General should give us the benefit of his opinion on the point.

Mr. HIGGINS.—If the honorable and learned member asks me for my own view, I do not think the Bill applies to those engaged in clerical pursuits. What we are determined to do is to make the provisions of the Bill apply to all to whom the Constitution allows us to apply them.

Mr. DEAKIN.—I understand that; but am pointing out that all questions of practical expediency and convenience have been set aside. For my own part, I indorse the view of the Attorney-General. It seems to me that merely clerical work cannot be considered industrial employment. I take it that the officers of an administrative branch would not come under the Bill. That being so, there will be in the Department of the Post Office an uncertain line between employés engaged in industrial employment and those who are not, which can be made definite only by a series of decisions in the Arbitration Court.

Mr. HIGGINS.—I understood the honorable and learned member to ask whether, in

my view, the Bill would apply to the ordinary clerical employés of such a Department as the Treasury.

Mr. DEAKIN.—No; of the Post Office.

Mr. HIGGINS.—That is a different matter. There you have the business of carrying mails, and those incidentally employed in connexion with it may, for all I know, be taken to be engaged in an industry.

Mr. DEAKIN.—The Attorney-General is dubious on the point. The Post Office carries on the business of distributing letters, and incidentally does many other kinds of work.

Mr. HIGGINS.—Every one must be dubious as to the effect of the Constitution in this respect. We are bound by the words of the Constitution.

Mr. DEAKIN.—Yes; though I do not know that the same dubiety should obtain in regard to purely clerical employment, whether associated or not with employment which is not clerical. I am unable to understand how industrial employment can include those not engaged in an industry, but associated with others who are. Such a contention is surprisingly like that of the gentleman who claimed to be musical, not because he himself could play the fiddle, but because he shared his room with some one who did.

Mr. HIGGINS.—Take the position of a clerk in a foundry.

Mr. DEAKIN.—I should say that such a man is not engaged in an industrial employment. In my opinion, industrial employment means employment in an industry mainly productive, but, perhaps, covering the transmission of products as in the carrying business. I do not think it goes far beyond actual manual work or occupation directly connected with manual labour.

Mr. BATCHELOR.—What is the position of an overseer?

Mr. DEAKIN.—A man who, having industrial knowledge, is employed to overlook others engaged in the industry in which he is an expert, must be taken to be engaged in an industrial employment.

Mr. BATCHELOR.—Suppose he also did clerical work?

Mr. DEAKIN.—I do not think that that would take him out of the category of industrial employés. But it seems to me that public servants who sit at their desks casting accounts, making entries, or conducting correspondence, cannot be considered industrial employés. Now that all branches of the Commonwealth service

have been brought under the purview of the Bill, we shall have in some Departments men engaged in what may be termed industrial employment, or cleaners, whose position will be doubtful; and others whose occupation is purely clerical. To some of these the provisions of the Bill will apply, while to others they will not. Therefore, the adoption of this general drag-net amendment, which sweeps in every officer belonging to an organization engaged in industrial employment, however small the number of such individuals in a Department may be, will involve the consideration by the Court of a great number of petty particulars as to those departments, causing altogether disproportionate expense and delay.

Mr. WATSON.—That would be a matter for consideration when an organization applied to be registered.

Mr. DEAKIN.—I do not think that it is the intention to allow the registration of organizations to be refused on the ground that it might not be convenient for the Government of the day to permit it. I do not dispute that something is to be said for this provision. It was adopted because of a laudable ambition to confer the benefits of the measure upon all who could be brought within its scope; but sufficient consideration has not been given to the way in which it will work.

Mr. HIGGINS.—The honorable and learned member should really find fault with the Constitution.

Mr. DEAKIN.—If I thought that necessary, I should do so; but not at the present time.

Mr. HIGGINS.—It would not suit the honorable and learned member to do so now.

Mr. DEAKIN.—It would be useless and fruitless. I am rightly finding fault with the Bill, however, because we can amend it, while we cannot amend the Constitution. Even if the Constitution be defective in this respect, it is our duty to pass a measure which will not maintain its defects, and whose administration will not be difficult.

Mr. WATSON.—Will not the difficulty to which the honorable and learned member alludes arise also when the Court comes to define the private employés who are entitled to take advantage of the provisions of the measure?

Mr. DEAKIN.—Not to the same extent, if my view of the law is correct; though if the Prime Minister's view is correct, and industrial employment also includes



associated with men directly employed in an industry, it may. If my view be sound, the amendment should be reconsidered, so as to require that a substantial number of persons in a department shall be concerned before the provisions of the measure shall be held to apply.

Mr. WATSON.—The matter can be dealt with in connexion with the definition of an organization.

Mr. DEAKIN.—Having been in charge of Bills in Committee, I should be the last to expect the honorable gentleman to offer a solution of this difficulty off-hand. I do not ask him to do so. I am not fighting the amendment, because it is not big enough, but have felt it my duty to call attention to it, in order to offer a suggestion, of which Ministers may or may not take advantage, as they see fit. If the Prime Minister marks it on his copy of the Bill as a matter to receive further consideration, he will probably find that this is the place in which to deal with it, possibly not by amending the amendment, but by further amending the clause. I think that upon reflection he will see that it would be dangerous to commence to lay down, unless it were done with great precision, the conditions under which organizations may be refused registration, because frequent refusals would not be desirable, especially from the point of view of those who wish the measure to be freely taken advantage of. I do not wish to labour the point, nor shall I endeavour to apply my honorable friend's interpretation of industrial employment as covering all those connected with workmen engaged in an industry, though it offers a fertile field for suggestive inferences. For example, if a man working in a cellar were to be taken as engaged in an industrial employment, would all the clerks on all the floors above him be taken to be similarly engaged? Would they catch it as a sort of infection?

Mr. McCAY.—As they would catch influenza?

Mr. DEAKIN.—Yes. I have endeavoured to impress upon the Prime Minister a sense of the difficulty which I think will arise if the amendment is carried as he proposes.

Mr. GROOM (Darling Downs).—On a previous occasion I opposed the amendment of the honorable member for Wide Bay, because of its wideness.

Mr. DEAKIN.—That fact escaped my memory, or I should have mentioned it.

Mr. GROOM.—My opinion in regard to it was expressed in these terms—

I shall vote against the amendment in the form in which it has been presented by the honorable member for Wide Bay. It purports to embrace the whole of the public servants of the States, and of the Commonwealth. I fail to see how it is possible for us, under the terms of the Constitution, to pass a Bill of this kind which would embrace the public servants connected with, say, the Audit Department of the State of Queensland, or the Treasury Department of New South Wales. I attach great importance to the definition of the word "industrial." We are bound by the wording of the Constitution, according to which we can legislate only with regard to "industrial" disputes, and I cannot see how Departments such as those I have mentioned could be deemed to be "industrial."

Mr. DEAKIN.—Would it include persons engaged in the Post Office?

Mr. GROOM.—I am not prepared to say that it would not. It is possible that to determine what persons are engaged in an industry, the Court would have to look at the substantial work of the whole Department. Possibly those engaged in clerical work connected with an industry might be taken as engaged in industrial employment. The term "industrial," however, is one which will come up for definition by the High Court, and our individual opinions will not affect the Judges. When this matter was first brought before us, in September last, I opposed the sweeping proposal of the honorable member for Wide Bay. I then stated that I could not accept that amendment, because it was too far-reaching. I felt that the High Court could only construe the provision subject to the limits of the Constitution, and that the amendment would be misleading because it would embrace persons who could not be regarded as coming under our control. I could only vote in favour of bringing the railway servants of the States within the scope of the measure, because of the two proposals then before us that was the only one which I regarded as coming within the terms of the Constitution. I am pleased that the Government have now adopted an interpretation of the Constitution which follows the lines of the opinion I previously expressed. I could not support the first amendment submitted by the honorable member for Wide Bay, but the one now proposed is in accord with the opinions I have invariably expressed, namely, that the scope of our powers is limited by the term "industrial." I have thought this matter out very carefully, and I have come

the conclusion that in order to be consistent I shall have to support this amendment. I recognise that questions of expediency are involved, and that perhaps on the whole it would have been wiser if we had not endeavoured to go so far as is proposed by this amendment. However, our constitutional power will have to be decided by the High Court in any case, and it is just as well to get a final decision as to the true extent of our powers.

Mr. McWILLIAMS (Franklin). — I move—

That the amendment be amended by the omission of the following words—"in industries carried on by or"

My object is to bring the whole of the public servants of the States within the scope of the measure.

Mr. WATSON.—The honorable member voted against that proposal.

Mr. McWILLIAMS.—I am opposed to any States servants being included in the Bill, but I contend that, if we include any of the States servants, we should not discriminate between those who work with their hands, and who bunch their votes, and those who work with their pen, and do not exercise such great political power. With deference to those honorable and learned members who have given us their opinions upon the constitutional aspect of this question, I hold the view that the Commonwealth has no power to enforce an award against any State which declines to carry out its wishes. In reading an interesting history of America, I came across a paragraph which, I think, is particularly applicable to the present case. It reads as follows:—

When an individual defies the law you can lock him up in gaol, or levy an execution upon his property. The immense force of the community is arrayed against him, and he is helpless as a straw on the billows of the ocean. He cannot raise a militia to protect himself. But when the law is defied by a State, it is quite otherwise. You cannot put the State into gaol, nor seize its goods; you can only make war on it, and if you try that expedient you will find that the State is not quite helpless. Its local pride and prejudices are aroused against you, and its militia will turn out in full force to uphold the infringement of the law.

I would ask honorable members what would be the position of the Commonwealth if a State refused to comply with an award of the Arbitration Court? We all know that the railway trouble which recently occurred in Victoria, and which has not been entirely disposed of, is at the bottom of the provi-

sion which it is now sought to insert in the Bill.

Mr. WATSON.—What would happen if a State Government refused to comply with the judgment of any Federal Court?

Mr. McWILLIAMS.—I am not in the witness box; but I think that the Prime Minister will recognise that the fourteenth amendment of the Constitution of the United States was carried because the Federal Government found itself powerless to enforce its decisions against the States.

Mr. WATSON.—Except by the last resort.

Mr. McWILLIAMS.—Would the Prime Minister be prepared to adopt that last resort?

Mr. WATSON.—I should, if the occasion arose.

Mr. McWILLIAMS.—It is well that we should know where we stand. We have a railway trouble right upon us, and there is no use blinking the fact. Three different rates of wages are paid in the States of Victoria, South Australia, and New South Wales respectively. The wages paid in New South Wales are higher—considerably higher—than those ruling in the other States referred to. Suppose that a question arose with regard to wages, and the Arbitration Court decided, as they probably would do, that the same wages should be paid in New South Wales and Victoria, where the conditions are somewhat similar. Would the Court have the power to compel the New South Wales railway authorities to reduce their wages to the rates paid in Victoria?

Mr. WATSON.—No one would be compelled to reduce wages under any award; they could give as much more as they liked.

Mr. McWILLIAMS.—Then would the High Court be bound to accept the highest standard prevailing in any one of these States, and level up the rates in all the States?

Mr. WATSON.—No, but any State could pay as much as it liked beyond the amounts fixed by the Court. I know of employers in New South Wales who are paying to some of their hands wages one-third higher than the rates fixed by the award of the Arbitration Court.

Mr. McWILLIAMS.—Suppose then that the Arbitration Court decided that the wages paid to the Victorian employes should be increased, and the State authorities refused to comply with their award. Do I understand the Prime Minister to say that he would adopt the last resort and call out the military?

Mr. LONSDALE.—He would have a lively time if he did.

Mr. WATSON.—We do not contemplate anything of that kind.

Mr. McWILLIAMS.—The Prime Minister may safely assume that the States will not be prepared to surrender the control of their servants without a very considerable struggle. It is proposed to take from them the power to frame their own Estimates, and no State will surrender that right without a severe struggle. I would point out, further, that if the operation of this Bill is to be confined, so far as employes of the States are concerned, to those who are engaged on the railways, a gross injustice will be done to those States servants who are placed beyond the operation of the measure. In Tasmania the rates of pay are necessarily lower than those prevailing in the larger States. If the Arbitration Court decided that the wages of the Railway and Post Office employes in that State should be considerably raised, that change would be brought about at the expense of those public servants to whom the benefits of the Act were denied. The increase of salaries in Tasmania in the Post Office and Customs Departments, which has resulted from the transfer of those Departments to the Commonwealth control, has caused the other public servants in Tasmania to be deprived of their annual increments, and has created a Public Service aristocracy. There is already an outcry in some of the States that the cost of the Public Service is too heavy. It is becoming recognised that the community is divided into two classes, namely, the tax-payers and the tax-eaters, and that the tax-eaters are getting too large a slice of the public revenue.

Mr. WATSON.—The proper course to adopt is to get rid of the unnecessary men, and not to reduce the wages.

Mr. McWILLIAMS.—I do not think we have many unnecessary men in the Tasmanian service, because the injurious political influences which have operated in the other States have not been exerted there. I think that there are very few bees in the Tasmanian hive that are not making honey, and in some cases the salaries paid to public servants are too low.

Mr. WATKINS.—Then the honorable member ought to vote for the amendment, which will bring public servants within the scope of the Bill.

Mr. McWILLIAMS.—I am endeavouring to enlarge the scope of the amendment in order to embrace all classes of public servants, and I am going to put to the test those honorable members who have expressed the desire that all classes of the community shall share in the benefits of this measure.

Mr. HUGHES.—Who are excluded under our amendment?

Mr. McWILLIAMS.—If the Minister had been in the House and heard the explanation of the Attorney-General he would know what class of officers would be excluded under the amendment proposed by the Prime Minister. If the honorable and learned member will not attend, it is not right for him to ask me to repeat the opinions of his colleague. I intend to press the proposal that there shall be no distinction, so far as this House is concerned, between public servants. If the High Court likes to differentiate, let it do so. But it is not for us here, as representing the whole of the people, and not any one class of the people, to take such a step. I represent the public servant as much as I do the taxpayer generally, but I represent the Public Service as a whole, and not any chosen body. So far as my vote is concerned, I shall not allow, without protest, one class of public servants to be brought under the Bill by our special choice and decision—for that is the point—and another class to be excluded.

Mr. WATSON.—With regard to the suggestion put forward by the honorable and learned member for Ballarat, I do not see any greater difficulty for the Court in defining those who are to come under the particular provision, if carried, than what in any case arise in attempting to define which amongst the employes of any large firm should come under the definition of "industrial." In large iron works, for example, such as Mort's Dock, in Sydney, and similar concerns in Melbourne, a great number of people are employed in different departments and branches, including a great number of clerical hands, or men not engaged directly in industrial employment. Yet it seems to me that, generally speaking, these latter men are engaged indirectly in the industry; they assist the machinery to go round, and consequently may, I think, be held to be engaged in an "industrial" concern. Such men are just as necessary at one end of the business as is the manual labourer, mechanic, or artisan at the other. Consequently, it would be just as difficult for

the Court to define which of the employés of a private firm shall, if there is to be a distinction drawn, come within the definition in this Bill, as to make the distinction mentioned by the honorable and learned member for Ballarat in connexion with my immediate amendment. I do not see that we are imposing any greater task on the Court in this relation than we are in any other part of the Bill. The Court has cast on it the duty of first registering an organization; and I may point out that the definition of "organization" in the Bill is that, in the case of employés, it shall consist of not less than 100 members. Therefore, the Court would not have before it any case of Government employés unless at least 100 persons were concerned. I understand the honorable and learned member for Ballarat to be fearful that one or two men might be able to move the Court.

Mr. DEAKIN.—I mean one or two men here, and one or two men there.

Mr. WATSON.—Scattered men?

Mr. DEAKIN.—Yes.

Mr. WATSON.—And the honorable and learned member thinks that if these men aggregated 100 they might be able to move the Court?

Mr. DEAKIN.—Yes.

Mr. WATSON.—I do not think we run any greater risk in that connexion amongst the public servants than we do amongst the employés of any private individual. I admit the fair spirit in which the suggestion has been made, and for that reason will give it every consideration.

Mr. DEAKIN.—That is all I ask.

Mr. WATSON.—I do not at present see that the suggestion really affects the amendment as I have proposed it; but I may be able later to recognise the difficulty in the mind of my honorable and learned friend. As to the amendment of the honorable member for Franklin, I may say that all through this sitting—although I have not previously referred to the matter—I have been somewhat touched by the anxiety exhibited by all our opponents to load us up with gifts in this connexion. Those who are determined that by no vote, so far as they are concerned, shall the Bill provide for Government employés, are anxious to load the measure with provisions, which, if adopted, will make it unworkable.

Mr. McWILLIAMS.—It is the Prime Minister's own proposal.

Mr. WATSON.—Coming from ourselves, the proposal might have been accepted with some degree of confidence, because, to begin with, we are admittedly in favour of the measure, and of extending its benefits to as many public servants as is practicable under the Constitution. But coming from the other side, who are admittedly out of sympathy with the proposal—who are bitterly opposed to including any of the public servants within the provisions of the Bill—the suggestion has to be regarded with some degree of suspicion. So far as I am concerned, I plead guilty to no alteration of policy or attitude on this point. Right through I have expressed a doubt as to whether we have the power to include all public servants within the scope of the measure.

Mr. McWILLIAMS.—Did the Prime Minister not advocate including all public servants, and allowing the High Court to decide the constitutional question?

Mr. WATSON.—I said I was quite prepared to vote for such a proposal, because I did not want, at that stage, any misconception to arise as to what my own desires were. But now we, who are in favour of the measure, have the advantage of a definition of the constitutional position by the learned Attorney-General, who is, as we know, in sympathy with our desires; and I am willing to defer to him as to the actual language the clause should contain. After all, it is very difficult to say how far the term "industrial" carries us. The right honorable member for East Sydney speaking just after my statement of the Government policy a fortnight ago, said that in his opinion—I suppose he put the opinion forward hurriedly—there was no limit to the number of persons who might be covered by the term "industrial," so long as they were in employment.

Mr. ROBINSON.—That is the view put forward by the Minister of External Affairs this afternoon.

Mr. WATSON.—And it was put forward only a fortnight ago by the right honorable and learned member for East Sydney. This shows how difficult it is to define clearly and distinctly what the meaning of the Constitution is. We are assured, at any rate, by the Attorney-General that the provision follows as nearly as practicable the language of the Constitution; and it does not seem to me that we can carry the matter any further. If the provision follows the terms of the Constitution, it goes as far as the Constitution allows, and that is all

I have contended for right along. The honorable and learned member for Balarat will remember that when he, as Prime Minister, first introduced the Bill six or seven months ago, I asked that the language of the Constitution should be employed in regard to the provisions affecting shipping. The honorable and learned member had included in the first Bill a provision which excluded all foreign shipping from the operation of the measure, and I then asked that the terms of the Constitution should be inserted in lieu of that provision, so that, at any rate, we would be taken at least so far as the Constitution itself takes us. That is the contention I have followed out in other regards also—for instance, in regard to the actual terms of sub-section xxxv. There, again, I think that we should rely on the words of the Constitution themselves, so that we may not even inadvertently do less than the Constitution will permit us to do. That is the consistent ground which I have taken up right through, and as my present amendment is practically a paraphrase of the Constitution, I think we are going quite as far as we can go, and that our action is consistent with the attitude we assumed some time ago.

Mr. LONSDALE (New England).—The Prime Minister has tried to explain how it is that he and his party have changed their front on this matter. But so far as I can see there has been no real explanation. They themselves, on a former occasion, forced this matter to an issue. The ex-Prime Minister refused to accept the amendment which honorable members opposite desired that he should make in the Bill.

Mr. WATSON.—It was known that the ex-Prime Minister would accept no proposal to include any State Government employé.

Mr. LONSDALE.—There was no such statement.

Mr. WATSON.—He made the statement several times.

Mr. LONSDALE.—There was only one amendment before us, and that was the amendment of the present Minister of Trade and Customs, which included the public servants of the States without any reference to industrial pursuits.

Mr. WATSON.—It was stated by the then Prime Minister that his Government would not accept the inclusion of any public servants.

Mr. LONSDALE.—It does not matter what they said they would accept; my point is what they did. In forcing that amendment honorable members opposite defeated the late Government. I fully take my share of the responsibility for what occurred. If honorable members opposite do not know where they are, I know where I am. They got into power by defeating the late Government upon that point.

Mr. WATSON.—The honorable member helped us.

Mr. LONSDALE.—I admit that, but I am not going to help the honorable gentleman and his Government now. I have made it perfectly clear that I am against that proposal. If they desire to show their devotion to principle they should stick to the amendment on which they won their present position. They were determined to include every public servant. Now, however, they want to include only a very few; because they fear that any Court would decide that very few industrial occupations are being carried on by the States.

Mr. FISHER.—The honorable member's leader thinks otherwise.

Mr. LONSDALE.—I think for myself. I do not allow any one else to think for me. I have some admiration for honorable members opposite, but I should have a large admiration for them if they stood to their principles. The Prime Minister regards the amendment of the honorable member for Franklin as coming from an enemy, and therefore, he says he intends to oppose it. The amendment puts the Government to the test once more. The honorable member for Franklin urges that if one State public servant is included all should be included. The Prime Minister gives the whole case away when he says that if some friend of the Ministry had proposed the amendment he would have accepted it. Because it is proposed from this side of the Chamber he will not do so. Apparently, it is a good thing to accept an amendment from a friend, but a bad thing to accept the same amendment from an opponent. I am against including any State public servant but once more, to show my devotion to principle, I am prepared to call for a division, on the amendment of the honorable member for Franklin. I wish to make it clear that I do not believe in seeking to take from the States their right to control their servants. Further, if we insert such a provision, we cannot compel the States to carry out what the Court may

side. If a State says that it is prepared to accept what the Commonwealth Court lays down, everything will go smoothly; but if a State refuses to do so, there is no power to compel it to obey the order of the Court. If the effect of the order of the Court is to raise salaries and wages, there is no method of compelling a State Parliament to increase its estimates to that extent—unless, of course, the military are held out. The Prime Minister said something about being willing to go to the last sort, but afterwards he backed down.

Mr. WATSON.—Not a bit; I do not back down.

Mr. WATKINS.—We will put the honorable member in the first rank.

Mr. LONSDALE.—I shall not allow myself to be in the first rank in a dispute of that kind, unless it is on the side of the State concerned. I believe in being on the side of right, but I do not believe in throwing dust in the eyes of the people. That is what the Government are doing. I repeat that if nobody else assists the honorable member for Franklin in calling for a division I shall do so, because I like to see every one toe the scratch.

Mr. CROUCH (Corio).—I am glad that another opportunity is afforded to the Government to return to the position which they formerly took up, and in which other honorable members supported them on the 21st April last. I feel that the Government are not acting fairly in this matter. I took upon it in this way: I voted for certain principles. The Government said they were in favour of those principles. But it appears that they were not.

Mr. PAGE.—Did any Government ever act fairly from the point of view of an opposition?

Mr. CROUCH.—I expect a Government which made certain pledges to the country which are recorded in *Hansard*—in which they said that they believed in all State servants being included in an Arbitration Bill, limited only by decision of the High Court, keep to their pledges.

Mr. PAGE.—They will have to answer to their constituents for their votes.

Mr. CROUCH.—They will have to answer to me. Before I can give the Government any more support I must request that they will show that some attempt is being made to carry out the pledges that were made to this House and to the country when they spoke on the 21st April, before

the division was taken. It will be remembered that the Minister of Trade and Customs proposed an amendment. He said that he thought that every public servant should be included within the limits of this measure. He also had the support of the Minister of External Affairs. The Prime Minister and every other Minister supported us.

Mr. KELLY.—The Prime Minister did not agree with the amendment, though.

Mr. CROUCH.—He voted for it, and spoke in favour of it. On that occasion, also, we had the valuable opinion of the honorable member for Hume. In view of the vote which he gave this evening, I should like to read to the Committee the opinion he then expressed upon a similar proposal. He said—

Despite the arguments used by our leading lawyers, who have been about equally divided in this matter, I, as a layman, still feel that it is unconstitutional to bring railway servants or States public servants under the control of the Federal Government in the way proposed.

Mr. LONSDALE.—Did he say that?

Mr. CROUCH.—He did.

Mr. LONSDALE.—He voted the other way just now.

Mr. CROUCH.—What else could the honorable member expect? The honorable member continued—

I feel that I am justified in voting against the amendment for two reasons: one, because it is unconstitutional—and I have not the least doubt on that point—and the other because I believe that the effect of carrying the amendment will be to destroy a measure in which I, at any rate, take a very great interest.

I am sorry that the honorable member thought it necessary a few minutes ago to reverse the vote which he recorded upon a previous occasion, thereby assisting to destroy a measure in which, apparently, he takes less interest now than he did formerly.

Mr. MAHON.—Is there to be no mental progression?

Mr. CROUCH.—If the honorable member for Hume has mentally progressed, it is abundantly clear that every member of the Ministry has mentally retrogressed. I trust that honorable members will exhibit their strong disapproval of the inconsistent attitude of the Government by refusing to sit behind them when they decline to carry out the pledges upon which they succeeded to office. I ask the honorable member for Franklin to press this matter to a division. We shall then be able to see if the twenty-three members of Labour Party, who held out promises

succour to the poor public servants of the Commonwealth, are prepared to vote in accordance with their declaration of five weeks ago, before they had attained the Treasury benches.

Question—That the words proposed to be omitted stand part of the proposed amendment—put. The Committee divided.

Ayes	...	...	53
Noes	...	...	3
			—
Majority	...	...	50

## AYES.

Bamford, F. W.	Maloney, W. R. N.
Batchelor, E. L.	Mauger, S.
Bonython, Sir J. L.	McColl, J. H.
Brown, T.	McDonald, C.
Carpenter, W. H.	McLean, A.
Chanter, J. M.	O'Malley, K.
Chapman, A.	Page, J.
Cook, J. H.	Phillips, P.
Culpin, M.	Poynton, A.
Deakin, A.	Quick, Sir J.
Edwards, G. B.	Ronald, J. B.
Ewing, T. T.	Skene, T.
Fisher, A.	Smith, S.
Frazer, C. E.	Spence, W. G.
Fuller, G. W.	Storrer, D.
Gibb, J.	Thomas, J.
Higgins, H. B.	Thomson, D. A.
Glynn, P. McM.	Tudor, F. G.
Hutchison, J.	Watkins, D.
Isaacs, I. A.	Watson, J. C.
Kelly, W. H.	Webster, W.
Kennedy, T.	Wilks, W. H.
Knox, W.	Wilson, J. G.
Lee, H. W.	
Liddell, F.	<i>Tellers:</i>
Lonsdale, E.	Groom, L. E.
Lyne, Sir W. J.	McCay, J. W.
Mahon, H.	

## NOES.

Thomson, D.

*Tellers:*  
Crouch, R. A.  
McWilliams, W. J.

Question so resolved in the affirmative.  
Amendment of the amendment negatived.

Question—That after the word "railways," the words "or to employment in industries carried on by or under the control of the Commonwealth, or a State, or any public authority constituted under the Commonwealth or a State," be inserted—put. The Committee divided.

Ayes	...	...	33
Noes	...	...	21
			—
Majority	...	...	12

## AYES.

Bamford, F. W.	O'Malley, K.
Batchelor, E. L.	Page, J.
Brown, T.	Poynton, A.
Carpenter, W. H.	Ronald, J. B.
Cook, J. H.	Smith, S.
Culpin, M.	Spence, W. G.
Fisher, A.	Storrer, D.
Frazer, C. E.	Thomas, J.
Fuller, G. W.	Thomson, D. A.
Higgins, H. B.	Tudor, F. G.
Hutchison, J.	Watkins, D.
Lee, H. W.	Watson, J. C.
Liddell, F.	Webster, W.
Lyne, Sir W. J.	Wilks, W. H.
Mahon, H.	<i>Tellers:</i>
Maloney, W. R. N.	Groom, L. E.
Mauger, S.	McDonald, C.

## NOES.

Bonython, Sir J. L.	McCay, J. W.
Chanter, J. M.	McLean, A.
Deakin, A.	McWilliams, W. J.
Ewing, T. T.	Phillips, P.
Gibb, J.	Quick, Sir J.
Glynn, P. McM.	Skene, T.
Isaacs, I. A.	Thomson, D.
Kelly, W. H.	Wilson, J. G.
Kennedy, T.	<i>Tellers:</i>
Knox, W.	McColl, J. H.
Lonsdale, E.	Robinson, A.

## PAIRS.

Cook, J.	Smith, B.
Kingston, C. C.	Turner, Sir G.
Willis, H.	Reid, G. H.
Fowler, J. M.	Harper, R.
Edwards, G. B.	Forrest, Sir J.
Wilkinson, J.	Edwards, R.
Hughes, W.	Chapman, A.
Crouch, R. A.	Fysh, Sir P. O.

Question so resolved in the affirmative.  
Amendment agreed to.

Amendment (by Mr. WATSON) agreed to—

That the following words, lines 13 to 17, be omitted, "a dispute relating to employment in the Public Service of the Commonwealth or of a State, or to employment by any public authority constituted under the Commonwealth or a State."

Progress reported.

House adjourned at 10.24 p.m.

## Senate.

Thursday, 2 June, 1904.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

## PRINTING OF DOCUMENTS.

Senator MACFARLANE (Tasmania).—I should like to ask the Vice-President of the Executive Council, without notice,

whether the Government will take steps to have the printing of necessary documents one more expeditiously than at present? I belong to a Select Committee before which evidence was taken last week. Printed copies were only put into our hands this morning, at 10 o'clock, and we had not time to read them before business commenced. I hope that the Government will endeavour to take some steps to have printing more expeditiously done.

Senator MCGREGOR.—I should like the honorable senator to give notice of that question. I do not know the particulars.

Senator Lt.-Col. GOULD.—It is a simple thing—to expedite the printing of documents. The printing is very slow here. I do not suppose that there is a slower Parliament in the world in that respect.

Senator MCGREGOR.—The Commonwealth has not control over the Printing Office.

The PRESIDENT.—The Printing Office is a Department of the State of Victoria.

Senator MACFARLANE.—I give notice of the question for to-morrow.

#### LEAVE OF ABSENCE.

Motion (by Senator Lt.-Col. NEILD) agreed to—

That one month's leave of absence be granted to Senator Gray on account of illness.

#### MILITARY COMMANDANT: SECRET SERVICE CODE.

Motion (by Senator HIGGS) agreed to—

That there be laid upon the table of the Senate copies of all papers in connexion with the Secret Service Code incident.

#### PRIVILEGE: FREEDOM OF SPEECH.

Order of the Day for the bringing up of the report of the Select Committee on the case of Senator Lt.-Col. Neild read.

Motion (by Senator PLAYFORD) agreed to—

That the Select Committee have leave to extend the time for bringing up their report to this day three weeks.

#### DEFENCE REGULATIONS.

In Committee (Consideration resumed from 26th May, *vide* page 1600).

Senator Lt.-Col. NEILD (New South Wales).—I move—

That progress be reported.

The Vice-President of the Executive Council asked me last night if I would give way

in regard to this matter, because there was an anxiety on the part of the Senate to proceed with the Seat of Government Bill. I am sure that, if I postpone this business, it will not affect the promise which was made to me at the last sitting. As the regulations in question are not pressing upon anybody at the present time, I have no objection to a postponement.

Question resolved in the affirmative.

Progress reported.

#### CASE OF MAJOR J. W. M. CARROLL.

Senator HIGGS (Queensland).—I move—

1. That a Select Committee be appointed to inquire—

(a) As to the truth or otherwise of the reasons given by the General Officer Commanding, for the retrenchment of Major J. W. M. Carroll from the Defence Forces of the Commonwealth.

(b) As to whether Major J. W. M. Carroll has been justly treated by the Military authorities of the Commonwealth.

2. That the Committee have power to send for persons, papers, and records.

3. That the Committee consist of Senators de Largie, Staniforth Smith, Stewart, O'Keefe, Findley, Neild, and Higgs.

Senator Lt.-Col. NEILD (New South Wales).—Before Senator Higgs proceeds with his motion, I desire to point out that my name is mentioned as a member of the proposed Select Committee. In view of the fact that I am affected by a Select Committee which is now sitting to inquire into certain other military matters, I do not think it would be proper for me to be a member of the Select Committee. I therefore ask Senator Higgs to be kind enough to substitute another name.

Senator HIGGS.—By leave of the Senate I propose to substitute the name of Senator Styles for that of Senator Neild.

Motion amended accordingly.

Senator HIGGS.—I also ask leave to further amend the motion by omitting the words "the truth or otherwise of." The motion will then read—

That a Select Committee be appointed to inquire as to the reasons given.

—and so on.

Motion further amended accordingly.

Senator STANFORTH SMITH.—Before Senator Higgs proceeds further, I desire to say that I wish to have my name removed from the motion.

Senator HIGGS.—If the honorable senator objects to being a member of the Committee after the case which I sh



briefly state, I shall have no objection to his withdrawal. The case of Major Carroll, which has at various times and in various ways come under the notice of the Federal Parliament, is one about which there are some most peculiar features—features which I think can only be investigated by a Select Committee of the Senate. Major Carroll is a Queensland military officer, who was retrenched.

Senator MILLEN.—By whom?

Senator HIGGS.—By the General Officer Commanding the Military Forces of the Commonwealth. On his retrenchment Major Carroll received the following letter:—

October 27th,  
The Grange, Melbourne.

Dear Captain Carroll,

Colonel Hoad has just shown me your very proper and soldierly letter in reply to his communication to you of the sad intelligence of your retrenchment. I need hardly say how painful it is to me to have to be the means of placing so many useful and deserving officers upon the unattached list. The reductions directed by the Government must bear hardly on us all, either directly or indirectly, and you have my full sympathy.

Yours very truly,

EDWARD H. HUTTON.

P.S.—Your request shall be borne in mind.

The request referred to in Major-General Hutton's letter was one made by Major Carroll that he should be placed on the unattached list. That would have enabled Major Carroll when times got better to be taken on again on full pay. It will be noticed that the letter from Major-General Hutton is a very sympathetic one, speaking of the "sad intelligence" of Major Carroll's retrenchment, and of the fact that Major-General Hutton had the "fullest sympathy" with him. It further stated that his request to be placed on the unattached list would be "borne in mind." But Major Carroll, according to his own statement—and I may say that I am giving his statements, recognising that they represent only one side of the case—thinking that all was well, arranged for a passage to Aden, with a view of being attached to the Somaliland expedition. He came to Melbourne, saw Major-General Hutton, and said to him in effect—"As the Commonwealth cannot afford to keep me, will you cable to the General Officer Commanding at Aden, and get me attached to the column which is operating in Somaliland?" Major-General Hutton said—"You can go up as a private soldier." That meant that

Major Carroll could go up as a camp follower, and secure employment if he could get it.

Senator Lt.-Col. NEILD.—That is exactly what was done with a lieutenant-colonel in Canada, in connexion with the Boer war, by the same Major-General.

Senator HIGGS.—There was nothing irregular in Major Carroll's request that a cable should be sent to Aden. It would have been the best way of getting employment for him. Finally, Major-General Hutton said to Major Carroll—"You have gone behind my back. It has been reported to me that you have been bothering the Minister of Defence. I do not care what any one else may do; you will get no more employment in my time."

Senator MILLEN.—That, I suppose, is Major Carroll's statement from recollection?

Senator HIGGS.—So far as Major Carroll can recollect, those were the words which were used by Major-General Hutton. It appears, according to Major Carroll's statement, that he met the then Minister of Defence, Sir John Forrest, in Sydney—at the Hotel Australia, I think he said. Being very well acquainted with Sir John Forrest and his family, he mentioned to Sir John, not, he thought, in his capacity as Minister of Defence, but as a personal friend, that he was about to be retrenched, and that he thought it very hard. However, when Major-General Hutton spoke to him in those terms, Major Carroll thought there must be something at the back of his retrenchment beyond the stated reason that he was retrenched on the ground of economy. He endeavoured to find out the reasons for his retrenchment. After eight months of repeated requests in various quarters, Major-General Hutton gave three reasons for Major Carroll's retrenchment. They were as follow:—

1. That Major Carroll was found unsatisfactory after three years' service in the Queensland Permanent Force, and so placed on the unattached list 1891.

2. It appears that in 1897, while in England, he made himself useful to the then Premier of Queensland, who, in 1899, gave him his re-employment Commission with the Permanent Force of Queensland.

3. Went to South Africa, found unsatisfactory and returned to Queensland.

Senator FINDLEY.—What interval elapsed between the time when Major-General Hutton wrote the letter, which has been referred to, and the time when these reasons were stated?

Senator HIGGS.—The interval must have been about eight months.

Senator KEATING.—Were those reasons alleged for by the Minister?

Senator HIGGS.—I imagine that they were called for by the Minister of Defence, who, I believe, at that time, was Senator Drake.

Senator DRAKE.—I do not think so. From what papers is the honorable senator quoting?

Senator HIGGS.—From the papers of the Defence Department. I am under the impression that it was during the term of office of Senator Drake as Minister of Defence that Major Carroll was supplied with the reasons given by Major-General Hutton or his retirement.

Senator DRAKE.—Can the honorable senator not supply the date?

Senator HIGGS.—The reasons, as I have voted them, will be found amongst the papers in the Defence Department, and can be produced. Major Carroll denies absolutely the justice and truth of these reasons, and the following signed statement with which he has furnished me—

*Case of Major J. W. M. Carroll.*

My name is John Walter Maxwell Carroll, and I am 43 years of age.

My rank that of Major. *Vide* A.O. of South Africa, from 7th July, 1901, and *Queensland Government Gazette*, 29th November, 1901, and A.O. No. 29, of 1902.

I entered the Queensland land service on probation on 27th February, 1898. Three months afterwards I passed the examination for Lieutenant in the Queensland Defence Force, Artillery branch.

I was attached to the Permanent Force, and paid from their pay sheets.

I remained with "A" Battery until 1891.

I then applied to be placed on the unattached list, as I had to go to England on private affairs.

I was granted one month's leave on full pay, and sailed shortly afterwards as an officer of the Queensland Artillery, and was attached to the Royal Field Artillery at Aldershot by General J. F. Owen, R.A., Commandant of Queensland. I then served with the 4th Field Battery under Major Pickwood, and then with the 57th Field Battery under Major Martin until 1892. This service was carried out at my own expense.

I then passed the examination for the rank of Captain, and was gazetted in Queensland as having passed such examination.

After leaving Aldershot I went to the London Royal Veterinary College, as some Artillery officers did a short course at Aldershot. I wished to go further with a regular veterinary course, and I passed two examinations whilst here.

In May, 1893, I sent to Queensland to ask that my Imperial service should be allowed to count as service in the Queensland Defence Force; and I was allowed by the Commandant

to remain on the list of unattached officers, provided that I obtained and forwarded particulars of the work performed by me with the Imperial Forces.

In 1894 I went to Aldershot, and served with "G" Battery of Royal Horse Artillery under Major Hunt, and afterwards with the 4th Hussars under Colonel Brabazon. I sent certificates of such service, which were approved. This exhibit also conveys to me the Commandant's satisfaction at the progress I was making in my military studies.

Whilst in England I also went to the Royal Gymnasium, and underwent a course of physical training, obtaining an extra certificate.

In 1899 I completed the course, and obtained a certificate from Colonel Fox, which he had specially endorsed as follows:—

"This officer deserves the highest credit for the constant pains he has taken to master the work in all its branches."

In 1896-7 I obtained leave from the Agent-General of Queensland to accept the position of Her Majesty's Commissioners in West Africa, and I was duly appointed by the Secretary of State for the Colonies. Under this Commission I held Courts, superintended trade, and performed general administrative work in connexion with seven very large native tribes.

On my return to England, having been invalided home, I was offered the Commissionership to the Shire Highlands in East Africa by Lord Salisbury, in 1898, through his Secretary, on the recommendation of the Assistant Adjutant-General for Artillery at the War Office, who knew that I had served at Aldershot with the Field and Horse Artillery, and had been well reported upon. I refused this position, and accepted a Staff appointment in Queensland under General Gunter.

As regards the reasons for my appointment, I would refer you to a letter by Major-General Gunter. In this General Gunter refers to the favorable reports as regards both my character and my bearing; and he suggested that I should be appointed an adjutant, on probation, and that I should be immediately attached to an infantry regiment at Aldershot for a period of three or four months, the confirmation of my appointment being contingent on my passing an examination before leaving England. During this period General Gunter recommended that my salary should run on.

The whole of the time that I was in England going through courses of instruction to obtain the highest efficiency in the profession, so as to qualify myself for the highest positions that profession could offer, I did so at my own expense. My certificates and letters from the commanders under whom I served should show the various courses which I have undergone.

I never at any time lost my commission as an officer of the Queensland Defence Forces.

I would mention that in 1896, when I was appointed as a Commissioner in West Africa, that I applied for local rank of captain as all the Imperial officers who were lieutenants had been given such local rank; and I stated at the time that I had eight years' service, and passed for my captaincy. The application was refused, on account of a minute written on it by the A.A.G., who said that I had never passed the examination stated, and that it would be most undesirable

I should be given the local rank of captain. I then referred to General Owen's promise that my name should be kept on the unattached list, in recognition of my services, provided that the records of my service with the Imperial troops were sent in; and I was then replaced on the unattached list.

My service with the Queensland Defence Force has been continuous since 1888.

As regards my appointment to the Permanent Staff in 1899, I claim that it was purely upon the ground of my merits, and in recognition of the efficiency which I had attained through undergoing the various courses of instruction in England in my capacity as a Queensland officer. I never applied to any one for appointment except to the Commandant, and I brought no political or other influence to bear in the matter.

After I received a letter from Major-General Gunter, I went to Aldershot at the request of the Queensland Defence authorities, and was attached to the 1st Royal Sussex Regiment. I passed my examinations, and was well recommended by Colonel Donne, then in command of the Royal Sussex.

After this service I returned to Queensland.

I would point out that it is extraordinary, if it were true, that having been "found unsatisfactory" after three years' service in the Queensland Permanent Forces, I should have been re-appointed to the Permanent Staff at a later date.

On my return to Queensland, I was sent to Charters Towers as Adjutant. I did altogether five months service in Queensland after my arrival there, then went to South Africa as Adjutant 1st Queensland Infantry Brigade.

Early in the year 1900, I went with the 1st Queensland Imperial Bushmen to South Africa, as Adjutant. I was on active service in the field until I got fever, and was sent into the Field Hospital, and got leave of absence when convalescent. During my leave of absence I went to Queensland and back to recruit my health at sea.

During the time I served in South Africa, I was under the command of Lt.-Col. Aytoun, and held my position as Adjutant throughout, until invalided at the beginning of September or October.

Lt.-Col. Aytoun showed the confidence he had in me by putting me in charge of practically one-third of the regiment; and at the conclusion of the War he recommended me for the War Bonus as quite satisfactory, the word "quite" will be found in the records to be underlined in red ink.

On the expiration of the sick-leave, to which I have already referred, I rejoined my Contingent, but not as Adjutant, as another officer had been appointed to that position in the meantime (Lt. Ferguson, 1st Q.I.B.). I was, however, given the command of "F" Squadron of the Regiment, the 1st Q.I.B. I continued on active service with the Contingent, until July, 1901, and I went to the front, and re-joined my regiment near Pietersburg, North Transvaal, within seven days of landing.

I was on active service all the time, and served under Colonel Jeffries in the North Transvaal, and General Plumer in operations around Bethel and Piet Retief. I was then appointed Provost Marshal to the column then under Colonel Galloway.

Senator Higgs.

I was injured near Utrecht, and was put in hospital two days before the Contingent left for home.

The General Officer Commanding at Natal cabled to Queensland to be allowed to return to my services. Leave was granted by the Premier of Queensland in July, 1901. I was attached to the Royal Field Artillery, and served with, and commanded the 20th Battery, R.F.A. in Natal and East Transvaal. (Exhibit No. 9 in office of Minister for Defence).

I was promoted by Lord Kitchener to the full rank of Major, and this promotion was approved in Queensland (*Queensland Government Gazette*, 29th November, 1901).

On 12th March 1902, I was peremptorily recalled from South Africa by the authorities—A.A.G., C.F.—although the Imperial Authorities were still desirous of retaining my services in South Africa. I had the offer of two appointments in South Africa, but feeling duty bound, I obeyed orders, and returned to Queensland.

I was gazetted in Army Orders in South Africa as a Major of the Queensland Permanent Staff, subject to the approval of the Queensland Government. This was approved, and my appointment was gazetted as Major in the *Queensland Government Gazette*.

I was appointed to the rank of Major by Lord Kitchener, on the recommendation of Major King, D.S.O., R.F.A., who was in command of my Battery in South Africa.

I was the only officer from Australia who commanded a Battery of Royal Field Artillery.

I would also refer to the fact that I know of a report of a highly satisfactory nature was sent to Head-Quarters, Queensland, by General Burne-Murdoch, commanding Newcastle Sub-district, in regard to my services.

When I learnt to my surprise that I had been retrenched, I made inquiries as to all the papers and records of my career as an officer, but found that the same had been destroyed by an order of a Board, which sat four days before I returned from South Africa.

The destruction of these documents places me at a distinct disadvantage. I have nothing to refer from any inquiries amongst the officers with whom I served. These records contained particulars of my services in England, and I was desirous of placing all the papers before the G.O.C. for consideration.

As regards my service in Australia, since my return, I would point out that I was recalled by cable on the 14th March, 1902, and came back in command of the troopship *Custodian*, having about 500 officers and men on board, whom I landed in perfect order. The troops comprised the Fifth Victorian Mounted Rifles, and details of Queenslanders.

On the 5th June, 1902, I received notice of my retrenchment in Queensland. I was informed by the letter conveying my dismissal that it was probable that I would be engaged in my present capacity elsewhere; and I was asked if I was willing or otherwise to accept service in another State as adjutant. After this I was sent temporarily to New South Wales (see General Order of 1902), and I was again retrenched when the next retrenchment took place in October, 1902.

Up to this time I had not received any intimation that my services were considered so unsatisfactory.

atory that I should not be retained as a permanent officer of the Commonwealth.

When I called for a statement of the reasons for my retrenchment, the same were delayed until about the 10th September, 1903. I have been for eight months attempting to obtain satisfactory reasons, and also to receive an explanation as to why my *documents and records of service have been destroyed*.

I claim that upon my record, my services might have been retained in the Commonwealth in preference to the officers junior to myself, who have been promoted. I have spent the whole of my life qualifying myself to be an efficient officer. I have obtained my training at my own expense; served my Queen in active service upon the field, and fought to preserve the reputation of Australians as members of the Empire; and it seems to me unjust that after these years of service and training I should be retrenched, and that others should be placed over my head.

It is to be regretted that Major-General Hutton, after eight months careful deliberation, should have put his name to charges, which I submit upon my records, and upon the reasons which I have given in the above letter, are not only unjust to myself, but in one instance, that is to say, the Premier of Queensland, *unfair to a person* who is occupying a high official position in that State.

Unfortunately, Major-General Hutton appears to have acted upon reports, which, in view of the facts that I have put before you, I submit are absolutely and utterly incapable of proof. I think that it is not fair and just to me that after so many years of self-sacrifice in the interests of my country, my reputation should be taken away from me on mere *ex parte* statements.

I would further add that after I had been retrenched on the 23rd October, 1902, I wrote Exhibit 10) to the Chief Staff Officer, New South Wales, as I was desirous of obtaining active service in Somaliland. I was referred to Major-General Hutton in Melbourne; but being confident that I would receive a satisfactory reply from the Department, after my many years of service in Queensland, England, and West and South Africa, I went so far as to take my steamer passage to Aden by P. and O. I came on to Melbourne, and saw Major-General Hutton, and my request to him was that he should cable at my expense to the Officer Commanding at the base at Aden, stating that I was proceeding to Aden, and would be glad if he could attach me without pay to the column. Major-General Hutton declined to do this, stating that I could go as a civilian if I liked, and that I had been retrenched *out of the service*. He seemed to think that because I had been retrenched from the Permanent Staff, that my commission in Queensland from the King had been cancelled.

I have also another complaint to make, with respect to my rank as Major. I have already shown that I received the rank of Major, which was not local or temporary. On reference to the Army Orders issued in South Africa, and to the *Queensland Government Gazette* of the 20th November, 1901, it will be seen that I am given the rank and title of Major in the Permanent Forces of Queensland, and in G.O. 24, of 1902, on my returning to Australia. An attempt has been made to put me back to the status of a Captain; and on several occasions

I have complained of my treatment in this respect, viz., on the 22nd July, 1902; 31st July, 1902; and the 7th August, 1902; but failing to obtain any redress, I wrote on the 14th September, 1902, and asked that this matter should be referred to the "*highest authority*." I received a reply from the A.A.G., Colonel Mackenzie, informing me that the matter had been referred to Head-Quarters for decision, and that the *General Officer Commanding* had decided that I should be informed that my promotion was promotion only in South Africa.

I was promoted to this rank in South Africa on the recommendation of my Commanding Officer, Major King, R.F.A., by Lord Kitchener, acting for H.M. the King; and the promotion was confirmed in the *Queensland Government Gazette*, 29—11—01. In G.O., 244, of 22—12—02, I am shown as an Honorary Major, and bracketed with three other officers whose promotion was in each instance temporary from Queensland, or local in South Africa.

I have the honour to be,

Sir,

Your obedient servant,

J. W. M. CARROLL.

Major.

Honorable senators will see from the statement by Major Carroll that he has a very good case for investigation by a Select Committee. This officer is forty-three years of age, so that he is in the prime of life, and it would appear that he has had a very honorable career. He left Queensland, not, as Major-General Hutton says, because his services had been unsatisfactory, but in order to go to England at his own expense, and endeavour to qualify himself to fill any position in the Military Forces of the Commonwealth. Having passed several examinations in different branches of defence in the old country, he returned to Queensland, from whence he volunteered, without any pressure being exercised on him, for the South African war. In South Africa he appears to have served with distinction, and his name appears in at least one of Mr. Bennett-Burleigh's despatches to the *London Daily Chronicle*. He returned to Queensland, but insisted on once more proceeding to the seat of war, although his services could have been retained in Australia. It is strikingly peculiar that Major Carroll, when in South Africa on active service, received a cable instructing him to return to Queensland, and that four days before he arrived the records of his career were destroyed by order of a board. The destruction of the records of an officer's career is absolutely prohibited.

Senator DRAKE.—Not according to the regulations.

Senator HIGGS.—Senator Drake will admit that, according to the King's Regulations, it is a crime for any person to destroy an officer's records.

Senator DRAKE.—There is a periodical destruction of papers.

Senator HIGGS.—That is a different matter altogether. I am not now referring to the periodical destruction of papers, but to the destruction of the records of an officer's career. Anyone acquainted with business methods knows that it is necessary to occasionally destroy papers; otherwise room could not be found for them. But Senator Drake, as a military officer, knows that it is a crime, punishable by certain severe penalties, to destroy any officer's records.

Senator DRAKE.—The matter was inquired into, and the report was that these papers were unimportant.

Senator DAWSON.—The allegation is that this Board sat and destroyed Major Carroll's records as an officer four days before he landed, thus depriving him of any opportunity of referring to them.

Senator DRAKE.—An account was kept of the papers, and the report was that they were unimportant.

Senator HIGGS.—However that may be, Major Carroll for the past fourteen months has been endeavouring to get an inquiry into his case. This officer has been subjected to indignities which require some explanation; and if he has had the long and honorable career outlined in the statement I have read, honorable senators will admit that some explanation is required of the fact that his name does not appear in the *Army List* of 1904, under the heading of "War Services of Colonial Officers." Major Carroll served with distinction in South Africa, and returned a second time to the field; but his name is omitted from the list of officers who there saw active service. Officers who served in the same contingent have their names in this list; and why should that of Major Carroll be omitted? His name appears amongst those of retired officers, but, unlike the other cases, there does not appear opposite his the symbol of active service, namely, crossed swords.

Senator MILLEN.—Is that the same list?

Senator Lt.-Col. NEILD.—Yes.

Senator MILLEN.—I think the names are under different headings.

Senator HIGGS.—The heading I refer to is—"War Services of Colonial Officers,"

and in this Major Carroll's name does not appear.

Senator MILLEN.—Is that not a list of officers who, at the time it appeared, were on active service?

Senator HIGGS.—It is a list of officers who have seen active service.

Senator MILLEN.—Is it not a list of officers still employed in the forces of the Commonwealth?

Senator HIGGS.—I am not prepared to reply to that question. Major Carroll claims that the military authorities have attempted to take away his full rank of major and substitute that of honorary major. Another peculiarity of the case is that Major Carroll is about the only officer amongst those retrenched at the same time who is only forty-three years of age; all the other officers, with one or two exceptions, are gentlemen who have reached the retiring age in their respective ranks, and might have been placed on the unattached list under any circumstances. At the present time Major Carroll is under a cloud, and, after a long career of honorable service, has no possible chance of obtaining employment, unless an inquiry be held.

Senator Lt.-Col. NEILD.—He will get no "show" after an inquiry.

Senator HIGGS.—I do not know whether or not Major Carroll will get a "show" after an inquiry, but he asks that a Committee be appointed to inquire into the reasons given by Major-General Hutton for his retirement. The reasons given were that Major Carroll had been found unsatisfactory in Queensland, that he had made himself useful to the then Premier of Queensland, Sir Hugh Nelson; and that he had been found unsatisfactory in South Africa.

Senator PLAYFORD.—If we know the reasons, why have an inquiry on that score? All we want to know is whether Major Carroll has been justly treated.

Senator HIGGS.—I withdrew the words, "the truth or otherwise of," at the request of the Minister of Defence, who thought that, without their adoption, Major Carroll could have all the inquiry he needed. I have no desire to give offence to any person, and for that reason I withdraw the words. Major Carroll is quite willing to submit himself to any physical or military test in order to prove his capacity as an officer, and with these observations I submit the motion.

Senator STANFORTH SMITH (Western Australia).—I beg to ask the mover of the motion to remove my name from the Committee? From an *ex parte* statement a very good case has been made out for inquiry, but I should like to see on the Committee some person with military experience. Speaking generally, honorable senators have no knowledge of military procedure, practice, or etiquette, questions relating to which will be involved in the inquiry proposed. I suggest that my name be withdrawn in favour of the name of some honorable senator who has had military experience, such as Lt.-Col. Gould or Major Drake, whose presence would, perhaps, save the Committee from making mistakes.

Senator HIGGS.—I may be allowed to explain that I asked Senator Smith to act, because I was desirous of making the Select Committee representative. I asked Senator Gould to be good enough to serve, and I did so on the very ground suggested by Senator Smith; but Senator Gould pointed out that he had urgent business, and might not be able to attend. If Senator Drake would be kind enough to act on the Committee I should be very glad.

Senator DRAKE.—There are obvious reasons why I should rather not act on the Committee.

The PRESIDENT.—The motion has been submitted, and it is competent to move an amendment to strike out one name and substitute another. Unless the senator in charge of the motion asks leave to amend it I must put it as now submitted; alteration can be made only by amendment. Do I understand that Senator Higgs does not fall in with Senator Smith's suggestion?

Senator HIGGS.—I asked leave to amend the motion by withdrawing Senator Smith's name.

The PRESIDENT.—In order to substitute what name?

Senator HIGGS.—The name of Senator Playford.

The PRESIDENT.—Perhaps the best way would be to appoint the Select Committee by ballot.

Senator DAWSON.—I do not think so. If the Senate appoint an honorable senator to a Select Committee, the honorable senator is bound to act.

The PRESIDENT.—It is a duty, and not a privilege, to serve on a Select Committee; and if a senator appointed cannot or will not attend, he must ask leave to be excused. I am now waiting for Senator Higgs to ask leave to substitute a name.

Senator STANFORTH SMITH.—If there is any possibility of the proposal falling through, I consent to serve on the Committee.

Senator DAWSON (Queensland—Minister of Defence).—I have absolutely no objection to this proposed Select Committee. The case of Major Carroll is very well known to me. I have gone through the whole of that gentleman's own statement, and I have since had the advantage of perusing the papers which are at the disposal of the Minister in charge of the Defence Department.

Senator DOBSON.—Can the Minister give us any reply to the statement of Major Carroll?

Senator DAWSON.—To reply to the statement is not within my province. The position appears to me to be this—Major Carroll has been trying for a long time to obtain an inquiry, in order to find out if the reasons given for his retrenchment were or were not the real reasons. Major Carroll alleges that the reasons given were not the real reasons.

Senator DOBSON.—That is a very serious charge.

Senator Lt.-Col. GOULD.—Does Major Carroll not go further, and allege that the statements made in regard to his retrenchment are not correct?

Senator DAWSON.—I believe that, in the time of Sir John Forrest as Minister of Defence, this matter did not receive any strict departmental scrutiny, and, later on, Senator Drake, when Minister, did not consider it worthy of attention. My predecessor, Mr. Chapman, held a Departmental Inquiry, which was, however, unsatisfactory to both the General Officer Commanding and Major Carroll. The result of the Departmental Inquiry was that Mr. Chapman wrote a minute—which I have here, and which any honorable senator may see—to the effect that the reasons given for the retirement of Major Carroll were not the proper reasons—that it was on account of retrenchment that the officer was retired. In that minute Mr. Chapman pointed out that he absolved Major Carroll from any aspersions on his character as a good and efficient officer, stating, as I say, that it was on the score of retrenchment only that he was retired. If the General Officer Commanding, on the other hand, said that Major Carroll was a good and efficient officer, who therefore should never have been retired, why was it that the Department retained the services of junior officers,

who had not seen so much active service, and had not worked so meritoriously on the battle-field? The position now is that, not only Major Carroll, but also the General Officer Commanding, desire an inquiry, the latter in order to show that Major Carroll was retired because he was not a good officer. The Department is in a happy position, in so far that both disputants desire an inquiry, and, therefore, I see no reason why the proposed Select Committee should not be appointed.

Senator Lt.-Col. GOULD (New South Wales).—Having heard the statement of Senator Higgs, coupled with that of the Minister of Defence, it appears to me evident that this is a case in which inquiry should be made into the whole of the surrounding circumstances, with a view to justice being done. If Major Carroll's statement is correct, he has evidently been dealt with very harshly and unfairly; and if a Select Committee were to arrive at a similar conclusion, I have no doubt the Government of the day would take steps to repair the injury done to this gentleman. If, on the other hand, it be found that statements adverse to his efficiency are correct, we shall at any rate have the satisfaction of knowing that the whole subject has been inquired into, and possibly it will be allowed to rest there. My experience in regard to Select Committees is this—that where a man can show a good *prima facie* reason for an inquiry into any complaint he may have in regard to the way in which he has been treated by a Government or by any officers, an inquiry should at once be made into his case. It is above all things essential that whatever steps are taken by a Government in dealing with their officers, those steps should be abundantly justified, and should be of such a character that when the fullest light of day is let in the public are satisfied that no mistake has been made, either intentionally or otherwise. I notice frequently that when, unfortunately, officers are retrenched from the Public Service, an uneasy feeling gets abroad, owing to statements made by themselves, that they have not been properly dealt with.

Senator MILLEN.—Every retrenched officer says that.

Senator Lt.-Col. GOULD.—In some cases there is a *prima facie* reason for the complaint. I think that in this instance a *prima facie* case has been made out. I may add that the matter was mentioned to me last session. From the *ex parte* statement then made, it seemed to me that there was a good

case for inquiry. I should be happy to sit upon the Committee, except that I feel my time is so much occupied at present that it would be impossible for me to give proper attention to the sittings. That being the case, I thought that the proper course for me to pursue was to ask Senator Higgs not to nominate me, in order that he might substitute another honorable senator, who could give proper attention to the matter. I do not think that it is a matter of great moment in a Committee of this nature to appoint senators who have had military experience. The object is to inquire into the circumstances attendant on Major Carroll's dismissal, and not to say whether he was or was not an efficient officer. The Committee will inquire into the records.

Senator PLAYFORD.—There has been a Departmental Committee previously, but the report was favorable to neither side.

Senator Lt.-Col. GOULD.—If the Departmental Committee was unable to furnish a satisfactory report, it is an additional reason why a Select Committee of the Senate should be appointed to see that justice is done.

Senator DRAKE (Queensland).—I should not like to say a single word on this case, so far as the character of Major Carroll is concerned. I was Minister of Defence, as is well known to the Senate, for about six weeks. During that time I formed the opinion that this was a case which should be inquired into. But I thought that the proper tribunal to inquire into it would be a body of military officers.

Senator DAWSON.—Who would be under the authority of the General Officer Commanding.

Senator DRAKE.—I think it is a matter which should be inquired into departmentally, by men who possess military knowledge and experience.

Senator Lt.-Col. GOULD.—When the conduct of the General Officer Commanding is concerned, his officers cannot be brought into the inquiry.

Senator DRAKE.—I think that it is better that matters affecting military discipline should be inquired into by a military tribunal. I understand that my predecessor in office did appoint a Committee. I do not know how it was constituted; but an inquiry was held.

Senator DAWSON.—There was a Departmental Inquiry.

Senator DRAKE.—I very much regret that it is not possible to have a military in-

quiry, and to arrive at a satisfactory conclusion in that way, because there are obvious disadvantages in having matters of this kind inquired into by a Parliamentary Committee. I do not know whether there is any probability of a successful result from an inquiry by the Select Committee nominated by Senator Higgs. There is only one other aspect of the matter to which I think it right to refer, because it rather reflects on the military management in Queensland. That is in regard to what is called the destruction of papers. When the case first came to my knowledge it appeared to me from the way in which it was put that there was an implied charge that when Major Carroll was on his way back to Australia, and two or three days before he arrived, some important papers were destroyed, in order to prejudice his case. The statement made just now by Senator Higgs bears the same inference. That matter, however, was inquired into, and the report that came to hand was, to my mind, satisfactory. It was to the effect that a Board had been constituted according to the King's Regulations for the periodical examination and destruction of unnecessary papers in the office. That Board sat. Numerous papers were examined, and they were noted and destroyed. The report stated that there were only two or three papers—I am speaking from memory—relating in any way to Major Carroll, and that the destruction of those papers could not have in any way injuriously affected him. I do not know whether the report was made while I was Minister, or while my predecessor was in office.

Senator HIGGS.—Were those papers records of Major Carroll's services in South Africa?

Senator DRAKE.—There was one paper about his passing an examination, but that paper was also published in the *Government Gazette*, so that he could not sustain any disadvantage from its being destroyed.

Senator DAWSON.—Surely the destruction of the original document must have been some disadvantage?

Senator DRAKE.—Seeing that it was published in the *Government Gazette*, I do not think that it could have been a document which belonged to Major Carroll. Otherwise, it would not have been in the possession of the office. The papers destroyed were simply records in the office, which, according to the King's Regulations, are periodically destroyed. An account was taken by the Board of

every paper destroyed. Of course I am speaking from memory; but my recollection is that the report of the Board that caused these papers to be destroyed was entirely satisfactory. If this case is going to be inquired into by a Committee, the particulars will be brought up, and the Committee will come to a conclusion as to whether there was in any way, in the destruction of those papers, anything that prejudiced Major Carroll. But I myself was satisfied that there was not.

Senator DOBSON (Tasmania).—I do not think that any of us would like to be asked constantly to sit as a court of appeal on the actions of the General Officer Commanding our Military Forces. It is a very thankless task, and I do not think that it is justifiable to institute such an inquiry unless there is an absolute miscarriage of justice. It seems to me that in this case there has been a miscarriage of justice. I hold in my hand a document which Senator Higgs has lent to me, and from which it appears that, after some repeated demands for reasons for his retrenchment, Major-General Hutton told Major Carroll what the reasons were. There are three reasons given, which Major Carroll copied himself from official documents. Those reasons are as follow:—

1. Found unsatisfactory after three years' service in the Queensland Permanent Force, and so placed on the unattached list (1891).
2. It appears that in 1897, while in England, he made himself useful to the then Premier of Queensland, who in 1899 gave him his recent commission in the Permanent Force of Queensland.
3. Went to South Africa; found unsatisfactory, and returned to Queensland.

Nothing more damaging against an officer could possibly be alleged than these charges—that he was found unsatisfactory in Queensland, and unsatisfactory when we were fighting for the Empire in South Africa. The miscarriage of justice appears to me to be that the late Minister of Defence held a departmental inquiry, and that the result was that these were given as the reasons for which Major Carroll was dismissed.

Senator DAWSON.—He was exonerated from those charges.

Senator DOBSON.—It is a matter that certainly should be inquired into; and we should sheet home to the persons who were guilty of treating this officer in what appears to be a very unjust and unfaithful manner.



Senator MILLEN (New South Wales).—The statement just made by the Minister for Defence seems to me to be rather startling in its nature. The honorable senator has said that the departmental committee, which has been referred to, completely exonerated Major Carroll.

Senator DAWSON.—It cleared his character as a good and efficient officer, and negatived those reasons.

Senator MILLEN.—If the Government is satisfied that Major Carroll's character has been cleared, why are they not taking action at once? Why wait for a Select Committee to be appointed? It seems to me that the whole of this matter is rather more serious than a demand for inquiry into the case put forward by Senator Higgs. I should like to say before going further that it appears that there is a growing tendency on the part of every individual who has been dismissed from any public appointment, to conceive himself to be the subject of an injustice, and to appeal to Parliament. There is also a growing tendency on the part of Parliament to turn a too-ready ear to cases of this kind. I do not say that about this case, but I do want, with all respect, to suggest that Parliament does not require to do anything to extend the practice to which I have referred—at any rate if it desires to maintain discipline, not merely in the Military Forces, but in all the public Departments.

Senator DAWSON.—Surely the honorable senator ought to know that there are other considerations.

Senator MILLEN.—I do, and one of them I have referred to just now. The Minister of Defence has made a statement practically against the previous Government, whom he has charged with a want of readiness to do what they knew to be the right thing. With a singular lack of courage the present Government come to the Senate and practically ask us to appear to force them to do what they know to be right.

Senator DAWSON.—That is not correct.

Senator MILLEN.—I construe the facts in that way. Here is an admission by the Minister of Defence that, as the result of a departmental inquiry, the accusations against Major Carroll are proved to be wrong, and that Major Carroll is proved to be right. Any man in a position of Ministerial responsibility who, knowing that there is any one suffering injustice, and that it is within his power to put it right, refrains from taking action to do so, is entitled to all

the rebuke that can be heaped upon him. I object, as a matter of principle, to making Parliament pretend to do things, and I say that this is a pretence from beginning to end.

Senator DAWSON.—No, it is not; both parties want the inquiry.

Senator MILLEN.—It is a pretence to force the Minister of Defence to do something. He knows that there is something that ought to be done, and refrains from doing it. The Senate should pass not the motion now before us, but one of strong condemnation. I was hoping that the Minister of Defence would have suggested an explanation of his previous association with this case. We know that the Minister, before he took office, had moved on behalf of Major Carroll himself.

Senator DAWSON.—That is right.

Senator MILLEN.—I thought that probably, having associated himself with the case previously, the Minister rather shrank from making it appear that he was acting as an advocate in the one case, and taking up the position of a judge later on. But the expression which he has just used has deprived him of that excuse. He has stated that a departmental committee has sat, and has exonerated Major Carroll.

Senator DAWSON.—They have negatived the reasons read out by Senator Dobson, but they have not reinstated Major Carroll.

Senator MILLEN.—If that is so those reasons are wrong, and Major Carroll is the victim of an injustice.

Senator DAWSON.—Does not the honorable senator realize the other position—that if Major-General Hutton can show that there are reasons why Major Carroll should be retired, even though those reasons may be wrong, an inquiry should be held to elucidate the fact?

Senator MILLEN.—It seems to me that if wrong reasons have been given, and those reasons reflect on Major Carroll, it does not matter whether there were any other reasons for his dismissal or not.

Senator DAWSON.—He ought to be given an opportunity of proving that even those reasons are right.

Senator MILLEN.—That brings me back to this point: Has every dismissed officer a prescriptive right to have his name inquired into by a Committee of Parliament? If the Minister is going to hold out to every officer that he can come here and have a Committee appointed, we can say good-bye to discipline altogether. It will be a very serious matter if Parliament

itself is going to encourage that idea. I draw attention to this curious fact: Honorable senators opposite were strong advocates of military retrenchment when the Estimates were before Parliament. At the instance of their party in another place, a resolution was passed in favour of a curtailment of the military estimates. It was laid down that the criticisms were directed, not against the citizen soldiery, but against officers with gold lace and clanking swords. But the moment the General Officer Commanding gives effect to that direction, and dismisses one of the officers—that dismissal being approved of by the Government of the day—honorable senators opposite, and their party, turn round and attack the General Officer Commanding for what he has done.

Senator FINDLEY.—At one time Major Carroll was represented by Major-General Hutton to be a good officer, but, subsequently, the Major-General turned round and gave reasons for his dismissal.

Senator MILLEN.—If the Government accept that view they are much to blame. I am dealing with the attitude of the party which called for military retrenchment, but which is sympathetic with regard to every individual who is retrenched.

Senator HIGGS.—The Government have been in office only a few weeks.

Senator MILLEN.—I am speaking of the Labour Party, who clamoured for retrenchment, but who are now moving what is practically a vote of censure on the officer who carried out that retrenchment.

Senator DAWSON.—Junior officers were kept on and senior officers were retired.

Senator MILLEN.—If that statement be correct—

Senator DAWSON.—We want a Committee to find out whether the statement is correct or not.

Senator MILLEN.—What is the Department and what is the Minister for? They draw salaries, and we have a right to expect that the work for which they are paid shall be carried out. I know that the amount paid to them is quite insufficient; but still we have a right to expect that the services shall be rendered. The Department and the Minister are there to see that the work is properly done. Instead of doing that, what does the Minister say? He says—"Here is a wrong; Parliament must be brought to the rescue, and set it right; I am incompetent to do so." It means that the Defence Department is incompetent to decide whether an officer has

been rightly dismissed or not, and has to fall back on Parliament to tell the Department what to do. It must be remembered that three Ministers of Defence have dealt with this matter.

Senator DAWSON.—No, they have not.

Senator MILLEN.—Three Ministers have dealt with it—Sir John Forrest, Senator Drake, and Mr. Chapman—and one Minister acknowledges his incompetence to deal with it. The fourth Minister comes to Parliament and affirms, not merely that there is a case for inquiry, but that an absolute wrong has been done, though at the same time he shrinks from putting that wrong right.

Senator O'KEEFE (Tasmania).—I have very little doubt that, had the present Government taken the action which Senator Millen seems to think they should have taken, as responsible Ministers, the honorable senator would have been found amongst their most severe critics for having so soon after their assumption of office, done something reflecting discredit on the General Officer Commanding. If it is suggested that there has been any want of fairness shown by the Government in not taking certain action after the departmental inquiry was found to have exonerated Major Carroll, the blame for that attaches to the last Government.

Senator DRAKE.—How long ago was that inquiry made?

Senator O'KEEFE.—It was some time before the last Government resigned office. I recollect that the then Minister of Defence, in reply to a question, read a statement in the House of Representatives to the effect that no blame of any kind attached to Major Carroll. That statement appeared in the press. If the then Government had done the right thing, they would, according to Senator Millen, have immediately reinstated that officer, and the blame for not having reinstated him under the circumstances attaches to them.

Senator DRAKE.—I understand that the report only came in just before Mr. Chapman retired from office.

Senator DAWSON.—The late Government really had not time to deal with the matter.

Senator O'KEEFE.—I was under the impression that the then Minister of Defence, Mr. Chapman, some weeks before the late Government resigned, had come to the opinion which found expression in the statement to which I have referred. I repeat that very serious criticism would have

been passed on the present, or any other Ministry if, a few hours after assuming office, they took so serious a step against the General Officer Commanding as to pass what would be a severe condemnation on him, by reinstating Major Carroll. If we are to believe the evidence which has been submitted to us by Senator Higgs, Major-General Hutton has stated that Major Carroll proved so unsatisfactory an officer that he was not fit to remain in the force. In view of the statement made by the present Minister of Defence, that the General Officer Commanding is not satisfied with the finding of the Departmental Committee, and wishes for the appointment of the Select Committee now proposed, it must be patent that he believes he can prove that he was right in the action he took. He would not otherwise be anxious for the appointment of this Select Committee. On the other hand, Major Carroll also asks for the inquiry, and, on the evidence submitted by Senator Higgs, if true, he appears to have a good case. If it is not true the Committee will find that out.

Senator WALKER.—If it is true, what is to be done?

Senator O'KEEFE.—I should think that the officer in question would be at once reinstated, and his character cleared.

Senator MILLEN.—Would the honorable senator stop short there?

Senator O'KEEFE.—I would not, decidedly; but I believe that it would not be fair for the Senate or the present Ministry to go any further without fuller information on the dispute. Senator Millen suggests that we should at once pass the severest condemnation on the General Officer Commanding. That is the only meaning of the honorable senator's speech.

Senator MILLEN.—Nothing could be stronger than what the Minister for Defence has already said.

Senator O'KEEFE.—I beg the honorable senator's pardon. What the Minister says is that in fairness to both parties the right thing to do is to have the inquiry proposed. I am satisfied that there will be a large majority in the Senate for the appointment of the proposed Select Committee.

Senator KEATING (Tasmania).—Surely the Minister of Defence is not going to shelter himself for his inaction behind any alleged fear of criticism on the part of the public, the press, Senator Millen, or other honorable senators.

Senator DAWSON.—Does the honorable and learned senator, from his knowledge of me, think it necessary to ask a question of that kind?

Senator KEATING.—It has just been alleged that the inaction of the Minister of Defence in the circumstances is due to the fact that he and his Government fear hostile criticism.

Senator MCGREGOR.—Nothing of the kind.

Senator DE LARGIE.—We are accustomed to that kind of thing.

Senator KEATING.—Surely the Minister of Defence will not take up that attitude. We have had in the course of the debate a reference to a departmental inquiry into the reasons alleged by Major-General Hutton for the retirement of Major Carroll. As a result of that inquiry, it has been proved that the reasons given by the General Officer Commanding for the retirement of Major Carroll were incorrect reasons.

Senator DAWSON.—According to the dictum of my predecessor.

Senator KEATING.—That is so; and what I desire now to ask the Minister of Defence is, whether he accepts the result of that departmental inquiry?

Senator DAWSON.—No. What I say is that the General Officer Commanding now objects to the finding. Major Carroll also objects to it; the two disputants now desire an inquiry by a Select Committee of the Senate, and I say we should let them have it.

Senator KEATING.—I take it then that the Minister of Defence has no opinion as to whether the result of the departmental inquiry was or was not a correct one, and does not intend to be bound by it?

Senator DAWSON.—Certainly not.

Senator KEATING.—It is now stated that the General Officer Commanding and Major Carroll, as a consequence of that, wish this Select Committee to be appointed; and we are, therefore, being forced into the position Senator Millen has suggested—if any two individuals wish for the appointment of a Select Committee this Parliament ought to grant it. Are there not other means of redress to which resort should be had in the first instance, and which should be exhausted before any inquiry by a Select Committee of the Senate is made?

Senator O'KEEFE.—Surely the honorable and learned senator would not refuse to consider each case on its merits.

Senator KEATING.—Certainly not. But we do not require superfluous inquiries

when there are other means of entering into the consideration of the matters in issue which should first be adopted before resort is had to Parliament, which should be the last, and not the first, resort. In these cases, in the first instance, resort should be had to the proper means of redress controlled by the responsible heads of Departments. If the Minister of Defence does not intend to be bound by the departmental inquiry in this case, can he not institute another departmental inquiry? If the Minister should shrink from doing that—

Senator DAWSON.—I do not like the word "shrink." I do not shrink from doing anything.

Senator KEATING.—I am not using the word in any offensive sense. Senator Millen has suggested that there is some indisposition on the part of the Minister to deal with this case, because of his previous connexion with it as a private member of the Senate.

Senator DAWSON.—I say that in my deliberate opinion the fairest thing to both parties to the dispute is to grant the proposed inquiry.

Senator DE LARGIE.—The Minister prefers a Select Committee of the Senate to a departmental inquiry.

Senator KEATING.—Whether the Select Committee be appointed because of any indisposition on the part of the Minister of Defence to consider the matter, or for any other reason which may be suggested, it seems to me that the subject is not being dealt with by the Minister, but by Parliament; and I contend that in the first instance resort should be had in these cases to the responsible heads of Departments. The fact that the two parties to this dispute desire an inquiry by a Select Committee is no reason for granting it.

Senator DAWSON.—May I point out before the honorable and learned senator proceeds any further on those lines, that it would be a deliberate insult to the General Officer Commanding if another departmental inquiry were held.

Senator TRENWITH.—I think it will be a deliberate insult to the General Officer Commanding if this Select Committee is appointed to inquire into the truth or otherwise of the reasons alleged for the retirement of Major Carroll.

Senator KEATING.—I agree with the honorable senator. I say that the desire of both these parties to have an inquiry by a Select Committee, no matter how

strong it may be, is no justification whatever, in the absence of any other reason, for the appointment of the proposed Select Committee.

Senator DAWSON.—The General Officer Commanding can only be a witness; he will not be a party to it at all.

Senator KEATING.—Whether he be a witness or not, the General Officer Commanding will undoubtedly be a party in this case, because the whole question is as to the truth or otherwise of the reasons assigned by him for the retirement of Major Carroll. This was a matter entirely for the Department in the first instance, and to blame the last Minister of Defence for not having dealt with it, and, at the same time, to excuse the present Minister for not dealing with it, and for shunting it on to the Senate, seems to me to be most illogical. From what we have heard, the last Minister of Defence instituted a departmental inquiry, and a report was presented. I contend that if the successor of the last Minister of Defence declines to be bound by the finding of the departmental inquiry, there is only one course open to him, and that is of his own motion to institute another departmental inquiry.

Senator DAWSON.—He could not do that without passing a vote of censure on the General Officer Commanding.

Senator KEATING.—We should not be asked to appoint a Select Committee until that has been done. If the Minister declines to be bound by the finding of the departmental inquiry, what will be the position of the General Officer Commanding? What will be his position in connexion with the proposed Select Committee, which, it is said, he desires to have appointed? Does he accept the finding of the departmental inquiry to the extent that the reasons he alleged were not the correct reasons, and say now that he is prepared to go further, and give other reasons, which he did not allege in the first instance? If he does, will a consideration of those reasons be within the scope of the functions of the proposed Select Committee? Suppose the General Officer Commanding should say—"So far as the departmental inquiry goes I am prepared to admit that the reasons I alleged for the retirement of Major Carroll were not the correct reasons, but despite that I am prepared to justify my action by showing that for other reasons which I did not then allege he should have

been retired." Where will the Select Committee be then? This will show that the inquiry should proceed on proper lines, and under the control of the responsible heads of the Defence Department. We have not had during the debate the slightest suggestion that if the reasons alleged by the General Officer Commanding for the retirement of Major Carroll are not the correct reasons he still has other reasons by which he is prepared to stand or fall in justifying the action he took. If the General Officer Commanding should take up that attitude, I venture to think that under the terms of the motion it will be difficult for the Select Committee to know where they are. The Committee is to be appointed to inquire only—and to inquire as to what? And to report—report, if at all, to whom?

Senator DAWSON.—To report to the Senate.

Senator KEATING.—It is to be appointed to inquire into this case, and if the General Officer Commanding says that there are other reasons for the retirement of Major Carroll—

Senator DAWSON.—He will say it to the Committee if he says it at all.

Senator KEATING.—If he does say it, will the Select Committee have power to inquire into those other reasons?

Senator DAWSON.—Certainly.

Senator HIGGS.—Under the second paragraph of the motion which authorizes the Select Committee to inquire whether Major Carroll has been justly treated.

Senator KEATING. — As the matter stands at present, a departmental inquiry having been held, Major Carroll having been exonerated from any blame implied in the reasons alleged for his retirement; and no action upon that finding having been taken by either the late Minister or the present Minister of Defence, we should not at this stage be asked to appoint a Select Committee to inquire into the question, but the present Minister of Defence should be prepared to take the responsibility of the whole matter one way or the other.

Senator MCGREGOR (South Australia—Vice-President of the Executive Council).—I desire, as shortly as I can, to put the position from the point of view of the Government. I wish, if possible, to shorten the debate, because if we intend to appoint a Select Committee we should do it as expeditiously as we can. On the evidence submitted by Senator Higgs, every honorable senator must admit that something ought

to be done to clear this matter up. Now, with respect to the position of the Government, it is not the question whether the General Officer Commanding has been telling the truth or otherwise in the charges alleged against Major Carroll that concerns the Government. We have just recently come into office, I might say under peculiar circumstances. The departmental inquiry was instituted by the previous Administration, and those appointed to make the inquiry had actually reported.

Senator PLAYFORD.—Not long before the late Ministry retired.

Senator MCGREGOR.—It does not matter if it were only five minutes before. Those appointed to make the inquiry had reported, and no action was taken on the report.

Senator PLAYFORD.—No action could be taken in five minutes.

Senator MCGREGOR.—The previous Government might not have had time or inclination to take action. Another Government is suddenly placed in their position, something occurs, and would it not be an act of discourtesy to the previous Government if the present Government suddenly took a step which their predecessors failed to take, either from want of time or want of inclination? That is the position in which we find ourselves. As the matter has now been brought up by a private member of the Senate, I think it is fair that the proposed Select Committee should be appointed. There should have been no reason to ask whom the Committee would report to. The Committee will report to the Senate, and the public will be made aware of the true position of affairs. Then either the Government, the General Officer Commanding, or Major Carroll must take the consequences. If the report of the Select Committee is adverse to the Government, they must face Parliament on that account. If it is adverse to the General Officer Commanding, he has to bear the consequences; and, in the same manner, if the report is against Major Carroll, he must do the same thing. In all the circumstances I think that further argument is unnecessary. I am sure that honorable senators desire that justice shall be done to everybody. The suggestion that every trumpery case may be brought before the Senate or the House of Representatives on a motion for the appointment of a Select Committee is only the introduction of a red herring. No matter what case is brought before either House of the Federal Parliament, it will be dealt with

its merits. If honorable senators think that there is nothing in the case submitted Senator Higgs, let them refuse to appoint the Select Committee asked for. If, on the other hand, they believe that there is anything connected with it which justifies inquiry, they will appoint the Committee. Senator TRENWITH (Victoria).—I sympathize with Senator Millen in his view of the question before the Senate. His Chamber ought to be very cautious in granting Committees of Inquiry for the purpose of dealing with the grievances of public officers. The Commonwealth has only just commenced its career, but there is already a considerable staff in all the departments, and as the business grows in magnitude, that staff must increase. But there has been taken some precaution to provide means by which disputes inside the Departments may be adjusted—by which difficulties, or seeming injustices, may be remedied.

Senator PEARCE.—That is, so far as the civil staff is concerned.

Senator TRENWITH.—In the Military Department it is all important that complete discipline should be preserved, and that Parliament should always have at its disposal a Ministry with the capacity and courage to take the responsibility of assuring themselves that justice is being done, or of themselves doing justice. The other day the Minister, very wisely I think, showed his strong feeling on the point, when he questioned the propriety of a soldier saying anything in Parliament with reference to the practices or actions of military officers, either superior or inferior. The Minister of Defence took that view on the ground that by such utterances, discipline is imperilled.

Senator DAWSON.—This is not a matter of discipline.

Senator TRENWITH.—If this Committee be appointed it will do exactly what the Minister of Defence appears very anxious not to do—it will insult the General Officer Commanding.

Senator O'KEEFE.—That officer seeks the insult himself.

Senator TRENWITH.—I do not know whether or not the General Officer Commanding "seeks" this insult; at any rate, I do not think that affects the question. If it be true, however, he asks to have his character cleared; and such a desire is, I think, evidence of weakness on his part. The General Officer Commanding should be prepared to say, "I have done this, and

I am right." The Minister of Defence and the Vice-President of the Executive Council seem to take the view that it would be an insult to the preceding Government if the present Government were to do something which the preceding Government had not time to do. It is difficult to see where the insult comes in.

Senator MCGREGOR.—I said more; I think I mentioned something about "inclination." This case has been a long time under review.

Senator TRENWITH.—It has been suggested by Senator Playford that the departmental report on this case was submitted not many minutes or hours before the retirement of the late Government; that, however, does not seem to affect the question. If the late Government had not time to deal with the matter, they are not to blame, but if they had no inclination to do what ought to have been done, they are to be blamed. The late Government, however, have gone; and if they had not, the Government who succeed them ought to have, the proper inclination. I am dealing now with the argument which has been presented; but I urge on the Senate that there does not appear to me any justification for the appointment of a Select Committee.

Senator MCGREGOR.—If the report referred to was handed in nearly three months before the late Government retired, would the honorable senator say that that Government had not time to deal with it?

Senator TRENWITH.—I have not said that the late Government had not time, because I do not know whether they had or not.

Senator MCGREGOR.—Then the delay must have had something to do with the matter of inclination.

Senator TRENWITH.—If the report was sent in three months before the late Government retired, the late Government may be said to have dealt with it; that is to say, they must have decided that, notwithstanding the report, the action of the Officer in Command had their indorsement. The Minister of Defence, by interjection, has emphatically said that the report completely exonerates Major Carroll.

Senator MCGREGOR.—The Minister of Defence never said anything of the kind.

Senator TRENWITH.—Those were his exact words.

Senator DAWSON.—I said that the report negatived the reasons given.

Senator TRENWITH.—The Minister said that the report completely exor

Major Carroll, so far as the alleged reasons are concerned. If the Minister of Defence has not time to-day he will have time to-morrow; and he has power to act in this matter if he thinks the late Government were wrong in their conclusion. Under the circumstances, there is no need for inquiry by a Select Committee. The Minister of Defence has power to act on the report presented to the late Ministry, the report having become the property of the Cabinet; and he can say, "The last Government did an injustice to Major Carroll, and, as the trustee of the Commonwealth, I undertake to see that justice is done." That is a perfectly understandable position, and one which the Government ought to take. I quite sympathize with the question put, I think, by Senator Millen—"What is the Government for?" Until the Government have decided, a Committee of the Senate is clearly superfluous. Machinery is created under the Constitution for doing justice in every case, and the only instances in which a Committee should be appointed are those in which the Senate have not confidence in what the Government do. I do not know whether votes of want of confidence can be submitted in the Senate; but, if a proposal of this kind were made in another place, and the Government had any grit, it would be accepted on the understanding that it was a vote of want of confidence.

Senator DAWSON.—Nonsense!

Senator TRENWITH.—It is clearly so, because it is an inquiry to ascertain whether an act of the Government is just or unjust; and it is an act of the Government, seeing that there is a responsible Minister at the head of the Department. I do not want to cavil, because I recognise that the present Government have had very little opportunity of knowing much of any of the Departments. The Government have only been a very little time in power, and all who have any experience of the Ministerial position, know that it takes some time to become acquainted with all the circumstances of a huge Department like that of Defence. I am trying, however, to urge that we ought not to appoint this Committee on any evidence that has been presented to us, owing to the danger of establishing a precedent in the case of any or every dismissed or suspended officer. Now that this matter has been discussed, I have every confidence, whether the Committee be appointed or not, that the Government will

and satisfy themselves, and that the

Minister will take some action on his own responsibility.

Senator DAWSON.—I have no objection to doing that, but I should prefer a Committee.

Senator TRENWITH.—No doubt the Minister would prefer the line of least resistance—the line of the greatest convenience. But, after all, we have a Government and Ministers in whom we have confidence, and whom we expect to take, not necessarily the most convenient, but the most appropriate and proper course. This is, no doubt, a difficult and delicate question, but it is one with which Ministers ought to deal, and with which the Senate should not attempt to interfere until dissatisfied with Ministerial action.

Senator PLAYFORD (South Australia).—As a rule, Senator Higgs, when submitting matters to the Senate, affords all the information necessary to enable honorable senators to arrive at a conclusion. On the present occasion, however, the honorable senator has omitted one very important fact, which was only casually elicited subsequently. That was the important fact that the case of Major Carroll has already been the subject of a departmental inquiry. On that point, Senator Higgs never uttered a word, although, as I say, it is most important that honorable senators should be aware of the circumstances. Then, again, we ought to have before us the report which resulted from that departmental inquiry. We have heard that that report stated that the reasons given by Major-General Hutton were not the correct reasons for what, perhaps, I ought not to call a dismissal, but the removal of Major Carroll from the active list.

Senator PEARCE.—The honorable senator was leader of the Government at the time in this Chamber. Why did he not lay the papers on the table?

Senator PLAYFORD.—I was not at the head of the Defence Department.

Senator KEATING.—And the question was never raised in the Senate.

Senator PLAYFORD.—So far as I know, this is the first time I have heard anything of the case. The papers of the Defence Department were not likely to come before me, except some questions were asked in the Senate. The Minister of Defence ought, certainly, to have been prepared with a very clear and explicit statement of the facts of the case. It would be a great mistake for members of the Senate to take out of the hands of the Executive work which the latter ought to perform; such a step

ght not to be taken in the absence of a very od cause. What are the members of the ecutive for but to administer the different partments, and see that justice is ne amongst all the public servants, civil d military? In no case ought the Govern- nt to shelter themselves behind a Select mmittee in regard to matters which they : specially called upon to administer. ere is no justification for the Government ferring this question to a Select Committee shunting this particular work on to mem- rs of the Senate.

Senator MCGREGOR.—The Government : doing nothing of the kind.

Senator PLAYFORD.—I should ima- e that the Minister of Defence is pre- red to look into the question, and im- rtially and fairly come to a conclusion to the proper course under the circum- ances, and that he will take the responsi- lity of giving effect to his decision. Select mmittees certainly ought not to be ap- inted for the purpose of inquiring into the departmental troubles and squabbles. know nothing about the merits of this se; I only know that such cases are not ose in which members of the Senate should : asked to practically do the work of the overnment. No doubt important ques- ons may arise, on which Parliament be ve coming to a decision desires to have efore it the result of exhaustive inquiries : Select Committees; but such cases do t include those of a purely departmental d executive character. Under the cir- cumstances, I hope that the Government will sk Senator Higgs to withdraw his motion, nd allow the Government to look into the uestion. If that be done, I feel con- dent that the Government will do what is ight and proper, and that we shall hear o more of the case.

Senator FRASER (Victoria).—I entirely gree with the remarks of Senators Tren- uth and Playford. If every little de- artmental grievance is to be brought before he Senate, we shall be in session from one ear's end to the other; we shall have to e a Government, instead of a Senate called o perform parliamentary duties. The Minister ought to assume responsibility, and if he acts wisely and fairly, he will get credit for his administration. Unless the Minister is prepared to assume responsi- bility, it will show that he has not the courage to do the right thing, even when he knows what the right thing is; and it is tomfoolery to shift Ministerial responsi- bilities on to honorable senators or members

of another place. I hope that, in any case, the papers to which reference has been made will be laid on the table, so that honorable senators may peruse them before deciding as to the appointment of a Select Committee. Surely we are entitled to have from the Government the report issued in connexion with the departmental inquiry.

Senator MCGREGOR.—The honorable senator must remember that it is not the Government by whom this Select Committee is proposed.

Senator FRASER.—But if the Govern- ment encourage or acquiesce in a motion for a Select Committee, then, to all intents and purposes, the Government are respon- sible. The Government ought to put their backs up at the proper time, and not shirk responsibility. I am speaking em- phatically, because I feel emphatically that the Minister would do himself credit by taking responsibility. I disagree with the proposal to appoint a Select Committee on the *ipse dixit* of any honorable senator or senators.

Senator WALKER (New South Wales).—I trust that Senator Higgs will take the advice tendered and withdraw the motion, and propose in lieu thereof, that the report resulting from the departmental inquiry be laid on the table. We should then be able to judge whether a Select Committee is really required. If inquiry proves that Major Carroll has been badly treated, no doubt the Government will take the respon- sibility of seeing that justice is done.

Senator HIGGS (Queensland).—I have no predilection for Select Committees, and I am sure that no honorable senator, after an experience of one or two of them, would have any great desire to serve on them. I think that that stands to the cred- it of those honorable members who are willing to serve on this Select Committee; it stands to my credit in this respect, that we must see that a very great injustice has been done to Major Carroll before he would ask for the appointment of a Select Com- mittee. Senators Keating, Playford, and Trenwith have dwelt on the necessity for any Government to take responsibility. The last thing, they say, that a Government should do is to shelter itself behind the *ægis* of a Select Committee; they should inquire, and, if an injustice has been done, see that the officer injured is recompensed or reinstated. It is very singular that these honorable senators happened to be strong supporters of the last Government.



Senator TRENWITH.—I do not know that that is a wise method of discussing the question, because that cannot be said of me.

Senator HIGGS.—The honorable senator who said that we as a Parliament must always have a Government prepared to do its duty took his place here behind the last Government, and I am proposing to read to the Senate a minute by the late Minister of Defence to see if I cannot get him to withdraw his opposition to my motion.

Senator MILLEN.—I desire to know, sir, if the papers which are about to be quoted from are to be made available to the Senate, in accordance with standing order 350.

The PRESIDENT.—If an honorable senator quotes from a paper, he ought to be prepared to lay it upon the table. I do not know what paper Senator Higgs intends to quote from.

Senator HIGGS.—I propose to quote from the minute written by the late Minister of Defence, Mr. Chapman, on the report of the departmental inquiry. I asked Senator Dawson if I could use the paper, and he sees no objection to my doing so.

Senator TRENWITH.—I submit, sir, that Senator Higgs is not entitled, in his reply, to introduce fresh matter.

The PRESIDENT.—I do not feel justified in preventing Senator Higgs from introducing fresh matter in his reply. It is very inconvenient, I admit, that fresh matter should be introduced by a senator in his reply; but I have never known such an objection to be taken, and, certainly, I have never known such an objection to be upheld. The honorable senator can, in his reply, introduce any relevant matter which has not been referred to in the debate, and he ought to be prepared to lay this paper upon the table if ordered by the Senate.

Senator HIGGS.—I am prepared, and I hope that the *Hansard* reporter will take down my quotation from the document—

Senator MILLEN.—Will this document be made a paper of the Senate?

Senator HIGGS.—The Minister of Defence has stated so.

When retrenchment was in contemplation, the merits of officers concerned were taken into careful consideration by the then Minister of Defence, in conjunction with the General Officer Commanding; and I think a bad precedent would be created by re-considering what was then done.

No doubt there were many officers who felt themselves aggrieved by the decisions then arrived at—that is a feeling which naturally and inevitably accompanies all retrenchment; but opinions of this kind cannot in any way override the action of constitutional authority, or deprive the conclu-

sions arrived at of that finality which is essential to the successful control of the Military Forces.

Unfortunately, on all such occasions, it becomes the painful duty of a Department to sacrifice the services of some competent officer; and it is not necessary that charges of want of competence should be brought against those who suffer in the process of retrenchment.

With regard to Major Carroll's complaint, he has been for over eight months attempting to obtain satisfactory reasons, and also to receive an explanation as to why documents and records of service had been destroyed, I find that on 11 May he was informed that only three papers in connexion with him were destroyed, and that none of these constitute records of service.

As regards his claim to promotion, he has been dealt with similarly to other officers serving in South Africa, by his rank being confirmed as honorary rank in the Military Forces of the Commonwealth.

Now comes a paragraph to which I direct the attention of Senators Playford, Trenwith, Keating, and Drake—

After a careful consideration of the papers, it appears to me that Major Carroll rendered good service in South Africa; that he is a good and zealous officer, and that no imputation of any kind rests on his character. But, unfortunately, the necessity for economy in military expenditure remains; and where further expenditure takes place, it should not, in my opinion, be directed to an increase in officers and men so much as to a more substantial addition of arms and equipments.

AUSTIN CHAPMAN,  
Minister of State for Defence.

The result of the inquiry was that the late Minister of Defence found that Major Carroll had rendered good service in South Africa, that he was a good and zealous officer, and that no imputation rested on his character.

Senator PLAYFORD.—But at present we have no vacancy to put him into.

Senator HIGGS.—I ask honorable senators to say whether the case, as it is now presented, does not show the necessity for the appointment of a Select Committee.

Senator KEATING.—No; it shows the necessity for action on the part of the present Minister.

Senator DAWSON.—No. The exact point is that the General Officer Commanding now objects to the finding that Major Carroll is a good officer. Surely the two sides must be heard.

Senator MILLEN.—Why does not the honorable gentleman hear them?

Senator DAWSON.—I cannot, because there has been one departmental inquiry already.

Senator HIGGS.—Senator Playford says, in effect, "Give him a billet as soon as you can."

Senator PLAYFORD.—When there is one vacant.

Senator HIGGS.—Senator Trenwith is, in effect, "Let the Minister of Defence institute an inquiry into the matter, and if he should find that an injustice has been done, let him give Major Carroll his billet, and make no reflection on the action of the late Ministry, which, after an inquiry and after a period of four months, found that there was no stain on his character, but refused to do anything." We desire to know, through the medium of a Select Committee, whether what the late Minister of Defence says in his minute is true. I ask honorable members to contrast his statement that there is no stain on the character of Major Carroll, that, in his opinion, he rendered good service in South Africa, and is a good and efficient officer, with the statement of Major-General Hutton that he dismissed Major Carroll because he was found unsatisfactory in Queensland, because he used political influence with the Premier, Sir Hugh Nelson, and because he was found unsatisfactory in South Africa. Surely the difference between those statements must convince the Senate that an inquiry by a Select Committee is necessary. I think that the action of the present Government can be defended in every way. Why should they be expected on any ground to institute another departmental inquiry? That would be a reflection on their predecessors, and a reflection, as Mr. Chapman says in his minute, on the General Officer Commanding.

Senator MILLEN.—Is not this a reflection on both the past and present Ministers of Defence?

Senator HIGGS.—I do not think it is a reflection on the present Government. During their brief term of office they have been met with all kinds of attack from every side.

Senator FRASER.—What! what!

Senator HIGGS.—"What! what!" says Senator Fraser, when we know that he has been one of the most active in endeavouring to bring about the downfall of the Ministry. The further I inquire into this matter, the more convinced I am of the necessity that there should be not only a parliamentary inquiry, but a parliamentary inquiry which would allow the people of the Commonwealth to know something about our military methods. It involves no question about our supply of arms or ammunition, our plans of defence, the state of our forts and guns, and so forth. It only concerns the methods of dealing with officers in our

Military and Naval Forces. I hope the Senate will not be swayed by those who have opposed the motion, but will grant a Select Committee.

Motion (by Senator MILLEN) agreed to—

That the document quoted by Senator Higgs be laid upon the table.

Senator DAWSON (Queensland—Minister of Defence).—I now lay the document upon the table.

Question—That a Select Committee be appointed to inquire—(a) As to the reasons given by the General Officer Commanding, for the retrenchment of Major J. W. M. Carroll from the Defence Forces of the Commonwealth—put. The Senate divided.

Ayes	...	...	19
Noes	...	...	9
Majority	...	...	10

#### AYES.

Dawson, A.  
de Largie, H.  
Dobson, H.  
Findley, E.  
Gould, A. J.  
Guthrie, R. S.  
Henderson, G.  
Macfarlane, J.  
McGregor, G.  
Mulcahy, E.  
Neild, J. C.

O'Keefe, D. J.  
Pearce, G. F.  
Smith, M. S. C.  
Story, W. H.  
Styles, J.  
Turley, H.  
Zeal, Sir W. A.

#### Teller:

Higgs, W. G.

#### NOES.

Baker, Sir R. C.  
Drake, J. G.  
Fraser, S.  
Keating, J. H.  
Playford, T.  
Pulsford, E.

Trenwith, W. A.  
Walker, J. T.

#### Teller:

Millen, E. D.

Question so resolved in the affirmative.

Paragraph *b*, and sub-sections 2 and 3 agreed to.

#### Resolved—

1. That a Select Committee be appointed to inquire—

(a) As to the reasons given by the General Officer Commanding, for the retrenchment of Major J. W. M. Carroll from the Defence Forces of the Commonwealth.

(b) As to whether Major J. W. M. Carroll has been justly treated by the Military authorities of the Commonwealth.

2. That the Committee have power to send for persons, papers, and records.  
3. That the Committee consist of Senators de Largie, Staniforth Smith, Stewart, O'Keefe, Findley, Styles, and Higgs.

Motion (by Senator HIGGS) agreed to.

That the Committee have power to report on Thursday, 30th June.

Senator HIGGS (Queensland).—I beg to move—

That so much of the Standing Orders be suspended as will permit of the press being present during the hearing of the case.

The object of this motion is that representatives of the press may be present, and reports of the proceedings published from day to day.

The PRESIDENT.—The honorable senator does not carry out that intention by this motion. It only permits members of the press to be present, but it does not say that they may publish reports.

Senator HIGGS.—By leave, I will amend my motion by adding the words "and to publish reports from time to time."

Motion amended accordingly.

Senator HIGGS.—I do not think I need give many reasons for this motion.

Senator Lt.-Col. GOULD.—I think the senator will have to give very strong reasons.

Senator HIGGS.—I cannot understand why honorable senators should be anxious to carry on a Star Chamber procedure. That is what it amounts to.

Senator DRAKE.—Who appointed the Star Chamber?

Senator HIGGS.—What is the object of the inquiry? Not merely to see that justice is done to Major Carroll, but to show the public whether our military system of discipline will bear the light of day. The great objection which I have to the proceedings of our Select Committees is that they are not published until the Committees report to the Senate. We take a volume of evidence. That evidence is bound together, and covers very many pages. But nobody will then take the trouble to read it.

Senator PLAYFORD.—In some cases it would be of no use to read it. These are merely personal matters.

Senator HIGGS.—They are more than personal matters. It is a question of whether the Government of the Commonwealth is being carried on in a proper way, and whether our military methods are approved of by the public of the Commonwealth. What objection can honorable senators have to the presence of the press?

Senator PLAYFORD.—Suppose we allowed the presence of the press at a Committee concerned with the question of privilege?

Senator HIGGS.—My own view is that if this were a question affecting the defence of the Commonwealth, when the publication of the proceedings of the Committee might endanger the Commonwealth, we should

exclude the press. But every Select Committee which is engaged in inquiring into any case of public interest should be open to the press and to the fullest light of day.

Senator TRENWITH.—Unfortunately the press does not give the light of day very often.

Senator HIGGS.—I know that the honorable senator has had reason to complain of the press, but I thought that that quarrel had been patched up.

Senator TRENWITH.—Personally, it is of no consequence, but from the public point of view it is of great importance.

Senator HIGGS.—My view is that there can be no doubt as to the advisability of having the press present at our meetings.

Senator O'KEEFE (Tasmania).—I beg to second the motion.

Senator MILLEN (New South Wales).—The mover of the motion seems to me to have overlooked entirely the principal point to which he should have addressed himself. The arguments he has adduced might have been excellent for the repeal of the standing order. But his motion requires a suspension of that standing order, and he has given no argument to show why we should take a different course in this case than we took with regard to other Select Committees. It is easy to point out that there are reasons why the standing order should not be suspended. The present matter is largely personal. I regret very much to have to make the statement which I am now making—that certain of the members of the Committee are, as is shown by their own arguments, avowed partisans.

Senator DAWSON.—That is not a fair thing to say.

Senator MILLEN.—Not after the speech of Senator Higgs, who is to be the Chairman of the Committee? Is he not a partisan? Senator Higgs himself will be the last to dispute it. Coming back to my point, it appears to me that this inquiry will be largely coloured by personal feelings. Personal matters must arise. It is entirely desirable that in such a case the press should be excluded. The accurate report of what takes place will be brought before the Senate, together with the commendations of the Committee, and it is not at all desirable that the press should be in a position to give from day to day misleading accounts of what takes place—misleading because they are curtailed. It is, further, undesirable that the press should give *ex parte* statements at particular

nes. It is desirable that, in the interests of persons affected by the inquiry, there should be no publicity until the whole of the evidence and the report of the committee come before the Senate.

Senator MULCAHY.—And until the evidence has been digested by the Committee.

Senator MILLEN.—It will be a wronging to give the details of the evidence to the public until the whole of it is available.

Senator DAWSON (Queensland—Minister of Defence).—I have no feeling with regard to this motion one way or the other. At my honorable friend, Senator Millen, seems to be in a somewhat vitriolic mood to-day. He appears to discover poison in every suggestion that is made from this side of the Chamber.

Senator MILLEN.—Whenever the honorable senator leaves the beaten track, I want to know why.

Senator DAWSON.—The beaten track, from the honorable senator's point of view, is the wallaby track, and I left that long time ago. I quite admit that it is inadvisable for the press to be admitted to some of our Select Committees. That is the reason why we provide in the Standing Orders that the press shall not be permitted to attend a Select Committee unless with the express consent of the Senate. If the surroundings of the case can be inquired into by any particular Select Committee are such that publicity should not be given to them, the press should not be admitted. In this instance my opinion is as follows:—The case of Major Carroll has received a great amount of publicity. I am not now speaking as a Minister; I am speaking as a private senator. I wish that to be clearly understood. Seeing that we have agreed to appoint this Committee, and that there are two parties to the dispute, it would not, I think, prejudice either party if the press were admitted. If, however, honorable senators can show good and substantial reasons for excluding the press, I shall be glad to hear them.

Senator PULSFORD.—Surely they are obvious.

Senator DOBSON.—The onus of proof is on the Minister.

Senator TRENWITH.—The standing order says that the press shall not be admitted, except with the consent of the Senate, and it is for the Minister to show why the press should be admitted.

Senator DAWSON.—It is not for me, but for the mover of the motion, to show

why the press should be admitted. My view is, regarding the whole of the circumstances, that it would be as well for the press to be admitted. The representatives of the press would be subject to certain rules which would be laid down by the Committee themselves.

Senator Lt.-Col. GOULD.—This motion would give the press absolute power.

Senator DAWSON.—As an individual, I am in favour of suspending the Standing Orders.

Senator Lt.-Col. NEILD (New South Wales).—There is one point to which I would particularly draw attention in connexion with this demand for the admission of the press. I voted for the appointment of the Committee, and shall vote against this motion. It is quite clear that I am not in any way antagonistic to the inquiry. But let me point out that we have a standing order which protects witnesses in regard to anything they say. Is that standing order to be suspended also? If so, it might be an inducement to take from slanderous witnesses the protection which the present standing order gives to them, and I might be willing to vote for the motion. But not otherwise. A trial in the Law Courts goes on from day to day, and the falsehood of to-day may be corrected by the truth of to-morrow. But a Select Committee may sit at wide intervals. Perhaps a week or more may elapse between two meetings. The most serious injustice may be done to one side or the other in consequence of the statements of witnesses being published, and the answers to their statements not being forthcoming for a long time. Unfortunately, the Senate did not pass a Bill which I introduced last session for the purpose of having evidence given on oath. Consequently, the most serious statements may be made by a malicious witness giving evidence under the protection of privilege; and there is no chance of answering them the next day as is the case in the Law Courts. The person who is maligned may have to wait weeks, or even months.

Senator DAWSON.—But remember that the pressmen would be under the control of the Committee.

Senator Lt.-Col. NEILD.—But if an individual pressman offends, another man may be sent to report the proceedings the next day.

Senator TRENWITH.—How are the reporters under the control of the Committee?

Senator Lt.-Col. NEILD.—I do not see that they can be materially under the control of the Committee.

Senator Lt.-Col. GOULD.—It is proposed to give the press express power to report.

Senator MILLEN.—Whether we give the permission or not, if they are once admitted within a mile of the place they will have a report.

Senator Lt.-Col. NEILD.—For the reasons I have given I again urge Senator Higgs to withdraw his motion. The publication of evidence at wide intervals can do no good. It may produce a vast amount of harm and great personal injury.

Senator MULCAHY (Tasmania). — I also hope that Senator Higgs will withdraw his motion. The President is the guardian of the rules of the Senate, and I have been pleased on previous occasions to note the way in which he has discouraged too great readiness to suspend the Standing Orders. Next to the President, I think, that the representatives of the Government in the Senate should most zealously guard against any unnecessary suspension of the Standing Orders.

Senator DAWSON.—The honorable senator was the biggest sinner himself when he was a Minister.

Senator MULCAHY.—I was nothing of the kind. On the other hand, I may, perhaps, be considered too great a stickler for the observance of conservative rules which I think necessary for the proper conduct of the business of a Legislative Assembly. We have agreed to the appointment of the Select Committee in order to do justice to a man who, on the *prima facie* case submitted, appears to have suffered injustice. We have not heard the other side yet, and what we are asked to do now is to depute our functions to the public, and invite them to express an opinion on a case half heard.

Senator HIGGS.—The press will not be expected to comment on the evidence.

Senator MULCAHY.—It is proposed that we should make a special exception in this case, but once such a motion is carried on personal grounds, other people may from time to time claim the same right from the Senate, and ultimately all matters referred to a Select Committee will be reported upon daily by the press. The proper procedure, it seems to me, is that the members of the Select Committee shall listen to the evidence submitted to them, carefully digest it, and then give us their report. The report will then be available to the press, as

a complete report, and the public will be able, at the same time, to read the case for both sides. I was surprised to hear the references to "Star Chamber" by Senator Higgs. There is no "Star Chamber" or secrecy proposed, but only a temporary withholding of the evidence until the whole of the case is submitted. I have been surprised at the readiness of Ministers and members of their party to admit the press to the proceedings of Select Committees, when we know that no persons have taken greater exception to the press on the ground of bias.

Senator DAWSON.—That was only to their comment.

Senator MULCAHY.—It is now proposed by these honorable senators to invite representatives of this biased press to attend the proceedings of Select Committees, and give biased reports. I shall oppose the motion if it is pressed.

Senator MCGREGOR.—I was indifferent whether the press were admitted and allowed to give reports of the proceedings of this or any other Committee of the Senate; but, in view of the statement made by Senator Millen that certain members of the Committee that we have appointed are biased, there is a very strong reason why, in this case, the press should be present, and the fullest publicity should be given to the proceedings of the Committee.

Senator MILLEN.—The honorable senator admits my reason.

Senator MCGREGOR.—I admit everything that the honorable senator says; but I do not think he was exactly fair. I am sure that he did not mean what was implied by his words, because, although he may think certain members of the Select Committee are biased, I feel sure he believes that they will do justice in the matter. I think that the reason he gave is a reason why the proceedings should be published, in order that the public may be made aware that the inquiry is conducted in an unbiased manner.

Senator MULCAHY.—What about the biased press?

Senator MCGREGOR.—In spite of the insinuations made by Senator Millen, I would ask Senator Higgs to withdraw the motion. I do not believe that it will do any good if carried. I have confidence that the members of the Select Committee appointed will do their best to elicit the truth, and we shall get a reasonable report from them when they have finished their work.

Senator Lt.-Col. GOULD (New South Wales).—I may add my request to that of

e Vice-President of the Executive Council that Senator Higgs will withdraw his motion. I was one of those who supported the appointment of the Committee, because I thought that a just demand was being made upon the Senate. If we have Standing Orders we should abide by them, and they would not be suspended unless the circumstances are peculiar and exceptional. I am aware of no circumstances of a special character in connexion with this case which justifies the suspension of the Standing Orders in order to allow the press to be present at the proceedings of the Select Committee. The safe rule to follow is to adhere to the Standing Orders as much as we possibly can. I need not add to the arguments already adduced to show the undesirability of allowing reports of the proceedings of a Select Committee to be published from day to day. The representatives of the press would not necessarily report everything that was said; but would perhaps prefer to report tit-bits of evidence that might be specially interesting.

Senator MULCAHY.—Under cross-headings.

Senator Lt.-Col. GOULD.—It is possible also that the Senate might pass a motion permitting the press to be present at the proceedings of a Select Committee, which they would consider of so little importance as not to justify the expense of a report.

Senator DAWSON.—The honorable senator has no faith in the press?

Senator Lt.-Col. GOULD.—I have, and I have not.

Senator WALKER.—Honorable senators have only to look at the reports of the proceedings of the Senate appearing in the press now.

Senator TRENWITH.—They have only to look at the reports of yesterday's proceedings.

Senator Lt.-Col. GOULD.—If the ordinary course is followed, the Senate will get the whole of the evidence taken by the Select Committee, and the finding of the Committee at the same time. The public will then have an opportunity of knowing what was alleged on both sides, and of deciding how far the action of the Select Committee, and the subsequent action of the Senate when we are called upon to adopt the report of the Committee, may be correct.

Senator HIGGS.—It is absolutely impossible for me to refuse to accede to the request. I therefore ask leave to withdraw the motion.

Motion, by leave, withdrawn.

## PAPER.

Senator MCGREGOR laid upon the table the following paper:—

Paper relating to the proposed temporary appointment of Mr. G. Woodrow, postmaster at Bunbury, to the position of postmaster at Fremantle.

## SEAT OF GOVERNMENT BILL.

*In Committee* (Consideration resumed from 1st June, *vide* page 1784):

### Clause 2—

It is hereby determined that the Seat of Government of the Commonwealth shall be within twenty-five miles of \_\_\_\_\_, in the State of New South Wales.

Senator Lt.-Col. GOULD (New South Wales).—I should like to know in what way the Vice-President of the Executive Council proposes to deal with this clause. Honorable senators have different views as to the site which should be selected for the Federal Capital, and we do not desire to get into a difficulty, and be unable to decide on a particular site. If the honorable senator has no other plan to propose, I suggest to him that we should adopt the course which was followed by the House of Representatives in the last Parliament, by having sites submitted and an exhaustive ballot taken.

Senator PEARCE.—The honorable senator evidently believes in the old precept, "Divide and conquer."

Senator Lt.-Col. GOULD.—If there are half-a-dozen different sites proposed they can be ballotted for, the site receiving the fewest votes being thrown out, and the others submitted to the ballot again. That was the course adopted in the last Parliament to determine by a majority which site should be selected. Honorable senators would then have an opportunity of proposing any site which they preferred, and the public would know, as they have a right to know, how the votes of honorable senators had been cast.

The CHAIRMAN.—I shall have to take these motions in the ordinary way. There is a blank in the clause, and some honorable senator, will, no doubt, move that the blank be filled with certain words. On that amendment other amendments may be moved. I am under the impression that that was the method adopted when the question was last before us.

Senator MCGREGOR (South Australia — Vice-President of the Executive Council). — Senator Millen and other

honorable senators last night pointed out the difficulty that the Senate is in when dealing with a clause containing a blank. It may be remembered that when a similar Bill was last introduced in the Senate it contained the name of a certain site which had been agreed to in another place by a kind of exhaustive ballot. I made inquiries this morning as to the course pursued, and the President informed me, just as the Chairman of Committees has stated, that it is not in our power, under the Standing Orders, to adopt an exhaustive ballot. To adopt any method outside that contemplated by the Standing Orders would have necessitated notice of the intention to be given some time ago. That would have caused great delay, which, of course, is not desired, and I have every confidence that honorable senators will select some site by an absolute majority.

Senator MULCAHY.—If they can.

Senator MCGREGOR.—I do not see any necessity for any method other than that provided by the Standing Orders. At the proper time I have not the least doubt that some one will move the insertion of the name of a certain place, and that amendments will then be submitted. I took notice of what was said last night, and I referred the matter to the Prime Minister, the officers of the Senate, and to the President himself, and the position is as I have stated. I have no fear that any difficulty will arise.

Senator PEARCE (Western Australia).—I wish to point out that the amendment which I desire to submit will not in any way prejudice honorable senators who are in favour of Lyndhurst or Tumut; in fact, such honorable senators will be placed in a more favourable position. My desire is to insure that the site chosen shall be within the Southern Monaro district, so that, on my amendment, I shall have against me all those who are in favour of Lyndhurst and Tumut.

Senator MILLEN.—But when we come to the other sites, we shall have all the supporters of Dalgety and Bombala against Tumut. Let us have a fair deal.

Senator PEARCE.—I am given to understand that all those who favour the Monaro sites are in favour of my amendment, so that we should have a straight out vote as to whether Tumut or Lyndhurst on the one hand, or Southern Monaro on the other, shall provide the site. If separate votes are taken on each site in the Southern Monaro district, those in favour of the latter

will be divided, and we shall not get a real expression of opinion from the Senate.

Senator MILLEN.—But they will not be divided on an exhaustive ballot.

Senator PEARCE.—Yes, or on any other kind of ballot. If we adopt Senator Gould's suggestion, and take a vote on each site separately, there will always be a majority for Lyndhurst and Tumut, as compared with the votes for the Monaro sites. I take it that honorable senators only desire to ascertain the real opinion of the Senate, and not by any subterfuge, to get Lyndhurst or Tumut selected; and the adoption of my suggestion will, I say, combine the supporters of the two latter areas against the areas in Southern Monaro.

Senator MILLEN.—That is not fair to us, because certain honorable senators will support Tumut, but will not support Lyndhurst.

Senator PEARCE.—If my amendment were defeated it would be competent to move each site separately, but my amendment would get a proper expression of opinion as to the district in which the Federal territory should be.

Senator TRENWITH (Victoria).—As the President has pointed out, we cannot adopt any extraordinary method unless we over-ride our Standing Orders, which, in themselves, provide means for their suspension. It seems to me that it would be wise to adopt some other plan than that of submitting a number of sites in rotation, because the latter would not enable us to arrive at the decision we desire. It would be wise, I think, to suspend our Standing Orders, leaving ourselves free to adopt any course we like. We want greater freedom than our Standing Orders provide. The method which we must adopt under the Standing Orders would land us in chaos, and would certainly not give us the clear mind of the Committee. First, we ought to have a discussion as untrammelled as possible, bearing in view the enormous area over which our minds must range. Having had that discussion on the sites, which, so to speak, are "in the running," there ought to be some means by which each senator can express his special preference; and then, if need be, there can be a weeding out such as is afforded by an exhaustive ballot. I suggest that we go on with the discussion for some time, and then have the Standing Orders suspended for the purpose of filling up the blank.

Senator Lt.-Col. GOULD (New South Wales).—There is no doubt of the correctness of the opinion expressed by the Chairman, and, I understand, earlier by the President, as to the Standing Orders. But in another place honorable members were confronted with a similar difficulty, and, instead of dealing with the Bill in Committee, they suspended the Standing Orders, and allowed a ballot to be taken in regard to the various sites suggested as suitable. The sites were weeded out until the House arrived at a conclusion, and the name of that site was inserted in the blank when the Bill went into Committee. I suggest that that is the better course to pursue. Senator Pearce suggests that he should be allowed to induce the Committee, if he can, to affirm that the Capital site shall be in Southern Monaro; but which of the three sites would he select?

Senator PEARCE.—That would be settled subsequently.

Senator Lt.-Col. GOULD.—Are we to have a further ballot, or leave it to the Government to treat for any site in that district?

Senator PEARCE.—The blank could be filled up after my amendment was carried.

Senator Lt.-Col. GOULD.—Then I understand that after the Committee has affirmed the principle that the territory should be within Southern Monaro, the places elsewhere would be shut out.

Senator PEARCE.—But it would then have been shown that there was a majority in favour of Southern Monaro, or, of course, it might be in favour of Lyndhurst or Tumut.

Senator Lt.-Col. GOULD.—I do not see my way to fall in with that suggestion. It is better to take all the sites, and put one against the other.

Senator PEARCE.—It cannot be shown that my suggestion is unfair.

Senator STANFORTH SMITH. — What about the five different sites around Tumut?

Senator Lt.-Col. GOULD.—The radius around each proposed site might be made fifty miles.

Senator PEARCE.—But that would leave to the Government the very discretion of which the honorable and learned member has complained.

Senator Lt.-Col. GOULD.—A certain amount of discretion must be left to the Government. After all, surveys will have to be made in order to find out the most suitable spot in any limited area; and if

we make the radius fifty miles, that will include every spot contemplated in Southern Monaro or elsewhere. Under such circumstances I should have no objection to an exhaustive ballot.

Senator PEARCE.—But a radius of fifty miles from Bombala would not take in the watershed of Dalgety or Delegate.

Senator Lt.-Col. GOULD.—The Seat of Government would be within fifty miles. I take it that the distance between Dalgety and Delegate is only thirty or forty miles.

Senator PEARCE.—But the Seat of Government is the whole of the territory.

Senator Lt.-Col. GOULD.—No; the Seat of Government is to be within the territory. If the territory were 1,000 square miles, the Seat of Government might be thirty miles by thirty miles within that territory.

Senator PEARCE.—We must know where the Houses of Parliament are to be placed.

Senator Lt.-Col. GOULD.—The Houses of Parliament will not be erected until the site has been selected.

Senator PEARCE.—Until they are erected we shall have no Seat of Government.

Senator Lt.-Col. GOULD.—We have to fix on a site within the area for the Seat of Government, and the Houses of Parliament and Government offices will be erected there. I would, therefore, urge Senators McGregor and Pearce to assent to a proposition to take a radius of fifty miles from any one centre, and then suspend the Standing Orders in order to get an exhaustive ballot; and whatever place is adopted will be named in the Bill, and will, I presume, be passed by the Senate as an expression of opinion of the majority of honorable senators brought about in that particular way.

Senator MCGREGOR.—In Committee we cannot suspend the Standing Orders.

Senator Lt.-Col. GOULD.—It would be necessary to go back into the Senate to do that.

Senator MCGREGOR.—This is not a Bill for fixing the Federal territory, but for fixing the Seat of Government, and, according to the Constitution, the Seat of Government must be within an area granted to or acquired by the Commonwealth. I have always been much in favour of a greatly extended area; but the Bill provides for an area of 900 square miles, or probably as much more as may be decided on, or as we, after negotiation, can obtain from New South Wales. I do not think it would be within the scope of the Bill to



decide on the territory, but it is within its scope to fix the place for the Seat of Government. I agree with Senator Gould, that if a radius of twenty-five miles from the locality does not answer, we have a right to increase the distance to thirty or forty or fifty miles. But I do not see how we as a Government can go for the selection of a territory in a Seat of Government Bill.

Senator Lt.-Col. GOULD.—But the territory must be obtained before the Seat of Government is fixed.

Senator MCGREGOR.—We fix no boundaries at the present time. When we fix the Seat of Government, and say that we require an area of not less than 900 square miles, we shall have done all that we can do under this Bill. Of course, if we liked, we could increase the area to not less than 10,000 square miles, but if we did we should have to negotiate with New South Wales for the land.

Senator MILLEN.—I thought the Minister said the other day that it could be taken.

Senator MCGREGOR.—In the first place we must negotiate and ascertain whether the people of New South Wales are agreeable. When they decline to accede to a request of that kind it will be time enough for us to take steps for compulsory acquisition. I think it will be better to proceed in Committee, and to let an honorable senator propose a site. I do not think that there will be any difficulty in getting an absolute majority in favour of a certain site.

Senator DOBSON (Tasmania).—The motto of the Prime Minister, "One step at a time," is a very safe one. The Committee should not attempt to do too much by this Bill. If there is a complicated question to be dealt with, and it is not known how the decision is likely to go, probably the use of the exhaustive ballot is the only way of getting a settlement. But if, as many of us believe, a majority of the Senate favour Southern Monaro, we need not waste time in taking an exhaustive ballot, because if Senator Pearce moves his amendment, it will be opposed by the supporters of every other site; and, if in spite of that opposition his amendment is carried, it will go without saying that a majority of the Senate are in favour of Southern Monaro. I presume that we all wish to adopt such a procedure as will give every locality a fair chance of being considered. I hope that no honorable senator will try to separate the sites in Southern Monaro, just as I should not try to separate the five

sites in Tumut. If the Seat of Government is to go to the Tumut district, let it be understood that it is to go to the best place in that district. If, on the other hand, Southern Monaro is preferred, let it be understood that the best site in that district is to be chosen. I am inclined to think that the proposal of Senator Pearce is better than the suggestion of Senator Gould.

Senator MULCAHY.—Is there a definition of Southern Monaro?

Senator PEARCE.—There is a definition in my printed amendment.

Senator DOBSON.—If the words "Southern Monaro" are inserted, and the Bill is passed, it ought to be the duty of the Government, I think, to employ the services of skilled engineers and inspectors to thoroughly survey the locality. I take it that that important commission, whose duty will be to recommend to the Parliament the exact locality, ought to consist of one engineer or surveyor from each State, if it is only to shut the mouth of that State and to let its citizens know that one of their officers, chosen by their own Government, had his say in recommending the exact locality which should be selected. It is necessary to proceed in this careful way because the negotiations with New South Wales for an area must be based on a proper survey. In the preparation of a deed a plan is the most important part of the document. A proper plan, with a couple of lines, is of more use than a deed stretching from Melbourne to San Francisco, without a proper plan. I take it that the Senate ought to be asked to do nothing more than indicate the locality. I think that Senator McGregor now begins to see that much negotiation will have to take place between the Commonwealth and New South Wales as to the area of land which we can legally take, the area which we wish to take outside that legal area, and the terms, if any, on which they are prepared to give us that extra land.

Senator MCGREGOR.—I always thought that.

Senator DOBSON.—If we take one step at a time in this important matter we shall make no mistake, and finally, if we are to have a Capital—against which I still protest—we should make a choice to which the people of the Commonwealth cannot object.

Senator FRASER (Victoria).—I understand that there are only two great districts from which a site can be selected. If that be so, surely the simpler plan would be to divide the forces for one site or the other.

Senator MULCAHY.—That is not so ; there are three districts, at least.

Senator FRASER.—Then it will be all the worse for the honorable senator who submits the first proposal. To my mind, the proposal of Senator Pearce is a fair one, because there are two other districts in competition with Southern Monaro. If there is a majority in favour of his proposal, and it is carried, the matter will be settled, so far as the Senate is concerned. It will then be for the Government, when the district is selected by the Parliament, to approach the Government of New South Wales, and to arrange the matter in a way which will be satisfactory to the Commonwealth. If there is a majority here in favour of one district, why delay the settlement of the matter? I have made up my mind as to that district I shall vote for, and therefore I am against resorting to an exhaustive ballot.

Senator WALKER.—I rise to order. I believe that our duty is first to select a territory, and afterwards to fix a Seat of Government. I draw your attention, sir, to section 125 of the Constitution, which says—

The Seat of Government of the Commonwealth shall be determined by the Parliament, and shall be within territory which shall have been granted to or acquired by the Commonwealth.

Ask you, sir, whether we are not premature in going for a Seat of Government before we have decided on a Federal territory?

Senator MILLEN.—I submit, sir, that, according to the Standing Orders, this objection ought to have been taken in the Senate.

The CHAIRMAN.—An objection of this kind should have been taken before the second reading of the Bill was passed, and not at this stage.

Senator MULCAHY (Tasmania).—The desire of Senator Pearce is that we shall select a site in Southern Monaro. I am quite in accord with him in his proposal to enlarge the area of selection. If his assumption that there is a majority in favour of Southern Monaro be correct, the joint efforts of those who favour the selection of other districts would not be sufficient to defeat his amendment. But if that proposal be defeated, we might exclude the Monaro site, while as a contingency many honorable senators would vote for the selection of that site in preference to one of the other two. This reminds me of a three-cornered election, in which exactly the same result may happen.

I do not know whether I am in order in suggesting such a course, but it seems to me that some such practice as is generally followed when a President is elected, with a view of bringing about unanimity of opinion, might be adopted in this case. What we want is to select a site which will be supported by a majority of the Senate. Unfortunately, the machinery of the Standing Orders is not efficient for that purpose. Therefore, we should suspend the Standing Orders, and adopt some such method as the exhaustive ballot.

Senator STANFORTH SMITH (Western Australia).—I do not know whether Senator Pearce would have any objection to the adoption of the exhaustive ballot system, provided that the three principal areas are balloted for. By adopting the method suggested by Senator Pearce it appears to me that a site which is not favoured by the majority of the Senate may be chosen. Although there are more Senators in favour of Bombala than any other site, Bombala might be blocked out under this method. Suppose there were eight senators for Lyndhurst, eight for Tumut, and fifteen for Bombala. The two eights, by combining, might "knock out" Bombala on the first vote, and then the Bombala advocates would have to vote either for Tumut or Lyndhurst. That would not be satisfactory. I think that an open exhaustive ballot is the better course to adopt.

The CHAIRMAN.—In order to arrive at the real desire of the majority of the Committee I might receive an amendment in favour of a certain district. An honorable senator, who is not in favour of that district, might propose the substitution of another district. The Committee having decided on the district, I could then receive proposals regarding the particular part of the district to be selected.

Senator MCGREGOR.—Senator Pearce proposes to indicate the area in which the Seat of Government should be located. If he proposes that the area be within certain boundaries, and that proposal is carried, some senator can move that the actual site shall be twenty-five or fifty miles from a particular place within the area chosen. We can also decide whether the area to be acquired or ceded to the Commonwealth should contain 900 miles or more. All that can be done by the machinery provided by the

Standing Orders. There is no necessity to adopt the exhaustive ballot.

Senator PEARCE (Western Australia).—Senator Smith's suggestion is practically what I propose in another form, except that my proposal carries out the idea more accurately. The words which I propose to insert in the Bill would remain there, and we could afterwards determine the exact site of the Capital. But if we use the word Bombala, no one will be able to say exactly what is meant. I move—

That after the word "within," the following words be inserted:—"the area bounded on the north by a line running parallel with, and twelve miles south of, the thirty-sixth parallel of south latitude."

That would include the whole of the sites recommended in the Monaro district. It would also include the watershed of all the Monaro sites. The watershed area of the Dalgety site extends a great deal further than fifty miles from Bombala. It extends more than fifty miles from Delegate, because the Dalgety site is on the western side of Dalgety itself, and the watershed area runs right back to the ranges. My proposal would secure a true expression of the opinion of the Committee as to whether the site should be in the Monaro district or in one of the other districts. After we have taken the vote on this proposal we can indicate in what portion of the district the Seat of Government shall be. But if we have an exhaustive ballot, and insert a word where the blank now stands in the Bill, we shall have this peculiar result—that the Southern Monaro advocates will be divided by three, and the Lyndhurst and Tumut advocates will be divided by two. I do not wish the Monaro advocates to be divided by three, but I am quite willing to give the others a chance of multiplying themselves by two. Therefore, the Lyndhurst and Tumut advocates have nothing to complain of. We should define the district in which the site is to be located in geographical terms that will stand investigation. I find that in the opinion of some people the boundaries of the Southern Monaro district run right up towards Tumut. By inserting the delineation which I propose there will be an exact determination of the opinion of the Committee.

Senator WALKER (New South Wales).—Senator Pearce is a man of considerable shrewdness, but I still hope that progress will be reported, that the Standing Orders will be suspended, and that we shall have an exhaustive ballot. If

we carry this amendment we shall practically be confined to three sites—Delegate, Dalgety, and Bombala. But what about Orange? Why should we not specify the thirty-third parallel? Personally, I am an advocate of the Tumut site. I might vote for Dalgety as a second choice. We should have an exhaustive ballot, as they had in the House of Representatives last session. There is absolutely nothing unfair in adopting that course, as every honorable senator will have an opportunity of voting for the site which, in his opinion, is the best.

Senator PEARCE.—They will have the same opportunity by following the course now proposed.

Senator WALKER.—No; we shall have three voting against two if we adopt the course now proposed, and which I hope we shall reject. I beg to move—

That the Committee report progress.

Motion negatived.

Senator Lt.-Col. GOULD (New South Wales).—On so important an amendment we should be given some reasons by Senator Pearce for his preference for a site in the Monaro district, as against Tumut and Lyndhurst, for instance.

Senator DOBSON.—Is not the honorable and learned senator tired of hearing them?

Senator Lt.-Col. GOULD.—Senator Pearce speaks of two or three different sites within the area which he defines.

Senator PEARCE.—I take it that each honorable senator has made up his mind as the result of his investigations.

Senator Lt.-Col. GOULD.—Then the honorable senator is not disposed to give the honorable senators, who have not read the report, and who have not heard previous debates on this subject, the advantage of knowing the reasons which induce him to prefer a site in the Monaro district.

Senator MACFARLANE (Tasmania).—I propose to take up the honorable and learned senator's challenge. I did not speak on the second reading of the Bill, because I expressed my opinion very fully last session, when the Senate selected the site in the Monaro district. This session we have had three very valuable reports sent in at the request of the Senate, and they bear out my contention that the Monaro district is the best that could be chosen. Sir John Forrest is emphatic in the expression of his belief that Dalgety is the best site which he has seen. The right honorable gentleman is a surveyor of very high stand-

3. and he is a very competent person to form an opinion on such a subject.

Senator MILLEN.—The honorable senator no doubt aware that Sir John Forrest viewed Bombala before he inspected it.

Senator MACFARLANE.—No doubt he did from a study of documents, and his inspection has borne out the opinion he first formed. The Inspector-General of Works, Lt.-Col. Owen, is also in favour of Dalgety, as is Mr. Scrivener, a surveyor of considerable eminence. I said last year, and now repeat, that one of the most essential features required is a good water supply, and to my mind the Snowy River affords the best water supply to be found in Australia.

Senator DAWSON.—By pumping or by gravitation?

Senator MACFARLANE.—By gravitation from an affluent of the Snowy River. The Snowy River is on the Dalgety site itself.

Senator Lt.-Col. GOULD.—Are not pumping schemes suggested?

Senator MACFARLANE.—No; the water supply will be derived by gravitation or thirteen miles from the Mowamba River. I can refer honorable senators to what Sir John Forrest says—

Viewed from the standard of the factors set forth in paragraph 3, the Dalgety site, in my opinion, fulfils the qualifications to a larger and better extent than any other site in the Southern Monaro or Tumut districts. It surpasses all of them under the four headings (b, c, f and i), and under no factor is it inferior to any of the others. It has also by far the best water supply, and is the most picturesque of all the sites examined.

Lt.-Col. Owen says that the Dalgety site is the best, and that the water supply has 600,000 horse-power available for electricity. That is one of the most valuable assets the Commonwealth could have, and one which we should avail ourselves of as soon as possible. Mr. Scrivener says that the water supply of Dalgety is 8,000,000 gallons per day. It may be easily increased, and will be provided by gravitation through a thirteen-mile tube. If this method is not adopted, a small pumping scheme will be required, which he recommends, because the pumping can be done economically by electricity. As to the climate, Sir John Forrest reports that it is splendid. Mr. Scrivener says that the range of mountains to the north of the Snowy River affords protection from the westerly winds, and for that reason he prefers the Dalgety site to the Bombala site. Lt.-Col. Owen reports that Dal-

gety is the best sheltered of all the sites he inspected in the Monaro district.

Senator MILLEN.—Is that all that Lt.-Col. Owen has said about the climate?

Senator MACFARLANE.—No; he has said that he was not long enough there to be able to speak definitely with respect to the climate. Last season we had before us a report from Mr. Maiden, the Curator of the Botanical Gardens at Sydney, and that gentleman is of opinion that all plants, shrubs, and flowers usually grown in temperate climates can be grown easily and profitably at Bombala or Dalgety. One honorable senator has said that Dalgety is very bleak, but that can easily be remedied, as one of the surveyors points out, by planting trees, and increasing the forests which are very close to the site.

Senator WALKER.—Very close?

Senator MACFARLANE.—Yes, within six miles. Facts are worth more than theory, and we have opinions offered by experts, which, I hope will receive the weight they deserve. At Dalgety there is the finest water supply to be had in Australia, and the climate for ten months in the year is as good as that to be found in any other part of Australia. If it is more severe during the other two months, I remind honorable senators that it may have the effect of shortening our sessions occasionally.

Senator MILLEN.—Hear, hear; we shall be frozen out.

Senator MACFARLANE.—At Dalgety we should have a delightful climate for ten months in the year, and, according to Sir John Forrest, a splendid climate all the year round. The thermometer does not descend very low at Dalgety, or as low in the Monaro district as at Lyndhurst.

Senator STANFORTH SMITH.—It descends to 16 deg. below zero at Lyndhurst.

Senator DRAKE (Queensland).—I have not said much on this subject. I desire to vote for Dalgety: I do not know whether my opinion is of any particular value, but I have so far made up my mind to that. I wish to have the question settled, and I understand that, if Senator Pearce carries his proposal, the blank created will afterwards be filled up by the name of one of the sites.

Senator PEARCE.—I leave that to some one else.

Senator DRAKE.—The honorable senator may do so; but I point out that when he has taken a division in favour of the Monaro district, which he defined, he assumes

that honorable senators will then only vote for a site within that district. Suppose they decline to do that? Suppose that whatever the inconsistency may be, they persist in voting for their own favourite site, and submit the name of a site which is not favoured by the honorable senator.

Senator PEARCE.—We have nothing to fear from that.

Senator DRAKE.—I think that there may be something to fear, and that the honorable senator is assuming that the minority in the Senate will abide by the vote of the majority, which is expected to carry his amendment. There is nothing to prevent honorable senators endeavouring to fill up the blank created with the name of a site that is not in the Monaro district, however inconsistent such an amendment may be.

Senator TRENWITH.—Supposing there is a site A favoured by a majority, and a minority favouring sites B and C. Having decided that the site chosen shall be within A, the honorable and learned senator suggests that an amendment may be moved to insert B or C. The Chairman could not put such an amendment.

Senator DRAKE.—I doubt whether he would exercise his authority to prevent such an amendment being put, because it is not his duty to judge the consistency or inconsistency of an amendment with one which has already been carried.

Senator MCGREGOR.—The danger the honorable and learned senator fears is imaginary.

Senator DRAKE.—I do not think that Senator Pearce will be wise in persisting in the course he proposes against the wish of honorable senators who propose the method, which, so far as I can see, is open to no objection. The exhaustive ballot was tried by the House of Representatives last session, and it seems to me to afford a means by which we may ascertain exactly which site is the choice of the Senate.

Senator TRENWITH (Victoria).—If the amendment, proposed by Senator Pearce, is carried, it will define the area in New South Wales within which the Seat of Government must be. That will be a positive decision of the Committee. Suppose Senator Pearce's amendment be carried, and we proceed further, we shall have to decide, not whether the Federal Capital shall be in Tumut or Lyndhurst, but what shall be the particular spot within the geographical area already fixed; and no combi-

nation could upset that arrangement without rescinding what we had previously done.

Senator DRAKE.—What is the objection to the advocates of other sites having an opportunity to vote for those sites?

Senator TRENWITH.—First of all, we have a blank sheet; but there are in the minds of honorable senators three districts. The advocates of Tumut, for instance, have in their minds an area near Tumut, which is Batlow—in many respects the most desirable place. What the advocates of the respective sites have in their minds are districts rather than any definite spots. We decide, in the first instance, that we are in favour of one of those districts, and if we happen to decide on an area within a radius of twenty miles, say, of Tumut, that will be a clearly defined area. We then proceed to decide on some spot within that twenty miles radius; and if some honorable senator captiously proposed Dalgety, the Chairman would at once point out that the latter was not within the area already decided upon.

Senator GUTHRIE.—How would the Chairman know?

Senator TRENWITH.—I cannot say, but I am sure the Chairman would know; at any rate, there would be a clear geographical line fixed. An amendment on Senator Pearce's amendment might, in reference to either or both of the other areas spoken of, be made just as definite geographically. I do not know the districts sufficiently to say how that should be done, and it would take some time; but, in my opinion, the danger feared by Senator Drake does not exist.

Senator DRAKE.—Suppose the advocates of all the other sites vote successively against the sites in the Monaro district?

Senator TRENWITH.—To begin with, honorable senators could not, under the circumstances, vote for any other sites, although they could, of course, vote against the Monaro sites. If so, the advocates of the Monaro sites would ultimately be driven, in self-defence, to adopt some means of securing unanimity. That is supposing the worst happened; but I do not think the honorable senators are so captious as to adopt what I venture to say would be an unfair course.

Senator DRAKE.—I hope not.

Senator TRENWITH.—We all desire to do our very best. This is a question so important that we all feel very strongly in

regard to it. With some honorable members it is an intensely local question, and the great importance of the problem also gives rise to very strong feeling. I do not think, however, that honorable members would take any unfair means to prevent the majority from achieving their desire. The consensus of expert opinion seems to be in favour of the district named in Senator Pearce's amendment.

Senator DAWSON.—No.

Senator WALKER.—The Royal Commission gave Tumut first place.

Senator TRENWITH.—At all events, the evidence presented recently by experts is in favour of the district to which I refer. I am not an expert on the quality of land, water supply, railway matters, and so forth, but I have had six years' training in this special department of inquiry as a member of the Railways Standing Committee of Victoria, and, therefore, have obtained some smattering of knowledge. The conclusion I have arrived at is that Tumut, while presenting many advantages, particularly the advantage of picturesqueness, and, so far as I was able to observe, of a water supply sufficient for a very considerable population, has the very great disadvantage of having an enormous area of comparatively worthless land in its neighbourhood.

Senator DAWSON.—What does the honorable senator mean by "worthless" land?

Senator TRENWITH.—I saw no rabbits on it. On a good deal of the land rabbits cannot live, although there are rabbits in the neighbourhood.

Senator DAWSON.—The honorable senator was not there long enough to notice.

Senator TRENWITH.—There is a very nice valley all the way up, but it is extremely restricted. In some instances the worthless land runs right up to the river, and, in other instances, spreads out a mile or a mile and a half at the widest part. At Batlow, however, there is some really magnificent land, so far as the quality of the soil is concerned, but it is of such a character as to be almost impossible to work.

Senator Lt.-Col. NEILD.—Why cannot the land be worked?

Senator TRENWITH.—It is extremely broken, rugged country. I was very strongly prejudiced in favour of the Batlow district from a climatic point of view, the climate being much colder than in Victoria. I am very fond of a cold climate; indeed, I cannot get cold enough in Victoria to suit me. But the only place at Batlow level

enough for the Capital city is very restricted in area, and is so situated that one has to climb up to look out of it. Those who urge that a Tumut site should be adopted have overlooked a great many of the characteristics which are desirable in a Seat of Government for the Commonwealth. Amongst others is the fact that all the sites in the neighbourhood of Tumut are a considerable distance inland. Some persons say that there is not a great deal of importance to be attached to the question of a port. But the continuance of the present position of the Commonwealth Government would be quite intolerable. The Government of the Commonwealth, like the Parliament, is a tenant at will. That is a quite intolerable position. But it would be a little less intolerable if the Commonwealth Government were the possessor of an area liable to be cut off at the will of any State. For that reason, it seems to me, that in a lesser degree, it would be highly objectionable for the Federal Territory to be absolutely within the area of a State. I do not wish it to be imagined that I feel that there is any danger of New South Wales being ungracious, or unfriendly, or unfair to the Commonwealth.

Senator PULSFORD.—Why fight a phantom, then?

Senator TRENWITH.—It is not at all a highly probable contingency that any State in which the Federal Territory might be located would unfairly or captiously endeavour to place the Commonwealth at a disadvantage, but still it is a possibility. There is an adage which tells us that "Whatever can happen will happen sometimes." And when we can avoid that possibility without taking on any other disadvantages as a consequence, I hold that, slight as the danger is, it is as well to avoid it. But there is another reason why I think the Commonwealth, if it can, without taking on other disadvantages that would counterbalance it, should have a port. The commercial well-being of nations, it is generally admitted, depends largely on the means of ingress and egress, on possibilities of communication with the rest of the world, and an additional port is an additional facility for communication with the rest of the world. The world is generally complaining that the tendency of civilization is undue and hurtful concentration. If the Commonwealth were to open up another port, to some extent that would tend to counteract the baneful influence of centralization;

it would be decentralization in a degree. But a very strong reason is that it is an advantage to the Commonwealth to have as many outlets and inlets as possible for commerce, and for the purpose of reasonable interchange with the rest of the world. Now, Tumut, or the surrounding district, does not possess this qualification. I can readily understand that honorable senators may have a very strong feeling for Tumut. There is a great deal in the district to attract one. There is a great deal of practically worthless country. Along the Adelong Creek there is a very rich valley, but it is extremely restricted, and is not occupied. I think it is fair to say that, whatever my qualifications to judge may be, it was only a flying visit that I made, and it may have some qualifications of which I am not aware, but if it has, it will be for its advocates to present them to the Committee. Leaving Tumut, I went with others to the Monaro district, where the circumstances are entirely different. In leaving Cooma to drive to Bombala, you go the whole way, not through a narrow or restricted area, but through an immensely expansive area, not of first-class land, but of fairly good land. In fact, during the whole journey of forty odd miles, so far as my memory serves me, you go through no land that is not good, except for the fact that it is excessively stony.

Senator MILLEN.—Not about Nimity-belle?

Senator TRENWITH.—So far as my memory serves me, there is no bad land, except from the point of view that it is very stony.

Senator MILLEN.—I must agree to differ.

Senator TRENWITH.—It is impracticable from that point of view; but if the population were ever dense enough to justify the clearing of that extremely stoney country it would become very good second-class land. It is only fair to mention that for agricultural purposes a very large part of that expansive area is impracticable. During the whole distance there is no absolutely worthless land such as I described in the neighbourhood of Tumut. The character of the country everywhere is comparatively speaking gently undulating. There is none of that intensely precipitous country that any one who is acquainted with agriculture, knows is impracticable from an agricultural point of view, not because of the soil, but because of its contour. It is impossible to get ma-

chinery on to such land or to work it well. The whole of the area that I was able to observe in Monaro was gently undulating land. Of course there are considerable altitudes from the general level, but in very few instances indeed are they very precipitous. In most instances machinery could be got on to the land, and it could be worked for agricultural or horticultural purposes. That is not a characteristic of the country in the Batlow district. It is said that the Bombala country is extremely, and in the view of some persons, unbearably cold in certain seasons of the year, but that does not seem to be borne out by the facts of the settlement. Many persons that one meets there are comparatively hale, well-looking old people, some of whom have been there for forty or fifty years.

Senator MILLEN.—All the others are dead.

Senator TRENWITH.—That is not a fact. The truth is that there never have been many people there, for the reason that the land was taken up in enormous areas. It is a very long distance from Sydney, and until quite recently had no railway accommodation. It was extremely alluring to the early squatter.

Senator MILLEN.—There is not an estate in Southern Monaro that has not been made up by the aggregation of holdings which were originally selections.

Senator TRENWITH.—It was extremely alluring to the early squatter. The land, being reasonably good almost anywhere—not first-class, except in pockets or patches—and requiring no labour to bring it into a fit condition for agriculture, attracted. I should assume, a number of poor persons. I do not know that it did, and I only make the deduction from the circumstances as they appear to me. They took up the land, and were able to produce crops of excellent quality. But the Government had made no provision for them to get the crops to market, and they found that it was impossible for them to produce in a way that would provide them with a living. The squatter, whom I am not complaining about at all—for I am not one of those who feel that he is necessarily the natural enemy of the country—found very large areas of cleared land contiguous to and interspersed by belts of timber for shelter, which may be described not as first-class, but as very fair grazing country. He had nothing to do but to take his stock there with a shepherd. The result is that there is a comparatively small number of

people there, who have lived in the locality for a great number of years. They are thriving, and are occupying—without any blame to them—an enormous area of reasonably good country, which would keep tens of thousands of people. The establishment of the Seat of Government there would have a tendency to create, first of all for New South Wales, and in the end for the whole Commonwealth, another centre of civilization capable of providing employment, helpful and lucrative, for a very large number of Australians. The argument used by my honorable friend Senator Styles, that no person would go either to Bombala or elsewhere except from some other part of Australia, is one that only needs to be examined to be refuted. If anything happens anywhere to create a point of vantage for settlement, it will attract settlement either from far or near. If the establishment of the Capital at Bombala attracts population from Melbourne or Sydney, the people of Melbourne and Sydney who go there will have been doing something previously; and there are plenty of people all over the world who want to get into places that other people leave. So that we are bound to attract settlement in any case. But the point which I wish to consider now is not that merely abstract question. We have to decide not whether it is desirable to have a Seat of Government, but what is a desirable point at which to establish that Seat of Government. I speak with all diffidence, because I recognise that there must be honorable senators who possess much higher qualifications than I have. But still, I am bound to speak as one of the trustees of the people to the extent of my knowledge and capacity. Of all the sites of which I have knowledge, it seems to me that it is not possible to name one to compare with the Southern Monaro district. Much as can be said in favour of Tumut from a narrow and restricted point of view, that site is altogether out of it as compared with the Monaro district.

Senator Lt.-Col. NEILD.—Has the honorable senator visited Lyndhurst?

Senator TRENWITH.—I regret to say that I have not, but I have made inquiries, and I understand that one of the great objections to Lyndhurst is that for all time the water supply must be provided by a pumping scheme. I think that is almost, if not quite, an insuperable difficulty. I see no objection to a tentative pumping scheme.

Senator Lt.-Col. GOULD.—It is given as a gravitation scheme in the report which I hold in my hand.

Senator TRENWITH.—My impression was that a pumping scheme is necessary; but I admit that I do not know enough about it, and I can only speak as far as my qualifications go. From actual examination, I only know the Tumut area and the Monaro area; and I have no hesitation in saying that the advantages in favour of Southern Monaro enormously outweigh the advantages, such as they are, of the Tumut area. I, therefore, feel constrained to vote for Senator Pearce's amendment. I should like to say a word or two with reference to the argument that the Monaro neighbourhood is cold. I think that is rather an advantage than a disadvantage. But if it is a disadvantage, it must apply with nearly, if not quite, equal force to Batlow. The altitude is not very different, and the latitude is not widely different either; nor is there much difference in the temperature. But one of the conditions that we require is a cold climate. I am now, of course, speaking merely of the requirements of the site for the purposes of the Federal Capital. The continent on which we live possesses generally an unpleasantly hot climate. I submit that what we require for the comfort of the Federal Parliament—which is a comparatively important consideration when we are dealing with a Seat of Government, where the Commonwealth legislation is to be made—is a place in which the members can do the work of legislation at the season of the year when it is less pleasant to remain at their homes. That season is the summer time. The rule in Australia is for the Parliaments to do their work in winter. The reason for that is obvious—because it is so unpleasant to legislate in the heat of an ordinary Australian summer. If we select a place where we can do the work of legislation at a time when it will be possible to do it without the discomforts that are necessarily endured in our respective State capitals, the fact that the climate is cold seems to me rather an argument in its favour than against its adoption.

Senator DAWSON.—Is the honorable senator arguing that we should sit in summer, and not in winter?

Senator TRENWITH.—We may occasionally have to sit in winter. We shall certainly require to have more work to do than we have had this session if we are to sit at any time.



Senator DAWSON.—We are sitting in winter now.

Senator TRENWITH.—The reason is obvious. It is more pleasant to sit in winter than in summer.

Senator HENDERSON.—Not to me.

Senator TRENWITH.—I have had some experience of Parliament sitting in the heat of a Melbourne summer, and I can testify that it is far more pleasant to me, at any rate, to sit in this building in winter. It is singular that we, the descendants of Britons, who came from a country where it is sometimes very cold in winter, and who are proud of the parent nation, should think that any great harm is likely to happen to the Commonwealth from the establishment of the Seat of Government in a cold climate—a climate which, after all, is not so cold as most parts of Great Britain, and which is certainly less unpleasantly cold than any part of Great Britain. The worst fault that can be found with the coldest part of Australia is that it has a keen, biting cold. Generally, when it is not actually raining, we have a clear Australian sky. I do not think, having regard to all these circumstances, that we need be very much afraid of taking a cold place. But if the Monaro district be cold, that is an objection which applies equally to either of the sites of which I know anything, and which are in the minds of honorable senators. Therefore, I say that we should select the Southern Monaro area. I think it would be wise to adopt Senator Pearce's amendment, because while it mentions the area distinctly, it leaves it open to us to acquire, after we have obtained more perfect knowledge, the best site in that area.

Senator Lt.-Col. NEILD.—That means further delay.

Senator TRENWITH.—Of course, that implies a little more delay. But, after all, in the life of a nation, a few months are comparatively unimportant. What I take it the honorable senator is anxious for—and what I think he has a right to be anxious for, as a representative of New South Wales—is that there shall be an evidence on the part of the Australian Parliament of a desire to select the Federal Capital. I think that is a reasonable anxiety. When the *bona fides* of this Parliament is established, and it is clear that there is no intention to delay the selection of a site unnecessarily, the question of a few weeks or months is altogether unimportant. But it is very gravely important that, having decided here, within a reasonable limit, the Seat

of Government shall be, we shall select within that area absolutely the very best site possible on which to plant the Capital. Notwithstanding all the pains that we have taken to inquire into the sites, we are, I think—certainly I am, speaking for myself—quite insufficiently equipped to say clearly as an absolute last word which is the best of the sites available in Southern Monaro. At present I feel that Dalgety has many recommendations. First of all, it can be, and will be, if it is selected—when the energy and the taste and the wealth of Australia are expended upon it as far as may be justified—an extremely picturesque spot. While it is true that there are some conditions connected with it now that are not particularly picturesque, and while it is true that there is a good deal of treeless land and there are a great many unsightly granite boulders, it is also true that the conformation of the land is such as will lend itself to endless beautification by artificial means. First of all, the Snowy River runs along two sides of the projected site. With a very little weiring and planting, that suggests possibilities of beautification. In addition to that, while it is undoubtedly well sheltered from the western point, where we are informed the cold winds come from that region, it has an outlook of at least twenty miles in another direction. And while that suggests naturally to the ordinary mind an absolute plain, such is not the fact. It is what persons who know anything of mountain country understand as a mountain table-top. But it is comparatively undulating—sometimes considerably undulating—so that if that site be selected the energy and taste of Australia ought to be able to make the Capital city something like a sight to look upon, and one that could be seen by visitors approaching it from twenty miles off.

Senator DAWSON.—The site at Tabletop, twelve miles from Albury, possesses that advantage still more decidedly.

Senator TRENWITH.—I do not say that that is an essential condition of a Capital site. It might be supposed that, as a Victorian, I should advocate Albury. But I hope that we consider ourselves as Australians in dealing with this question. From that point of view I should say that Albury is one of the least desirable sites. However, as it is not in the running, it is hardly worth while to consider it. There is another aspect of this district which I have heard depreciated, and that is that over a large area it is treeless. It is con-

ded that this is evidence of some natural characteristic that is antagonistic to its action for the purpose which we have in view.

Senator Lt.-Col. NEILD.—The honorable senator is speaking now of Bombala.

Senator TRENWITH.—I am speaking of the district of Monaro, because Bombala it seems to me, comparatively unimportant. I am considering an area very much more extensive than that of Bombala. It is true that about Bombala there is a considerable area which has always been a treeless country, and there is also a considerable area of timbered country. Therefore, seems to me that the absence of vegetation in certain places is not evidence that the district is too cold for vegetation, because a few miles, or a few chains, make no appreciable difference in that respect. There must be some other reason for this characteristic which we do not understand, and which I am not sure that is important we should understand.

I do know, however, that, on country which is naturally treeless, it is very easy to produce trees by planting. A number of evidences of this fact, which have a very pretty effect, have been supplied by the efforts of a few settlers who are in the district. If it is contended that there are too few trees on this country, because it is too cold for trees to grow there, the argument is completely met by the fact that, if we go to Riverina, which is one of the most fertile parts of New South Wales, when they do not get some rain, which they do not sufficiently often, and if we go to Northern Victoria, to the Mallee country where, after rain, grass grows more luxuriantly, and, perhaps, is more nutritious than in any other part of Victoria, we shall find in the middle of dense mallee scrub that we may come unexpectedly on an open plain, though so far as one is able to judge, the circumstances are exactly the same as where the country is covered by dense scrub. Those who know anything about that country are aware that these open plains are just as productive for any purpose as the timbered country can possibly be, however carefully cleared and cultivated.

Senator FRASER.—The timbered country always produces more grain when cultivated.

Senator TRENWITH.—The honorable senator's experience and mine do not tally. My experience may not be as great as that of the honorable senator, but it is somewhat

extensive as regards this northern country. I have had some years of experience that entailed the obligation of endeavouring to acquire some knowledge of the character of the country. As I have already told honorable senators, I was a member of a Committee formed by the State Parliament, whose duty it was to report on the possibilities of country. I do not know whether I ever acquired much knowledge on the subject, but at all events that was the duty to which I had to apply myself for some six years. Therefore, while I do not claim to be an authority, I think I may, without undue egotism, claim that my opinion, after observation, is as good as that of the average man. I was pointing out that the treeless condition of country is not necessarily evidence that the country is too cold to grow trees, and though it may have been considered so by some persons, the fact that trees planted on such country grow rapidly, luxuriantly, and healthily, is evidence that the difficulty can be easily overcome. While it may not necessarily be a disadvantage that that country is treeless, there are reasons why it may be a very great advantage to have treeless country in conjunction with timbered country. Every one who knows anything of agriculture, and who has taken up virgin country, is aware that the first obstacle which settlers usually have to contend with is the giant natural vegetation. They sit down in the midst of the forest for some years without much room to move, whilst they are subduing the vegetation. Nature has put there, and if the country I am speaking of possesses nearly the same degree of excellence as timbered country does when cleared, the fact that it is already cleared must be considered a great advantage.

Senator MILLEN.—Already cleared but for the stones.

Senator FRASER.—And they can never be cleared.

Senator TRENWITH.—Senator Millen, if he has been in the district, must be aware that while there is in that district a very large area of stony land, there is also a considerable area of land entirely free from stones, and a considerable area of other land in which the granite has become so decomposed that its presence is rather an advantage than a disadvantage. It is well known that land which is largely formed of decomposed granite is extremely useful for agricultural purposes. The presence of granite on the Dalgety site is, to my mind,

an extremely strong argument, in addition to others, for selecting that part of the Monaro district. It seems to me that all the boulders to be seen on that site would be quickly absorbed, and more required, in order to provide the stone necessary for buildings, sewerage, and other purposes connected with the proposed Capital. I set out as I have said merely to discuss methods, but I have drifted into a speech hurriedly thought out while upon my feet, and I feel that I owe honorable senators some apology for having detained them so long. I assure them I feel as keenly as any of them can the importance of this question. I do not think it is one which can be settled airily, or with a light heart. It is a question to which we should give the most complete, careful, and matured consideration. On this account I am glad to note that the amendment, while it binds us to an area about which we can speak with a certain degree of positiveness, does not confine us absolutely to any particular spot. If it is found that the characteristics I have described exist in the Monaro district, and that they are desirable, if not essential, for the site of the Capital of the Commonwealth, then we have them in a broad area at our disposal, and we can afford to occupy a few weeks or months in deciding which is the exact spot on which we shall plant our Capital.

Senator STANFORTH SMITH (Western Australia).—I intimated this afternoon that I had an amendment to move in an earlier part of the clause under discussion, and I therefore ask Senator Pearce if he will temporarily withdraw his amendment to enable me to propose mine.

Senator PEARCE.—Will the honorable senator be good enough to indicate what his amendment is.

Senator STANFORTH SMITH.—I propose to move that after the word "shall" the words, "with the concurrence of the Government of New South Wales" be inserted.

Senator MCGREGOR.—The amendment which Senator Smith suggests is really unnecessary, and it would only obtrude something of a debatable character, which ought to be left out. We know very well that, so far as New South Wales is concerned, her people must have some say in this matter.

Senator STANFORTH SMITH.—The honorable senator will not find that in the Bill.

Senator MCGREGOR.—According to the Constitution, the Seat of Government of the

Commonwealth is to be fixed by the Parliament of the Commonwealth.

The CHAIRMAN.—That the debate may be strictly in order it is necessary that Senator Pearce should first have the permission of the Committee to withdraw his amendment before that suggested by Senator Smith is considered.

Senator PEARCE.—I ask permission to withdraw my amendment, in order that I may discuss that suggested by Senator Smith.

Amendment, by leave, withdrawn.

Senator STANFORTH SMITH (Western Australia).—I move—

That after the word "shall," line 2, the following words be inserted, "with the concurrence of the Government of New South Wales."

The question of the selection of the Federal Capital site, and the acquirement of an area greater than 100 square miles are questions for mutual agreement between the State of New South Wales and the Commonwealth. If we are able to choose any area we please as this Bill purports to do, the people of New South Wales can have no say in the matter. In such a case, as has already been pointed out, we might decide to take Broken Hill, Cobar, or Newcastle, if it is within the 100 miles radius from Sydney, and say that it should be Federal territory, and New South Wales would have a constitutional right to protest.

Senator MILLEN.—Senator McGREGOR said that we can take all New South Wales outside the 100 miles radius from Sydney without consulting the people of that State.

Senator STANFORTH SMITH.—I believe the honorable senator has qualified that statement on reflection.

Senator FRASER.—Our saying so will not give us any power.

Senator STANFORTH SMITH.—That is the view I take. We have a right to take 100 square miles, because that is the minimum mentioned in the Constitution, but if it is contended that we have the right to take more than 100 square miles without the consent of the people of New South Wales, we should have a right to acquire the whole of that State outside of the 100 square miles radius from Sydney, and that would lead us to absurdity. Under this Bill it would be that we have the right to demand any territory without consulting the people of New South Wales, and I am desirous of amending the clause in such a way as to recognise the true position, and the true ;

ed in the Federal authority in the section of the Capital site. If honorable members will turn to section 125 of the Constitution they will find that it says—

The Seat of Government of the Commonwealth shall be determined by the Parliament, and shall be within territory which shall have been granted to—

Senator MCGREGOR.—“Or acquired.”

Senator STANFORTH SMITH.—“Or acquired” there means acquired from private individuals.

Senator DAWSON.—No; it may refer to Crown lands.

Senator STANFORTH SMITH.—The expression in the section “shall have been granted to” means that the authorities of the State of New South Wales must do nothing anterior to our action in selecting a Capital site. That is, they have to have their consent. Senator Symon put the point very plainly in a speech which he delivered some time ago, and I have no doubt that the suggestion he then made would have been the correct one to adopt. The honorable and learned senator’s suggestion was that a resolution by both Federal Houses should be passed, to the effect that the Federal Government desired a certain site, and, if necessary, a certain area, and that the Government of New South Wales should then, by enactment, consent to the Commonwealth acquiring that site and area. Under such circumstances, a Bill like that now before us would have been right in every particular, simply enacting, as it would, that the land be accepted.

Senator MILLEN.—That would have thrown on the Government the onus of selecting a site.

Senator STANFORTH SMITH.—No doubt that would have been the case. The course suggested was not taken, and last October I asked the then Government if they would come to an arrangement with New South Wales with regard to 1,000 square miles, in order to ascertain whether they had the right, under the Constitution, to obtain within that area all Crown land, or whether we only had the right to acquire 100 square miles, and negotiate for a larger area. Unfortunately, my request was not granted. For three years we have been considering the question of the Capital site; and I think that the amendment we have moved would get over any difficulty, and place this Bill in a constitutional position. If our requests are reasonable in

regard to site and area, I feel sure the New South Wales Government will meet us in a fair and generous spirit; but they will resent our holding a pistol to their heads, and, without consulting them, and in face of the fact that the Constitution does not invest us with the power, demanding a certain area.

Senator DAWSON.—There is nothing said about a demand.

Senator STANFORTH SMITH.—The Bill simply says that the Seat of Government shall be so-and-so.

Senator MCGREGOR.—The Bill says that the site shall be in a certain place.

Senator STANFORTH SMITH.—If that does not postulate that we have a right to demand a certain area, I do not know what the provisions of the Bill mean.

Senator DAWSON.—The Government only ask the Senate to demand the right; there is no demand made to the New South Wales people.

Senator STANFORTH SMITH.—This Bill does not recognise that New South Wales has any right, whereas the Constitution does recognise that fact.

Senator MCGREGOR.—If the Constitution does so, why should we trouble?

Senator STANFORTH SMITH.—If the Constitution recognises that right, and this Bill does not, what is the use of passing a Bill which is unconstitutional? We have under discussion three sites, and the New South Wales Government, who, I am sure, will meet us in a fair and generous spirit, have reserved in each site an area of 1,000 square miles. The Commissioner who was appointed at the expense of the New South Wales Government, recommended the site of Bombala, and, further, recommended that the area should be at least 1,000 square miles. We have no right to assume that New South Wales will take up an unfair or ungenerous attitude. I believe that nothing is more contrary to their intention; but should they do so, their action would probably be stimulated by a Bill such as this. If the New South Wales Government adopt an unreasonable attitude, and refuse to grant more than 100 square miles, then we have the strongest remedy in our power in that we say that we will not select a site which, in our opinion, is not the best in the interests of Australia—that we will wait until the New South Wales Ministry adopt a more reasonable and statesmanlike attitude, or a succeeding Ministry forms a true conception of the obligation

of the situation. If we desire to pass this Bill in a constitutional form—if we do not desire to arrogate to ourselves powers which some of the highest legal authorities say we have not got—and if we do not desire to cause a conflict with New South Wales when we can adopt a procedure which will amicably settle this important question, surely it is reasonable for this Senate to adopt that procedure. We do not want to say, in the absence of any power on our part, "Stand and deliver," but rather, "We desire a certain site or a certain area; are you agreeable to grant that site or area?" If New South Wales adopts a spirit which is not consistent with the reasonable desires of the Commonwealth, and the reasonable intentions of the Constitution, it only means that we shall stay in Melbourne until the present, or some succeeding State Ministry realizes that our requests are made in the interests of Australia. I ask honorable senators to consider the advisability of recognising that New South Wales has some rights in regard to the selection of the Capital site, and the amendment would carry out the desire of, at any rate, most of us, namely, to speedily arrive at a definite decision. We shall be far more likely to induce a feeling of compliance on the part of the people of New South Wales, if we recognise what our relative positions are, and not ask that which the Constitution does not give us the right to demand.

Senator MCGREGOR.—I have not the least doubt that Senator Smith is submitting this amendment for the purpose of facilitating the settlement of the question. I think he would be the last man in the world to give away the powers of the Commonwealth; but, to my mind, this amendment is the first step in that direction. According to the Constitution, the selection of the Seat of Government is vested entirely in the Commonwealth Parliament.

Senator FRASER.—Not entirely; there are two parties.

Senator MCGREGOR.—The honorable senator's youthful impetuosity always disturbs the harmony of a peaceful meeting like this. The Constitution provides that the Commonwealth Parliament is to fix the site subject to certain limitations, namely, that the site is to be in New South Wales, and not less than 100 miles from Sydney. These are the only limitations which are placed on the Commonwealth Parliament in regard to the selection of the Seat of Government.

Senator PLAYFORD.—There is no limitation, namely, that the land has to be granted.

Senator MCGREGOR.—I agree with Senator Smith that we should do what possibly can to consult New South Wales, but I submit that it is sought to insert an amendment in the wrong place. Even what the Constitution provides, New South Wales has no right to be consulted as to the situation of the Federal Capital; when we proceed further with the measure and seek to provide that New South Wales shall concede a certain area, will be the time, if Senator Smith desires, to submit an amendment of this kind. I hope the members of the Senate will not give away the powers legitimately possessed by the Commonwealth, by inserting an amendment of this character in the place proposed by Senator Smith. The whole argument of the honorable senator is that New South Wales should have some say as to the site, but he seeks to insert the amendment in a portion of the Bill which does not refer to an area, but to the position in which the Federal Capital is to be. That is not contemplated in the Constitution; and, although I am just as willing as Senator Smith that this matter should be settled in a peaceful manner, and settled speedily, I hope honorable senators will not agree to the amendment. I ask Senator Smith to withdraw his amendment, and I tell him that although I could not support it, there would not be so much objection to his proposal if it were made on a subsequent clause.

Senator Lt.-Col. GOULD (New South Wales).—There seems to be an absolute misconception in the mind of Senator McGregor as to what the object of the Bill really is.

Senator MCGREGOR.—The object of the Bill is to fix the site.

Senator Lt.-Col. GOULD.—That is so, but, strange to say, as has been pointed out already this afternoon, the site has to be within territory which shall have been granted by, or acquired from, the State of New South Wales. When we come to consider the question of the site, the point will be in what particular part of the territory it shall be situated. It is necessary, in the first instance, to confer with New South Wales as to where the territory shall be located.

Senator MCGREGOR.—Certainly not.

Senator Lt.-Col. GOULD.—This Parliament has not the power to say to New South Wales "We shall take territory in

this or that place, whether you like it or not."

Senator MILLEN.—Senator McGregor is arguing on the assumption that we have that right.

Senator DAWSON.—New South Wales has already agreed to our having that right.

Senator Lt.-Col. GOULD.—New South Wales has agreed to nothing, except so far as setting apart a number of sites, and asking us to consider which we think the most suitable. That in itself is not a surrender of the right of New South Wales to grant the site when it has been selected.

Senator TRENWITH.—There is an assumption that New South Wales will grant the site.

Senator Lt.-Col. GOULD.—There is, of course, an implied promise, so that the selection has to be made with the concurrence of New South Wales.

Senator TRENWITH.—There is no need to specify that.

Senator Lt.-Col. GOULD.—There is no objection to specifying it.

Senator DRAKE.—Is the New South Wales Parliament not waiting for this Parliament to come to a decision?

Senator Lt.-Col. GOULD.—The New South Wales Parliament is very anxious that the Commonwealth Parliament should decide the locality of the territory required; and I have no doubt that there will be no difficulty in obtaining the grant, so long as everything is within reason. I do not see that the Commonwealth Parliament is giving up one jot or tittle of its rights by accepting an amendment such as that moved by Senator Smith. I should be just as adverse as any other honorable senator to the Commonwealth Parliament surrendering any rights to which it is entitled. It is not with the idea of putting this Commonwealth Parliament in an inferior position to that of New South Wales that I hope the amendment before us will be carried. Such an amendment shows that there are two rights to be recognised. In the first instance, the amendment will enable the Commonwealth Government to confer with the New South Wales Government as to what land shall or shall not be granted.

Senator WALKER.—It should be called the Federal Territory Bill.

Senator Lt.-Col. GOULD.—I have no doubt that it should, because, after all, the Seat of Government has to be within a territory which shall have been granted or acquired. In the first place, I quite agree

with Senator Smith that it is entirely a question of mutual agreement between the Commonwealth and New South Wales as to where the territory should be, and it is only recognising in the Bill what must be recognised when we come to deal with or bargain with that State.

Senator DOBSON (Tasmania).—Senator Smith and other senators are now beginning to recognise the necessity that we shall have to undertake delicate negotiations with New South Wales. But I think that Senator Smith will see that the arguments of Senator McGregor are absolutely unanswerable on the point that his amendment, if it should be adopted at all, ought not to be inserted in this clause. The words which he read would govern the whole clause, and not merely the question of area; and if they are adopted we shall acknowledge that New South Wales is the authority that should determine the site, whereas the State has nothing to do with its determination. There ought to have been negotiations with the Government of New South Wales before this Bill was introduced. It really ought to be called a Bill to determine the territory within which the Seat of Government of the Commonwealth shall be established, and I shall move that the title be amended accordingly. I shall strenuously resist any effort which may be made to compel the Senate to fix exactly the Seat of Government. If we by the Bill determine that the Federal territory shall be in the Tumut district, the Parliament will have taken the first, and a very important step to carry out its duty. Negotiations can then take place between the Commonwealth and the Government of New South Wales, and the result of those negotiations can be made known to the Senate by Senator McGregor at the earliest possible moment. He may come down and say that the Government of New South Wales are willing to give the Commonwealth 500 or 900 square miles, or that they will not give the Commonwealth more than 150 square miles, and then we shall know where we are. I do not believe for a second that the Government of New South Wales, if they find that the Federal Parliament has determined on a particular territory, will make any unreasonable objection. But if we propose to take too large a territory, in order to go in for a system of land settlement and land nationalization, the Government of New South Wales will, of course, have something to say on that point, and desire to know exactly what land we wish to take, and they may not be

willing to give us all that we wish, although they may be disposed to treat us generously and fairly. I think that the amendment of Senator Smith should be withdrawn, and the amendment of Senator Pearce, or a similar one, passed.

Senator MILLEN (New South Wales).—It seems to me that, on the other side of the Senate, there is a misapprehension as to the object of Senator Smith in moving his amendment. It is possible that that misconception arises from the fact that, owing to the way in which the Bill has been introduced, it has not been possible, in the scope of an ordinary amendment, for that honorable senator to clearly indicate what he wants to do. As the amendment stands, it is abundantly clear, I think, that it is asking the concurrence of the Government of New South Wales in the selection of the site of the Capital city. At any rate, that is what its effect would be.

Senator DOBSON.—That cannot be.

Senator MILLEN.—I quite agree with the honorable and learned senator that it is of no use for the Federal Government to confer with the New South Wales Government as to what particular portion of the Federal territory we shall set the Capital city in. But it was assumed by the honorable and learned senator that the other alternative open to Senator Smith was to move the insertion of this amendment in the third clause. Now, that would be asking the concurrence of New South Wales only in the extended area. But he does not want to do anything of the kind.

Senator MCGREGOR.—Ultimately New South Wales must have a say in this matter somehow or other.

Senator MILLEN.—It is only a week since Senator McGregor said that we were under no obligation to confer with New South Wales on this matter. Senator Smith wants the concurrence of New South Wales in the location of the Federal territory. It is clear to me that he desires the Federal Government, instead of putting a peremptory demand before New South Wales for the concession by that State of a particular territory, to approach the State Government with a request, and to say "The Federal Parliament desires, not demands, a particular territory for Federal purposes, and ultimately within that territory—"

Senator DAWSON.—This is not a matter of territory.

Senator MILLEN.—No; and that brings me to this point, that the position into which Senator Smith is forced is due to the ex-

tremely cumbersome way in which the Government have brought in this Bill. It is, as its title indicates, a Bill to ask us, the Seat of Government within a territory, which we have yet to determine.

Senator DAWSON.—Cannot we wait a little later on?

Senator MILLEN.—I am dealing with the Bill that the Government have introduced. A Bill to determine the Seat of Government, whether this Bill is passed or not, must come before the Senate after the Federal territory has been secured. At the present moment we are only concerned with the selection of a Federal territory, and unless we wish to affirm that we have a perfect right to take any section of New South Wales that we like for this purpose, and to say that she is not to be consulted at all, unless we propose to take up the position which Senator McGregor takes up, there can be no harm in putting our wishes before New South Wales in the shape of a courteous intimation as to what we want, and a courteous request for its concurrence. I submit to honorable senators that even where they may have the right to demand a certain thing, their request loses nothing in force by reason of its being put forward in a courteous manner.

Senator DAWSON.—Will the honorable senator explain where the discourtesy comes in if the amendment is not inserted?

Senator MILLEN.—New South Wales has just as much right to say that this Bill shall not be as this Parliament has to say that it shall be.

Senator DAWSON.—Under section 125 of the Constitution, she cannot.

Senator MILLEN.—I am dealing with the Federal territory, and not with the Seat of Government. I wish to draw that distinction, because, if the amendment of Senator Pearce is carried, the clause will apply as much to Federal territory as to the Seat of Government, and we shall be asking the Federal Government to say to the New South Wales Government—"We shall have a certain area in your State." If the word "shall" is used in this Bill, the New South Wales Government cannot be accused of discourtesy if because they have certain reasons for objecting to that area in that particular form, they use the words "I do not."

Senator DAWSON.—Can the honorable senator see anything in the clause about area?

Senator MILLEN.—I am looking at the amendment which has been introduced.

Senator Pearce, who, I believe, has the logic of numbers behind him on this occasion. There is absolutely no reason why we should not confine ourselves as much as possible to that form of language which is usually employed by one Government in communicating with another. The strength of a position is never weakened by putting forward a claim in civil and courteous language, and that is really all that Senator Smith seeks to obtain by his amendment.

Senator KEATING (Tasmania).—If Senator Smith is right in the construction which he puts on section 125 of the Constitution, and which he says has been placed on it by Senator Symon on a previous occasion, I would point out to him that in moving this amendment he has not given effect to that construction. He tells us that section 125 provides that—

The Seat of Government of the Commonwealth shall be determined by the Parliament, and shall be within territory which shall have been granted to or acquired by the Commonwealth.

In commenting on these latter words, the honorable senator said—

So that you will see it is necessary that there shall be something anterior done on the part of New South Wales before we can proceed to the determination of the Seat of Government.

To provide in this Bill that what we are doing is being done "with the concurrence of New South Wales" is not fulfilling what he considers to be the necessary duty that is cast on that State by section 125, because it would not be anterior to, but would be concurrent with, the action of the Federal authorities. In my opinion, the words—

which shall have been granted to or acquired by the Commonwealth,

qualify only the situation of the Federal Capital when it is in existence.

Senator MILLEN.—And the territory is in existence.

Senator KEATING.—When the site is fixed, and the territory is in existence. At the present time, we are endeavouring by this Bill to do nothing more nor less than to determine where the Seat of Government shall be.

Senator FRASER.—Where the territory shall be!

Senator KEATING.—Where the territory shall be, too—

It is hereby determined that the Seat of Government—

Senator FRASER.—We have to determine the Seat of Government after we determine the Federal territory, though.

Senator KEATING.—Not necessarily. Clause 2 of this Bill, in accordance with the empowering words of the Constitution, says—

It is hereby determined that the Seat of Government of the Commonwealth shall be—

And the amendment of Senator Pearce seeks to introduce, at that point, these words—

within an area bounded on the north by a line running parallel with and twelve miles south of, the thirty-sixth parallel of south latitude, &c.

If that is carried in clause 2 we shall not have determined that the whole of the territory south of that line shall be Federal territory. We are not determining that at all at this stage. We are determining in accordance with our constitutional powers that the Seat of Government shall be within a certain part of New South Wales. But we are not saying that that part shall all be Federal territory. We have not yet to determine upon the territory. We have to determine where the Seat of Government shall be. Having determined that it shall be within a certain portion of New South Wales, it then remains for us to secure the territory to which the Constitution entitles us—100 square miles. We are enabled to get that by an Act of Parliament of our own, because our Constitution is the law of the land, and binding upon New South Wales as it is upon every other part of the Commonwealth. After we have decided to adopt Senator Pearce's amendment, and we subsequently determine upon a site in that area, and cut out 100 square miles, and say that we will have our territory and Capital there, New South Wales will not be in a position to say—"You shall not." Because New South Wales is bound by the Constitution.

Senator Lt.-Col. GOULD.—There are sections of the Constitution which provide that we cannot take any territory without the consent of the State.

Senator MILLEN.—If Senator Keating's argument be sound, we can take the whole of New South Wales outside the 100 miles limit.

Senator TRENWITH.—I believe that if we could show that such an area was necessary for the purposes of government, we could do it.

Senator KEATING.—At the present moment we are simply deciding in what part of New South Wales the Federal Capital shall be. We are perfectly competent



to do that. We are not determining anything more. After we have done it there will be no necessity for further action on the part of the Commonwealth Government and Parliament.

Senator MILLEN.—Why cannot the Commonwealth go to the maximum as well as to the minimum if the honorable and learned senator's reasoning be correct? The maximum is all New South Wales outside the 100 miles limit.

Senator KEATING.—The section says—

Such territory shall contain an area of not less than 100 square miles.

We are entitled to that area by the Constitution. I grant that anything over and above that area must be by arrangement with New South Wales.

Senator DAWSON.—That is in respect to Crown lands only.

Senator KEATING.—Yes. Privately-owned property must be the subject of negotiation between the Commonwealth Government and the proprietors. But so long as we confine ourselves to the 100 square miles, we are within our absolute rights. We need not say in this Bill "with the consent of New South Wales." It is not necessary for us to put in an amendment of the character indicated by Senator Smith. As for the contention raised by Senator MilLEN, that clause 2 is tantamount to a peremptory demand, and that it would be better for us in this Bill to adopt the language which is usually used between two Governments which are negotiating, I say—"No; at this juncture it is not a matter of negotiation." We are not engaged in correspondence, or passing resolutions. We are legislating in the Commonwealth Parliament; we are exercising our undoubted and exclusive legislative power. In the exercise of legislative powers, it is not customary either to demand, or to beg, or to petition, or respectfully to request, or anything of that kind, but simply, plainly, and straightforwardly to determine. We are not placing a pistol at the head of New South Wales, as Senator Smith states. We are simply exercising the constitutional powers conferred upon us in the first line of section 125 by proceeding to determine where the Seat of Government of the Commonwealth shall be.

Senator Lt.-Col. GOULD.—We have not acquired any territory within which it shall be.

Senator KEATING.—The words "territory which shall have been granted to, or acquired by," have no relation to the time

when we shall proceed to determine where the Federal Capital shall be. They are not a time limitation of our powers as to the determination of the Seat of Government.

Senator Lt.-Col. GOULD.—I think they are.

Senator KEATING.—I submit, with all respect, that the words are not capable of that construction. The limitation placed upon us is that the Capital shall be in New South Wales. When the Capital is established, it must be within territory which shall have been "granted to or acquired by" the Commonwealth. That is where the force of those words comes in. They have an application to territory *in esse*, and not to the powers of this Parliament so far as concerns the time when it shall exercise the powers conferred on it by section 125, and proceed to the determination of the site.

Senator FRASER (Victoria).—I think that we are making a demand that is not in accordance with the Commonwealth Constitution. I cannot support the amendment in clause 2, but I will support it in clause 3. It is competent for us to exact from New South Wales only 100 square miles. We cannot get any more than that without the consent of New South Wales. If we ask for more territory than we are entitled to under the Constitution, we should approach New South Wales in a respectful and proper manner.

Senator TRENWITH (Victoria).—I think the Vice-President of the Executive Council is to be congratulated on the promptitude with which he objected to this amendment, which, it seems to me, clearly gives away the rights of the Commonwealth. We might be quite willing to do something that would placate or conciliate New South Wales. But we have duties devolving upon us. We have to preserve intact all the powers that have been conferred on us by the Constitution.

Senator MILLEN.—This Senate has also to conserve the rights of the States.

Senator TRENWITH.—Decidedly. We have to exercise the greatest possible discrimination and care in connexion with any negotiation or legislation touching our relations with a separate State. Our relations with the whole of the States are very different from our relations with any one of the States. It is very difficult to give away any of the rights of the Commonwealth by any legislation affecting all the

States; but it is very easy to give away the rights of the Commonwealth in legislating in regard to any one State. We are proposing to legislate under powers conferred on us by the Constitution. The Constitution says that the Seat of Government shall be determined by the Commonwealth Parliament. We are proceeding to determine the Seat of Government. The question whether we are doing that awkwardly or adroitly does not arise on this particular issue. The question is—"Shall we take into partnership in these deliberations the Government of New South Wales?" If we agree to say that the power conferred upon us by the Constitution shall be exercised jointly by us and the Government of New South Wales, we shall be acting unwisely. We shall be abrogating one of the powers conferred on the Federal Parliament, and entailing on the whole Commonwealth a disability that was never contemplated when the Constitution was framed. If we give up a right conferred by the Constitution in one direction, we establish a precedent for giving up rights in other directions. The question we have to consider is whether we have any right, under the Constitution, to allow the Government of any State to negotiate with us in respect to a Constitutional power? I think we have no right to take a State into partnership with us in this respect; and that if we did so we should be acting beyond our powers. I earnestly hope that, at this juncture at any rate, Senator Smith will withdraw his amendment. It is questionable whether it may not come in at another stage. When we are talking of enlarging very considerably the area which all the States had in mind when the Constitution was accepted, I think it is reasonable to contend that the people of New South Wales, when they accepted the Constitution, had in mind the possibility of having to cede to the Commonwealth 100 square miles or thereabouts. When we come to consider whether we shall ask 900 square miles, 1,000 square miles, or 5,000 square miles, it is arguable that we should not seek to acquire so large an area without the consent of the Government of New South Wales; but it seems to me altogether unarguable, at this juncture, to say that any person has a right to be consulted, or that any person may properly be consulted but the Parliament of the Commonwealth.

Senator Lt.-Col. GOULD (New South Wales).—We must all agree with much

the honorable senator has said, so far as the selection of the Seat of Government is concerned. Unquestionably, this Parliament alone can deal with that matter. The position I take up is that we are now being asked to pass a Bill to enable us to obtain territory within which the Seat of Government shall be located, and in obtaining that territory I contend that we have a right to confer with the Government of New South Wales, and that we cannot acquire it without the concurrence of the people of that State, whether it be at Monaro, Tumut, or Lyndhurst.

Senator TRENWITH.—If we give that up, why discuss the matter at all, until the people of New South Wales have decided what they will do.

Senator Lt.-Col. GOULD.—Simply because the people of New South Wales have said to the Federal Parliament—"Tell us the place you want, and we shall see what we can do for you."

Senator DAWSON.—Surely those words, with the "concurrence of New South Wales," could be more properly introduced in the next clause.

Senator Lt.-Col. GOULD.—That is only with respect to the area; I am speaking with regard to the position of the territory. When we come to select the Seat of Government of the Commonwealth, we shall select it in territory which, according to the Constitution, "shall have been granted to or acquired by the Commonwealth." It is clear, therefore, that it is necessary for us to acquire the territory before we can locate the Seat of Government.

Senator DAWSON.—We are entitled, under the Constitution, to a certain area without the consent of New South Wales.

Senator Lt.-Col. GOULD.—We are not entitled to say to the people of New South Wales—"We shall take a particular site, whether you like it or not," but we may go to the New South Wales Government, and say—"We consider this the most suitable site, and we ask your concurrence in taking it." According to the Constitution, before we can select a Capital site, the territory within which it is to be located must have been granted to or acquired by the Commonwealth. To strengthen the argument, I refer honorable senators to sections 123 and 124. They will see clearly that we cannot diminish the area of a State without the consent of that State.

Senator MCGREGOR.—That is outside section 125.

Senator Lt.-Col. GOULD.—It is not in the same section; but in interpreting an Act of Parliament or a Constitution, we must harmonize the various sections pertaining to the same subject.

Senator DAWSON.—Section 123 deals only with an alteration of a State, and section 124 with the formation of a new State. They do not apply to this case.

Senator Lt.-Col. GOULD.—The moment we take any territory away from a State we diminish its area, and alter its boundaries.

Senator MCGREGOR.—But this is a matter provided for, apart from sections 123 and 124.

Senator Lt.-Col. GOULD.—It is provided by section 125, that certain territory "shall have been granted to or acquired by the Commonwealth," and if there is to be a grant to the Commonwealth of territory in New South Wales it must be made by the Government of New South Wales. What would happen if the Government of New South Wales were to say, "We shall not grant you any territory"?

Senator GUTHRIE.—They would break the compact.

Senator Lt.-Col. GOULD.—That would no doubt be a violation of the compact, and it is certain that the New South Wales Government would not take up so foolish a position. At the same time, if we desired to acquire a certain area from New South Wales, and the people of that State had a strong objection to our taking it, we should not be justified in enforcing our demand.

Senator MCGREGOR.—New South Wales has offered the areas we are discussing. What is the use of wasting time?

Senator Lt.-Col. GOULD.—I am arguing the position taken up by honorable senators opposite. If this Bill had been drawn differently, and had been a Bill to provide merely where the Federal territory should be, we should not have got into so many difficulties. We are proposing here to fix the Seat of Government in a territory we have not yet acquired. The Government are proposing that we should select the territory and the Seat of Government at the same time, when really the proper constitutional sequence is first to secure the territory, and then to fix the Seat of Government within it. It is, of course, competent for honorable senators to amend the Bill in such a way as to bring it into harmony with the Constitution, by making it a Bill by which the Federal territory shall be decided on, and not the Seat of Government, and the Seat of Government

may be selected within the Federal territory later on. I say that we have no power to take territory from New South Wales without the concurrence of the people of that State. I am sure that it would not be withheld unreasonably, and that New South Wales would probably give away a good deal in order to have this matter settled; but senators must see that if it is possible for us to take any area we please, outside the 100 miles radius from Sydney, New South Wales, instead of securing an advantage by the provision fixing the Seat of Government within her territory, has been placed at a great disadvantage.

Senator KEATING (Tasmania).—I remind Senator Gould that in section 125, to which reference has been made, provision has been made for this particular case. Sections 123 and 124, which he has referred to, are under Chapter V., dealing with "New States," and have a general application to the alteration of the boundaries of States, the division of States, or the throwing of two or more States into one. The selection of the Seat of Government of the Commonwealth is a different matter, and section 125 specially deals with it. I draw attention to the wording of the section—

The Seat of Government of the Commonwealth shall be determined by the Parliament, and shall be within territory.

and so on.

Senator Lt.-Col. GOULD.—The honorable and learned senator should read on. The section continues, "which shall have been granted to or acquired by the Commonwealth."

Senator KEATING.—I have no objection to read on, and I am sure the honorable and learned senator will agree that I have read the section so often in this Committee, and so have others, that we should know what it contains. When honorable senators ask us to insert the words, "with the concurrence of the Government of New South Wales," I ask them what is the signification of the words in section 125, "shall be determined by the Parliament"?

Senator Lt.-Col. GOULD.—I admit at once that the Seat of Government is to be determined by this Parliament, but the territory within which it is located can be acquired only with the concurrence of New South Wales.

Senator KEATING.—We do not set out in this Bill to determine the territory. We

proceed to determine the Seat of Government, and that is a power conferred solely on this Parliament by the Constitution.

Senator Lt.-Col. GOULD.—But it is to be within territory which “shall have been” required.

Senator KEATING.—We are not by the Constitution limited to the time when we shall determine the Seat of Government. The sole power of determining the Seat of Government, not the territory, is given to this Parliament. We are now engaged, in accordance with the Constitutional power vested in this Parliament, in determining the Seat of Government, as this Bill provides.

Senator Lt.-Col. GOULD.—We must get the territory first.

Senator MILLEN.—Does the honorable and learned senator say that he would build his house first, and afterwards decide where he would put a fence around it?

Senator KEATING.—Certainly not. This is only one step.

Senator Lt.-Col. GOULD.—It is like a man trying to put a roof on his house before he has got the foundations in.

Senator KEATING.—The honorable and learned senator does not advert to the procedure necessary. It is suggested first of all that we must have territory granted to or acquired by us before we can proceed to determine the Seat of Government. How are we going to get that territory? Who is to have a voice in that? This Parliament alone must determine the Seat of Government. If Ministers by purely Executive act were to bargain with the Government of New South Wales for a particular site, and were to say, “We shall acquire that from the Crown and the private landholders, and bring down a Bill to the Federal Parliament to determine the Capital site,” what would the criticism be? Would it not be, “This Parliament is not determining the Seat of Government, but determining only that a certain area of land acquired by the Executive of the day, without the previous sanction, concurrence, or authorization of Parliament, is to be the territory within which the Seat of Government of the Commonwealth is to be located?” We should in such a case be deprived of the full constitutional powers conferred on us by section 125. What is here proposed is the first step necessary. This Parliament must be consulted on every step taken in this matter, because this Parliament alone is responsible for the selection of the Seat of Government. We are not proposing that a

certain area of New South Wales, even 100 square miles, shall be Federal territory, but that a certain portion of New South Wales shall be the particular portion of that State to which this Parliament shall limit itself hereafter in determining the Seat of Government. When we have done that, it will be time enough for the Executive, by the authorisation of this Parliament, to come to terms with New South Wales, and narrow down the area until we secure the proper site. Then it will be for this Parliament to sanction the selection of the particular area required for the determination of the Seat of Government. If honorable senators will remember that this must be done entirely by Parliament, and that the first step must be taken by this Parliament, they will see that we are now taking the proper course in deciding what is the particular area of New South Wales to which we shall restrict ourselves hereafter, when we are more specifically and exactly determining where the Seat of Government shall be.

Senator PULSFORD (New South Wales).—It was stated by Senator Trenwith that it was desirable to conciliate or placate New South Wales. I desire to say that New South Wales does not require conciliating or placating.

Senator TRENWITH.—I said it had been urged that it was desirable. I did not urge it.

Senator PULSFORD.—Very well, the honorable senator was quoting someone else whom he did not name, and I wish to say that New South Wales does not desire to be conciliated or placated, but to be treated, as I believe honorable senators are willing to treat her, as a sovereign State and a portion of the Commonwealth. I should like honorable senators to consider how important a matter this may be to New South Wales. Had the proposal made a few months ago by Senator McGregor, been agreed to, and made law, the result would have been that some tens of thousands of her population would have been taken from New South Wales. That would have reduced our right of representation in the other House by one, if not two members. Even now a small area containing a considerable number of people, might, if selected, bring about the same result; so that evidently this is a matter of great importance to New South Wales. Is it, therefore, unreasonable that there should, in accordance with this clause, be some arrangement made with New South Wales for acquirement of territory, which, after

acquired, will enable us to select therein the Seat of Government? That, I think, is a simple proposition to put before the Committee, and I do not very well see how honorable senators can refuse to recognise its reasonableness.

Senator STANFORTH SMITH (Western Australia).—The whole discussion has ranged round the interpretation of section 125 of the Constitution. The meaning of that section is, in my opinion, perfectly plain. It provides that—

The Seat of Government of the Commonwealth shall be determined by the Parliament, and shall be within territory which shall have been granted to, or acquired by, the Commonwealth.

I admit that the Seat of Government of the Commonwealth must be determined by this Parliament, but the meaning of the latter part of the section is, I contend, that the land referred to must be land which has previously been "granted to, or acquired by," the Commonwealth.

Senator TRENWITH.—If the honorable senator looks at the bottom of the section he will see the words, "such territory shall be granted" free of charge. Those words imply something anterior, and a subsequent portion of the section implies something which has to be done.

Senator STANFORTH SMITH.—If there is any meaning in words, "shall have been granted" means land that has already been granted.

Senator TRENWITH.—And "shall be granted . . . without any payment therefor" implies something that must be done.

Senator STANFORTH SMITH.—The section, in my opinion, clearly means that we must first decide on the territory, and that subsequently this Parliament, and this Parliament alone, shall decide in what portion of that territory the Federal Capital shall be.

Senator DAWSON.—Hear, hear! Nobody disputes that.

Senator STANFORTH SMITH.—The meaning is that we should first of all select the Federal territory, and then decide where the Federal Capital shall be, and this latter decision is purely within the province of this Parliament. This Bill seems a clumsy and involved attempt to interpret the intention of section 125. It puts the "cart before the horse" by first selecting the site, instead of selecting the territory in which the site is to be. Clause 2 of the Bill fixes the location of the Capital site, and clause 3 fixes the area of the territory. Clause 2 makes it mandatory

that we shall have at least 100 square miles. That area is not mentioned in the Bill, as it is provided in the Constitution, and, therefore, we are selecting an area of at least 100 square miles.

Senator KEATING.—No; it may not be one square mile.

Senator STANFORTH SMITH.—We cannot select a less area. The illustration of Broken Hill has been used before, but I should like to use it again.

Senator MCGREGOR.—We are not discussing that point, but are discussing sites which have already been set apart by the New South Wales Government.

Senator STANFORTH SMITH.—We have a right, according to Senator McGregor, to select any site in any part of New South Wales.

Senator MCGREGOR.—Certainly.

Senator STANFORTH SMITH.—Suppose that we were to select the land on which the Broken Hill Proprietary has their mine, and around which we should have an area of ten miles square.

Senator MILLEN.—With a population of 30,000 people.

Senator STANFORTH SMITH.—Is it likely that the Constitution intends the Commonwealth to have the right to take this huge and valuable mineral area?

Senator TRENWITH.—Some people have argued that it is a pity we have not the right to take Sydney.

Senator STANFORTH SMITH.—That is not the question at issue. Clause 3 does not give us the area, but simply provides that we shall have an area larger than the minimum provided in the Constitution.

Senator DAWSON.—It is in clause 3 that the honorable senator should move his amendment.

Senator STANFORTH SMITH.—By clause 3 we are not determining the area itself, but the size of the area, and if that clause were taken out of the Bill—

Senator KEATING.—We should not want the concurrence of New South Wales.

Senator STANFORTH SMITH.—That is the honorable and learned senator's opinion, but it is not mine. If we passed the Bill without clause 3, we should have selected an area of at least 100 square miles, according to clause 2; and I say we have no right to do that without the consent of New South Wales. We have to get the consent of New South Wales before our taking the territory, and then it will be for this Parliament, and this Parliament

ne. to fix the Capital site within that territory.

Senator MULCAHY.—Have we not virtually got the consent of New South Wales to take one of three or four selected areas?

Senator STANFORTH SMITH.—We have no consent, written or verbal, from New South Wales to take any territory; New South Wales is under no obligation to give us any area at all.

Senator MCGREGOR.—The honorable senator is a nice Commonwealth representative!

Senator STANFORTH SMITH.—Senator McGregor is a very nice Commonwealth misrepresentative, for he has drawn the most clumsy Bill, and his interpretation of it is worse than his draftsmanship. I regret that Senator Dobson's proposal to pass a Bill determining the territory in which the Seat of Government shall be located will be carried out. I recognise, however, that honorable senators are against my proposal, and, with leave, I beg to withdraw it.

Amendment, by leave, withdrawn.

Senator PEARCE (Western Australia).—I desire to re-submit the amendment, which I temporarily withdrew, to make way for Senator Smith, but I ask leave to move it now in the following form:—

That after the word "within" the following words be inserted:—"the territory bounded on the north by a line running parallel with and twelve miles south of the thirty-sixth parallel of north latitude."

Senator MILLEN (New South Wales).—Before we were drawn off the track by the amendment just withdrawn by Senator Smith, we listened to, what I venture to say, was a most interesting speech from Senator Trenwith. The honorable senator commenced by disclaiming any knowledge of, or qualifications for discussing, the subject of the quality of the land in the various sites. I think, however, that those who listened, must have very early come to the conclusion that it was diffident modesty which induced the honorable senator to put forward that disclaimer. Speaking with some knowledge of the matters to which the honorable senator referred, I venture to say that his comparison will strike those who know the two sites as being the most lucid and the fairest to which we have listened. There are, however, one or two points on which I differ from him. The honorable senator, in dealing with Tumut, referred to the large area of useless land in that district. If the honorable senator

was speaking merely of agricultural land, I am prepared to agree with him.

Senator TRENWITH.—And of pastoral land, too.

Senator MILLEN.—But the honorable senator will admit that the land he refers to as useless is just as good as the richest basaltic country for building purposes. We do not want high-class agricultural land on which to build houses. Some of the finest land for building purposes is rock, having a good foundation, such as would be passed over by the poorest agriculturist.

Senator PEARCE.—But it must be fairly horizontal—not too perpendicular.

Senator TRENWITH.—Only a small area is required for the buildings.

Senator MILLEN.—That is so. Senator Trenwith, not experiencing that temptation to levity which marks some honorable senators, at once recognises the force of my contention, and says that only a small area is required for the buildings. As to the good agricultural land, there is no necessity for, nor, indeed, any great advantage in, taking any extensive area of such land in the immediate vicinity of a city. What we want to know is that the city is in sufficiently close touch with the sources of supply; not that the agricultural land is in the main street or immediate suburbs. So long as there is sufficient agricultural land within touch of the markets, all the requirements of a city are met; and Tumut is so situated. North, south, east, and west of Tumut there are sources of supply more than sufficient to meet the requirements of any city likely to be placed there at any time, and under any conditions that we can foresee.

Senator TRENWITH.—That is, if the honorable senator is not considering a commercial city.

Senator MILLEN.—I am not like some honorable senators, who rashly run into the realms of prophecy. I am merely judging the future of the Federal Capital city, from what has taken place in the United States. When I assume that the Federal Capital, as compared with other Australian cities, will not be a big one, I am only arguing from what has taken place in the great Republic of America. But even if it should not be as large as an city we have in Australia, I still say that it should be within sufficient and easy touch with good land, capable of supplying all its wants. Whether the area be one, ten, or twenty miles is practically immaterial. For all purposes, located in the Tumut district we

within easy reach of sources of supply sufficient for all requirements.

Senator DE LARGIE.—It is good tobacco-producing country, I believe.

Senator MILLEN.—That, I imagine, is intended as a jibe. It seems a little unfair to the advocates of Tumut to urge that the district possesses tropical country because it is possible to grow tobacco and maize there; and, on the other hand, according to Senator Trenwith, to say that if Monaro is cold, Tumut is just as cold.

Senator TRENWITH.—I was speaking of Batlow.

Senator MILLEN.—I think we may go beyond one particular pinnacle, and view the district as a whole. I desire to deal with the matter in the same fair spirit that was shown by Senator Trenwith. If we are to condemn Tumut because it is capable of growing tobacco and maize, which would seem to be an admission that the climate is unduly hot, we must be exonerated from the accusation that the district is as cold as Monaro.

Senator TRENWITH.—Maize-growing does not require extreme heat.

Senator MILLEN.—The advocates of Monaro, in order, as I think, to depreciate the chances of Tumut, point to the fact that in some of the low valleys where the temperature may be high, they do grow these products. But I might as well turn round and refer to some evidence given recently before a Land Board in Monaro, when it was stated that three crops out of ten could be relied on by experienced farmers in the district. That was the sworn evidence of a Government surveyor, who, presumably, was unbiased. I do not venture for a moment to put forward a statement of that kind as fairly representative of the capability of Southern Monaro; but I contend that I would be just as much entitled to do that as are those honorable senators who would condemn Tumut because in certain lower areas it is possible to grow products which do require a considerable measure of heat.

Senator DAWSON.—A better reason is that Tumut possesses such a climate that it can grow olives and pineapples in the same season of the year.

Senator MILLEN.—In the matter of climate, we have in Tumut what Southern Monaro can never pretend to have, and that is variety. If you like, you can get down to a temperature which is summer compared with that of Monaro, and at the same time you can get into a

temperature which is mild enough for anybody. I quite appreciate the appeal to our race feeling made by Senator Trenwith; when he said that Britishers are not to be frightened by a little cold. I do not know that I am more frightened than some people, but I admit that the prospect of spending a winter in Southern Monaro has no charm for me. It is a district in which it is impossible to carry on dairying in winter, and that is proved by the fact that at the present moment the butter factories are closed and their machinery is for sale.

Senator MCGREGOR.—It is a wonder that they can carry on in Denmark.

Senator TRENWITH.—It is not impossible to carry on dairying, but it is impossible to carry it on without hand-feeding with food which could be grown in the summer.

Senator MILLEN.—I ought to say that it is impossible to carry on dairying there very profitably. I do not pretend for a moment to say that it cannot be done, with the experience of Denmark to guide us.

Senator TRENWITH.—All the dairying in the United Kingdom is carried on under similar conditions.

Senator MILLEN.—I am merely giving what appears to me a very practical illustration of the climate which prevails there. Having regard to the conditions which prevail, dairying cannot be carried on in the ordinary way there, except for five or six months in the year. That evidences a climate more rigid than, I think, we should find comfortable, if, as I assume to be the case, the bulk of the Federal sessions will be held in the winter. Senator Trenwith has disputed that idea, and has urged reasons—very old ones, I may say—why Parliament ought, and will, sit in the summer. The notion was first started when the Constitution Bill was put before the people for their acceptance. It was just a little bit of word-painting in which advocates of the Constitution indulged when they pointed out that naturally the Federal Parliament would sit in the summer, because the States Parliaments were in the habit of sitting in the winter, and many of them supposed that they would be members of both Parliaments. They pointed out to the people that, as the Federal Parliament would sit in the summer only, it would not look for a warm climate in which to sit. But what are the facts of the case? Owing to a provision in the Constitution itself we are more likely to sit in the winter than in the summer. It is provided in one section that senators shall be elected so as to date their term of

from the 1st January of the following year. Another provision—I am not quite certain whether it is in the Constitution or in the Electoral Act—requires Parliament to meet within a certain time after an election.

Senator DAWSON.—It is in the Constitution, but it may be extended.

Senator MILLEN.—The extension only makes it worse. We have started here what I think is an excellent principle—that of holding, so far as political circumstances will permit, the elections for the House of Representatives concurrently with the elections for the Senate. And excluding the possibility of a double dissolution, it follows that the elections will, in the majority of cases, be held towards the end of the year, and as Parliament will have to meet within sixty days of that event, it means that we shall have to meet somewhere in—

Senator TRENWITH.—In summer.

Senator MILLEN.—The honorable senator might have allowed me to finish the sentence. When did we meet this year? We met on the 2nd March this year, but how long is the session going to last?

Senator O'KEEFE.—Another three or four months.

Senator TRENWITH.—There was nothing to prevent Parliament from meeting on the 2nd January.

Senator MILLEN.—I venture to say that nobody but a keen, strenuous politician like my honorable friend would be very anxious to meet on the 2nd January when he had not got the dust of the political turmoil off his coat.

Senator TRENWITH.—I did not have any political turmoil.

Senator MILLEN.—Others were not so fortunate as the honorable senator. In New South Wales there were candidates who did not know on the 2nd January what votes they had received.

Senator DAWSON.—How could the representatives of the distant States come here by that time?

Senator MILLEN.—Just so. The Parliament met on the 2nd March this year, and I take it that it will be about that date when each new Parliament will meet. I do not know what the length of an ordinary session will be when the Parliament settles down steadily to work, but I do submit that the history of the States Parliaments shows a tendency to an ever-lengthening session. In New South Wales we have a tradition that the Parliament must sit in the winter; but, speaking from a personal knowledge of

ten years, I can say that the session is never closed until a week or two before Christmas, to enable the members to get to their homes. While I have heard honorable senators depict what a good time we shall have here when we fairly settle down to work—that short sessions will prevail—I venture to think that a Parliament which meets early in March will continue in session, at any rate, well into the spring, through the most rigid portion of the winter. That being so, I see not only no attraction in the cold climate of Monaro but everything which is repellant to me.

Senator TURLEY.—It need not meet in March, except in the first session after an election.

Senator MILLEN.—Does not the honorable senator see that if we meet then, and continue in session for five or six months, honorable senators will not adjourn for a month? We vote supply for twelve months, and what is there to bring us back for? Surely we do not want to live here always. The honorable senator may, but I do not, and I am sure that the country does not want us to do so. I admit that a great many of Senator Trenwith's statements as to the agricultural possibilities of Monaro are perfectly correct, and would be excellent arguments if they were addressed to the Parliament of New South Wales, and in furtherance of a scheme of subdivision for the closer settlement of that district. I quite agree with him that there is an enormous area of country there which originally was held by selectors. The big estates in Monaro were never purchased from the Crown as the big estates in Riverina were.

Senator TRENWITH.—Not all.

Senator MILLEN.—In Riverina, the estates were built up by auction, and purchased direct from the Crown, whereas the estates in Southern Monaro were generally put together by the aggregation by one individual of a number of selections previously obtained in small holdings from the Crown. But that district is admirably suited for small settlement under certain conditions, and in a certain form. I do not mean intense cultivation for growing crops, for I doubt very much whether that is the form in which Southern Monaro could be most profitably developed. But I think that it will have an ideal future when it shall have copied the lesson which New Zealand has taught us of growing a particular class of meat suitable for export. But these are not arguments which appeal



to me in connexion with the Federal territory. I am not at all concerned with matters of that kind in discussing this question from the Federal stand-point. They seem to me to be altogether matters outside Federal jurisdiction and Federal functions. All I am looking for is an area which is reasonably sufficient for Federal purposes pure and simple. I cannot conceive that we, as Federal authorities, are at all concerned about the agricultural or pastoral development of a single acre of land.

Senator FINDLEY.—Why?

Senator MILLEN.—Because these were not functions that were passed from the States to the Federation. These are purely State functions. If my honorable friend thinks that the Federation of the Commonwealth ought to have power to deal with them, that is another matter, but it would be necessary to amend the Constitution to do so. He might as well ask why should we not have consolidation of land in the various States—an idea which might come from a Victorian, seeing that they have parted to a great extent with their Crown lands. Of course, my first vote will be given to Lyndhurst. But there are three reasons why I shall give my vote to Tumut in preference to Monaro. The three reasons apply certainly to Tumut; two of them to a greater extent to Lyndhurst, and the third to a slighter extent. In the first place, either of those sites is much more central, both as regards the existing, and the probable future, population of Australia, than Southern Monaro. Not only are they more central, but they have the advantage of immediate railway communication—an advantage which would mean the saving of some years in the erection of the Federal Capital, and the transference of the Federal Parliament to the Seat of Government. The third reason is the matter of climate, to which I have referred. Knowing something of Monaro, and a good deal of New South Wales, I can only say that Southern Monaro is about the last place outside the particularly warm regions of that State in which I ever hope to be located for any length of time.

Senator WALKER (New South Wales).—I move—

That the amendment be amended by the insertion, after the word "by," line 3, of the words "the thirty-fifth parallel of south latitude."

That will place Tumut and Albury within the area which may be selected.

Senator O'KEEFE.—We are not getting any nearer than we were last year.

Senator WALKER.—Yes, we are.

Senator DOBSON.—That amendment will prevent us from making a choice.

Senator WALKER.—It will give a larger choice. It simply draws a line through Gundagai, and therefore places Tumut, Albury, and Wagga Wagga amongst the sites from which a choice may be made.

Senator Lt.-Col. NEILD (New South Wales).—I rise to express my regret that by reason of the amendments, certain dividing lines are introduced, which interfere with the free choice of the Senate. I take it that we are in duty bound to accept the will of the majority, and I desire that the will of the majority may be attained in the most open manner possible. I should greatly prefer the exhaustive ballot plan. I do not like these proposals which seek to prohibit the selection of any site but one of a certain class. The amendments which have been moved, in the first place, limit the choice absolutely to the extreme south end of the State of New South Wales. Now, Senator Walker has moved an amendment which professedly means the inclusion of Tumut. I would suggest to my honorable friend that he might just as well have moved the insertion of Tumut right away as hit upon some parallel of latitude or longitude. I desire to give a vote on behalf of Lyndhurst. The only way in which I can do that is by voting against the amendments. That, however, will be an unsatisfactory and unreal kind of vote.

Senator GUTHRIE.—By any other plan other honorable senators will have to vote against Lyndhurst.

Senator Lt.-Col. NEILD.—The honorable senator will consider Lyndhurst, and it is just as well to remember that possibility if the Committee desires to effect an agreement with the other House.

Senator WALKER.—Another place is going to support Tumut.

Senator Lt.-Col. NEILD.—My honorable friend has a permanency of affection that is truly admirable, almost pathetic. I do not wish to say anything against Tumut, but I wish to give a vote for one of the two sites which I believe must be ultimately left for final adjustment between the two Houses. From what I have gathered from the members of another place, it seems to me that the two sites left in the running—which have really "a call," to use a colloquialism—are Lyndhurst and Dalgety. Dalgety, in respect of water supply

ply, is immensely superior to any other site. Not only does it afford a supply for domestic purposes, but it is the only site that will give a good power for electrical purposes.

Senator WALKER.—Tumut will also.

Senator Lt.-Col. NEILD.—Will the honorable senator please give Tumut a rest? It is a nice happy locality, but it is hardly necessary to gild the lily and adorn the rose. I quite agree with what Senator Trenwith has said in praise of Dalgety. I do not know that I ever paid Senator Trenwith a public compliment before in my life, but I must say that I listened to his speech with very much more than interest. I spent something like a fortnight in inspecting the Dalgety and Bombala district. I went to all sorts of places, up all sorts of hills, down into all sorts of gullies and crannies. There are very few visitors who can tell me more about the locality than I know. I do not know how long Senator Trenwith spent there, but he certainly has a fine grasp of the features connected with Dalgety; and I pay him a well-deserved compliment of appreciation for the very excellent manner in which he described that locality. I am sorry that he has not been to Lyndhurst. I admit that Lyndhurst has not so good a water supply. But there is this great point. Lyndhurst gives an immediate railway connexion, while the Southern Monaro sites do not. The difficulties of establishing railway connexion with the Monaro sites—particularly those which have been named—undoubtedly place a strong bar in the way of a man who seeks to see the Capital established within a reasonable time voting for them. Lyndhurst also possesses advantages of centrality which none of the Southern Monaro sites have. Not even Senator Walker's pet Tumut can offer such advantages. Undoubtedly as Australia develops, with railways linking its territory on the north and on the west—some are already in process of construction—Lyndhurst will be by far the most central of any of the sites that are worthy of consideration. That must be palpable to the mind of any honorable senator who takes the trouble to look at the map. Lyndhurst is due north of Melbourne. The line does not run away to the east, as is the case with the existing railway line connecting Sydney and Melbourne. There is at present a cross line to Lyndhurst, but it would become a main trunk line if the place were selected as the

Capital site. It is a good line. Trains travel over it with dreadful deliberation at present, because they are mixed trains. They carry pigs, sheep, butter, eggs, cattle, firewood, and goodness knows what else. Passengers have to endure a very slow journey. But the question of the character of the line was raised in New South Wales lately, and the Railway Commissioners communicated to the press the fact that the trains do not run so slowly on account of any defect in the construction or the permanent way, but simply because the traffic is conducted on the mixed principle.

Senator MCGREGOR.—The trains go slowly because of the fear of adding the eggs.

Senator Lt.-Col. NEILD.—My honorable friend may, in his electioneering career, have had a more intimate acquaintance with addled eggs than I have had. His interjection suggests that such is the case. My first vote will be given for the site which I believe to be the most central site of all.

Senator DOBSON.—The honorable senator forgets that when steamers travel twenty-five knots an hour, Twofold Bay will be very central.

Senator Lt.-Col. NEILD.—The interruption of the family solicitor reminds me of a little story that I once heard about an American steamer, that was built to draw so very little water that she made a great success in travelling over a field under a heavy dew! I have yet to learn that even when we have steamers running twenty-five knots an hour they will be able to negotiate the fifty miles of wild ranges between the Tasman Sea and the Bombala Capital site. At any rate, I do not see how they are going to do it. Naturally, it is not a pleasant thing for a representative to have to speak to the detriment of any portion of his electorate. Bombala is as much a portion of my electorate as is any other part of New South Wales. But I must do my public duty, and it is my duty to point out these considerations.

Senator PEARCE.—There is the question of population, though.

Senator Lt.-Col. NEILD.—In advocating either Lyndhurst or Dalgety, I am advocating two sites which, out of the whole list of proposed sites, have the smallest population.

Senator MCGREGOR.—But, which pleases Sydney most?

Senator Lt.-Col. NEILD.—I do not know, and have not inquired. Sydney has not called and left its card and informed

me. But this is what I want to get at: It is very frequently said in reference to the Capital site at Bombala, that the Snowy River is part and parcel of the scheme. Let me say at once that that idea is a piece of pure futility. There are no less than nine miles of wild mountainous country between the proposed site at Bombala and the Snowy River. It would not only be necessary to deal with those wild hills, but the hills themselves are 600 feet above the water level of the river. It is practically impossible by any machinery to connect the water of the Snowy River with Bombala.

Senator TRENWITH.—The water which we drink in Melbourne is obtainable under similar circumstances—from Healesville.

Senator Lt.-Col. NEILD.—The Dalgety water is on the spot all the time. I hope the amendments will be withdrawn, and that we may have a straight-out vote on known sites, and not on geographical parallels. I desire to say that my first vote will be given to Lyndhurst, on the score of its centrality for the whole of the Commonwealth. If that vote should fail, I shall give my second vote on behalf of Dalgety, because I recognise that there exists in that locality a superabundant water supply for every purpose, including the power required for electric lighting, to an unlimited extent, and for a great tramway system. I believe that there is something like 50,000 horse power running through a narrow gorge between granite cliffs. It is a marvellous sight to see the water running down between those narrow walls. Very little engineering skill would gather there a magnificent head of power which could not be found in any existing or projected town in any other part of the Commonwealth, except, possibly, at Launceston. The water power at Launceston, used for generating electricity, is a somewhat artificial supply, brought through a small tunnel, and the power secured is infinitesimal when compared with the magnificent power that year in and year out rushes in vast volumes through the narrow gap in the great granite walls I speak of. Those walls are only a few miles in a direct line above the site that would undoubtedly be occupied by the principal buildings and streets of the Federal Capital if it were established at Dalgety. I quite appreciate the view of those honorable senators who have spoken disparagingly of the portion of Dalgety in the vicinity of the few little buildings which constitute the town. It is certainly a barren-looking spot, but something more is to be

seen than what may be seen in the vicinity of the two hotels and the post-office at Dalgety. Pass the first rise to the west, and we come to beautiful undulating country, well sheltered by great hills, the tops of which form a fine tableland to the westward, and on the foothills there are sites for a number of suburban residences and suburbs in connexion with the Capital city.

Senator O'KEEFE.—That country forms part of the suggested site.

Senator Lt.-Col. NEILD.—I am speaking of the suggested site. As for Lyndhurst, the train to-day runs through the place where the streets of the Capital city would be. I take it it would be almost necessary to move the present railway line somewhat out of the way, because this splendid area it now traverses would be almost too valuable for the site of a railway line. Lyndhurst possesses in the proximity of the grand old Mount Macquarie, 4,000 feet high, in the foreground, and the Canobolas hills at the back, very handsome surroundings for any city for any purpose. It certainly possesses a paramount advantage in these days of retrenchment and curtailment of expenditure in being connected with existing railway communication from Gladstone on the north, to Broken Hill and Adelaide on the south and west.

Senator MULCAHY (Tasmania).—I have no doubt that honorable senators have made up their minds as to which site they will favour. I have a strong disposition to pay great respect to the wishes of honorable senators representing New South Wales, but from all I can hear they are in a hopeless minority. The great majority of honorable senators appear to be in favour of an area such as that proposed by Senator Pearce, and, that being so, I am inclined to use my own judgment and make a selection of a site that has a possibility of being associated with a seaport. The Dalgety district appears to possess a very great advantage in the matter of water power, and were the Capital established there, and manufacturing industries started, it would be of incalculable advantage to have cheap power, which is one of the great necessities of modern economical manufacture. We have a remarkable instance of the advantage of the possession of cheap power, of which we are all very proud, at Launceston. In the north of the State of Tasmania. Honorable senators are, no doubt, aware that the cataract of the South Esk, near the entrance to Launceston, has been har-

nessed up, and provides 1,400 or 1,500 horse power, and the business has been found to be a very profitable and a very promising undertaking.

Senator HENDERSON. — Municipal Socialism.

Senator MULCAHY.—Yes, and a very good example of it. We may expect something of the kind to be adopted in the new Federal city, which, I hope, will be an ideal one in every way. There would appear to be some doubt as to the nature of the climate of the Monaro district, seeing that the average altitude of the sites, according to the reports of the Commissioners, is 2,600 feet; but we cannot expect to have every ideal fulfilled by any particular site. We must balance the advantages of the various sites suggested, and select the best. There would appear to be no considerable existing town within the area suggested by Senator Pearce, and if the land in the district be reasonably good, that should constitute another reason for establishing the Federal city there. It would not be wise to endeavour to establish the Federal city close to one already in existence, and with which it might in some way compete. If we establish a new city in that district, we shall develop a new producing area, and taking advantage of the water power which has been so highly spoken of, we shall be able to develop a good manufacturing centre.

Senator Lt.-Col. GOULD (New South Wales).—Senators Mulcahy and Trenwith have laid a great deal of stress on what they consider the advantage of obtaining a site which would include a port. I am afraid that honorable senators are building up an ideal Federal city which was never contemplated by the Constitution, and which cannot be secured. If either Dalgety, Bombala, or Delegate were selected as the site of the Capital, there would be fifty miles between them and the sea coast. Not only so, but we should have a very steep and rugged range of mountains to ascend to effect communication with a port. Honorable senators must see that if it is considered essential to have a port connected with the Federal Capital, we must acquire an area immensely greater than that contemplated in the Constitution. If we obtain a seaport it will involve enormous expenditure by the Commonwealth Government, not only in rendering it suitable for shipping purposes, but also in the erection of defence works.

Senator DE LARGIE.—Would not that mean a saving to New South Wales?

Senator Lt.-Col. GOULD.—After all, the territory to be developed would be very limited in area compared with the territory of New South Wales; and in the circumstances would it not be better to allow New South Wales to develop the seaport herself. Honorable senators speak as though we were going to establish a new State, and to carry on all sorts of industries and enterprises within its boundaries. Again I remind them that the new State will have to be of a very limited area, and there will be no opportunity to establish the great works which some honorable senators appear to contemplate. I fail to understand how honorable senators can reconcile these ideas with the jealousy which they entertain against allowing what is termed the unearned increment to extend to any land outside the boundaries of the Federal Territory. After all, where are the great centres of population in Australia going to be? Will they be in our Federal Capital, or in the great commercial centres already established on the coast of Australia? Is it proposed that we should take away the manufacturing industries from Melbourne and Sydney and establish them in our new territory? Those industries already established in the large centres of population, where greater opportunities are afforded for carrying them on remuneratively. If we look to what has taken place in other parts of the world, we shall find that Washington is a city established for purposes of government, and not for carrying on commercial and mercantile industries. Washington has remained, as I believe our Federal Capital in Australia will remain, a city established for Federal purposes.

Senator FINDLEY.—We wish to improve upon Washington.

Senator Lt.-Col. GOULD.—If we can improve on Washington, by all means we should do so, but it must be remembered that Washington to-day is a city with a population of only 300,000, in a territory which has a population of 80,000,000. Let honorable senators compare that with our population, and then say how many centuries it will take us to attain to a similar position, especially with the ideas prevalent at the present time with regard to immigration, as evidenced by our legislation. The whole object of providing for a Federal Capital was to establish a city where the Parliament might legislate in its own

country, free and untrammelled from any obligation to the various States. It was never contemplated that we should establish a great commercial capital or seaport; and I contend that we never can have a city which will override the greater cities already established throughout Australia. I admit that the more seaports we have the better it is for the whole of the Commonwealth, but I do not think we shall do very much in that respect with the Federal Capital, seeing the limitations imposed by the Constitution. Senator Trenwith contended that it was intolerable that the Commonwealth Parliament should be a tenant at will at the present time, and the position would be intensified if the Federal city were established within an area likely to be cut off by the action of any one of the States. Is it conceivable that New South Wales, any more than any other State, would attempt to limit or prohibit communication between the Federal area and other States of the Commonwealth? But, supposing that the territory lay between the State of Victoria and the State of New South Wales, it would be possible, if the position were conceivable, for these two States to combine and do exactly what Senator Trenwith fears. The moment a State adopted such a course, it would be evident that it was in a position of rebellion—a position that could not be maintained by any State. The Commonwealth would have the means of bringing a rebellious State to terms, and we may assume that a State, before taking up such a position, would adopt constitutional means to get away from the Federation. Any suggestions of this character should be banished at once as impossible, in view of the way in which people's minds are constituted, and as they ever will be constituted in every part of the world. I hope honorable senators will realize that Senator Neild and Senator Milten, in their strong advocacy of Lyndhurst, are supporting that site, because they consider it the most sensible and best. Senator Mulcahy expressed the opinion that the people of New South Wales and their wishes should be considered to a very great extent; and the divisions which have taken place on this question in times past, show clearly that public opinion, as evidenced by the representatives in both Houses, is strongly in favour of Lyndhurst, as being central, with easy communication, and fulfilling all the other requirements of a Federal Capital city. It may be true that Lyndhurst does

*Senator Lt.-Col. Gould.*

not possess the same water supply facilities as do some of the other sites.

Senator MULCAHY.—Did the New South Wales representatives not vote for Tumut in the other House?

Senator Lt.-Col. GOULD.—The vote of the New South Wales representatives was strongly in favour of Lyndhurst.

Senator PEARCE.—But Tumut was the place selected.

Senator Lt.-Col. GOULD.—I am speaking of the opinions and feelings of the people of New South Wales.

Senator Lt.-Col. NEILD.—Lyndhurst received the votes of nearly all the New South Wales representatives.

Senator DAWSON.—When Lyndhurst was rejected in the House of Representatives, the New South Wales members then voted solidly for Tumut.

Senator Lt.-Col. GOULD.—Lyndhurst was the first choice of the New South Wales representatives, and the same will be found to be the case when this Bill reaches another place. According to the report of the last Royal Commission, there is at Lyndhurst a water supply sufficient, at moderate cost, to meet the requirements of a population of 50,000 people, while a supply for a population of 200,000 could, if necessary, be obtained, according to the scheme suggested by the Commission. In view of all the facts, we may take it that at Lyndhurst, there is a water supply sufficient to meet the requirements of any Federal Capital we may contemplate for centuries to come.

Senator PULSFORD (New South Wales).—Many reasons, fanciful and otherwise, have been advanced in order to persuade honorable senators to vote for the southern sites, but the greatest reason of all in favour of Lyndhurst has been overlooked. In all countries of the world the capital city is, as a rule, made the centre of the military power. In the future, we cannot hope to be free from war troubles, and I ask the Minister of Defence to tell us whether it is not desirable that the place where we elect to have the main body of our troops should have easy access to any portion of the Continent. Southern Mornaro is about the last place we should select as the centre of military power, while, on the other hand, Lyndhurst is admirably suited for this purpose, possessing, as it does, already, means of transit which do not exist in the regions to which many honorable senators are directing their thoughts. Even if means of communication did

xist in the Monaro sites, still the time of transit would be very much greater, and we know that during military troubles a few ours may be of great importance.

Senator TRENWITH.—It is possible to get much more quickly to Western Australia from Bombala than from Lyndhurst.

Senator PULSFORD.—I beg the honorable senator's pardon; Lyndhurst is much nearer, in a direct line, to the great centres of Western Australia than is Bombala.

Senator MCGREGOR.—Then the honorable senator is in favour of a Transcontinental railway?

Senator PULSFORD.—I have always been in favour of as early a connexion as possible with Western Australia. It is clearly desirable, in the important military interests of the Commonwealth, that we should choose a site which is most likely to help us in the organization of our defences.

Senator DE LARGIE (Western Australia).—If we build the Federal Capital on the lines indicated by Senator Gould, it will be more like a bush township or "sleepy hollow" in the backblocks than a modern city.

Senator MCGREGOR.—More like a cemetery.

Senator DE LARGIE.—It will certainly be more like a city of the dead than of the living if there are to be no industrial and commercial classes, and the population has to be confined to the officials of the Federal Parliament, and the unfortunate legislators who will be forced to live there during the greater part of the year. If we are to have a city worthy of the name, commercial and industrial pursuits must be carried on. Senator Mulcahy has pointed out that if we are fortunate enough to get the Dalgety site, there will be so much water-power that industrial pursuits must be created; and this might have the effect of relieving the congested populations of Sydney and Melbourne. Such a result would be by no means to be deplored, because both cities are overgrown. Although such a move of population would be of advantage to the entire country, Senator Gould spoke of it as something that would be deplorable.

Senator Lt.-Col. GOULD.—No; I said there was no chance of its coming about.

Senator DE LARGIE.—Dalgety presents much greater natural advantages for carrying on industrial pursuits than does Melbourne.

Senator Lt.-Col. GOULD.—Melbourne is on the sea coast.

Senator DE LARGIE.—I hope that the Federal Capital will be different from either Ottawa or Washington, and will be an industrial city both in population and in name. Unless some such result is contemplated we might as well have no Federal city at all.

Amendment of the amendment negatived.

Senator KEATING (Tasmania).—In my opinion the wording of Senator Pearce's amendment is inadequate, if it is his intention to have comprised in the area the whole of that triangular piece of land which is south of the imaginary line referred to. I do not suggest that he should name the coast and the border of Victoria as the other lines, but that in the place of the word "territory" he should insert the words "the whole of that portion of New South Wales," and so forth.

Senator PEARCE.—I am prepared to accept that suggestion, and by leave I will amend my amendment.

Amendment amended accordingly.

Question—That the words proposed to be inserted be so inserted—put. The Committee divided.

Ayes	...	...	...	17
Noes	...	...	...	6
Majority				11

#### AYES.

Baker, Sir R. C.	McGregor, G.
de Largie, H.	Mulcahy, E.
Dobson, H.	O'Keefe, D. J.
Drake, J. G.	Smith, M. S. C.
Findley, E.	Story, W. H.
Guthrie, R. S.	Trenwith, W. A.
Henderson, G.	Turley, H.
Keating, J. H.	<i>Teller:</i>
Macfarlane, J.	Pearce, G. F.

#### NOES.

Dawson, A.	Walker, J. T.
Gould, A. J.	<i>Teller:</i>
Neild, J. C.	Millen, E. D.
Pulsford, E.	

#### PAIR.

Best, R. W.	Higgs, W. G.
-------------	--------------

Question so resolved in the affirmative.

Amendment, as amended, agreed to.

The CHAIRMAN.—The clerical error in the clause—the omission of the word "and"—can be corrected without an amendment being moved.

Amendment (by Senator MCGREGOR) proposed—

That the blank be filled by the insertion of the word "Dalgety."

Senator DOBSON (Tasmania).—By carrying the amendment of Senator Pearce, we have done what, I understand, a majority of the Committee wished to do. We have indicated a territory from which the Seat of Government is to be chosen; but inasmuch as we desire to take a much larger area than the Constitution seems to warrant, it becomes a question of negotiation with New South Wales for that larger area. Why does Senator McGregor wish to begin to pick out a spot from within this large territory, when a great many of us must admit that we are not competent to make a selection? I am not capable of giving a vote for either Dalgety or Bombala, because I do not possess the requisite knowledge. We have chosen the Southern Monaro district, which includes Dalgety, Bombala, and Delegate. Why cannot the Government begin to negotiate with the Government of New South Wales, and when they obtain the necessary information as to plans and terms, bring down another Bill? I object to being asked to fix a particular site.

The CHAIRMAN.—I find the clerical error in the clause cannot be corrected, except by way of amendment.

Amendment, by leave, withdrawn.

Senator MCGREGOR.—I move—

That the words "and within" be inserted after the word "latitude."

Perhaps I may be permitted to say, in moving this amendment, that although we have designated an area within which the Seat of Government shall be, it is much too indefinite to warrant us in negotiating with New South Wales. Senator Dobson must recollect that according to the Bill we are going to ask for no less than 900 square miles within this area. The intention of the next clause is to carry out the purpose of the Bill. I wish to indicate that within twenty-five miles of Dalgety we propose to fix—as nearly as we can—the area about which we are to negotiate with New South Wales. When the Bill is passed in that form, the Government will have something definite to go by.

Senator DOBSON.—The Government have something quite definite enough now.

Senator MCGREGOR.—No.

Senator MILLEN.—What is the good of putting it in?

Senator DOBSON.—They are only tying their hands.

Senator MCGREGOR.—We are doing nothing of the kind. We have decided the area in which the majority intend that the

Seat of Government shall be. But that does not mean that we are to ask New South Wales for all that area. The Bill asks for a much less area.

Amendment agreed to.

Senator TRENWITH (Victoria).—I move—

That the words "twenty-five" be left out, with a view to insert in lieu thereof the word "fifty."

The Senate has decided, so far as it is concerned, that the Capital site shall be somewhere on the Monaro plain. But my own view—and it is largely shared by honorable senators, I think—is that we are not yet sufficiently informed to say exactly where the area shall be. There have been opinions expressed which are rather adequately included in the amendment I propose. If we are to move a distance from any point, and we fix Dalgety as the point, we must use the words "fifty miles" in order to include Bombala, if that should ultimately be found to be the best site; and it is forty-four miles, as nearly as may be, by the road we travel. A mile or two here or there does not matter in a case of this kind. But if we are to have a distance by measurement, 50 miles covers all that we can possibly require. It would be a mistake to select either Bombala, Delegate, or Dalgety at this stage. If we are to say 25 miles from Dalgety, we might as well say definitely that the site shall be at Dalgety. Are we prepared for that? Certainly, I am not. I do not think that the paying of a flying visit to the district qualifies me to express an opinion definitely at this stage. If we decide the distance, we shall have gone far enough for the present. We shall have shown our *bona fides* to the New South Wales people, and next session will be quite early enough to settle definitely and irrevocably the exact spot.

Senator MILLEN.—Does the honorable senator want to lock up the whole of the district?

Senator TRENWITH.—I want to leave ourselves open to take the very best spot in the district. The time between now and the next session is so small, and the population of the district is so limited, that it cannot matter very much. They are not a population who buy and sell land to any great extent.

Senator MILLEN.—The honorable senator is not correct there. I have one big property under offer now, and it is dependent on the settlement of this question.

Senator TRENWITH.—I am not sufficiently well acquainted with the district to be able to speak dogmatically, but I tried to learn about the habits and character of the people, and the conclusion I formed is that they are extremely stationary. Most of them have been there for a considerable time, and there are very few new settlers: I should prefer to see the clause carried as it now stands so far as the locality is concerned. Then amicable negotiations could be entered into with the New South Wales Government, as Senator Dobson suggests. I shall vote against a twenty-mile limit, because it does not cover the whole of the suggested sites. That radius from Dalgety would not reach Bombala. I have not so much objection to a radius of fifty miles. But it seems to me that the clause as it stands would achieve all we desire at present.

Senator MILLEN (New South Wales).—If Senator Trenwith's suggestion is adopted, what position shall we be in? It will mean that the whole of the Monaro Plains will be locked up. All the thriving settlements about Bega, which is held by hundreds of small dairy farmers, would be affected. The Bill provides that the value of any land taken over by the Commonwealth is to be the value on the 30th January last year. The consequence would be that not a single acre south of the imaginary line mentioned in Senator Pearce's amendment would be free. No one would buy property in the neighbourhood, seeing that he would not know what value the Commonwealth Government would fix upon it as from the 30th of January last year. Any one who deals in landed property must know that nobody could venture to buy an estate, knowing that a third party might come in and buy it from him at an unknown valuation.

Senator TRENWITH.—There would be a great deal in that point, if it were a district where land changed hands very much.

Senator MILLEN.—If the clause were made to include the Bega and Cobargo districts, it certainly would affect properties that change hands. It is a district devoted to dairying, pig raising, and corn growing.

Senator TRENWITH.—The honorable senator seems to have an intimate knowledge of the district. Can he suggest an amendment with regard to the distance that will cover the points we desire to cover without entailing the possibilities to which he objects?

Senator MILLEN.—I should not like to say that I can suggest such an amendment

on the spur of the moment; but the honorable senator evidently sees the danger to which I refer.

Senator TRENWITH.—Yes.

Senator MILLEN.—On the other hand, I can see the point which he is driving at. But, if Senator Trenwith's suggestion were carried out, Bega would be included in the area referred to. All the country twelve miles south of the 36th parallel would be included.

Senator GUTHRIE.—The country around Lyndhurst and Tumut has been locked up for three years, and none of this trouble has arisen.

Senator MILLEN.—But the honorable senator does not seem to recognise the difference in this case. Around Tumut and Lyndhurst there has not been so large an area affected as is now specified—an area eighty miles by sixty. If this proposal were carried out, the land-owners there would not only be unable to sell, but they would not be able to raise a single penny on their properties from any financial institution. We should simply say to them that for an indefinite period they would be liable to have their properties resumed at the estimated value at a time long past. Would that be fair? To do so would be to cramp every man holding property or carrying on an industry in the district.

Senator DOBSON.—We could carry out the honorable senator's idea by curtailing the area.

Senator MILLEN.—That is what I desire. The suggestion made by Senator Trenwith is to throw all limitations on one side, and select territory anywhere below the thirty-fifth parallel of latitude. What the honorable senator proposes would include Bega. Is that what is desired?

Senator GUTHRIE.—We had the whole of New South Wales before, with the exception of the 100 miles radius from Sydney.

Senator MILLEN.—Has any one in the Federal Parliament ever before suggested that the Federal territory should be taken into a district like Bega?

Senator GUTHRIE.—It does not matter.

Senator MILLEN.—Has the honorable senator no sense of what is justice to New South Wales? I hope that by our legislation we shall place no additional handicap upon people who are suffering enough already from the legislation which has been passed by this Parliament. Bega is a district which the Commonwealth Parliament never had any idea of including within the Federal territory, and why should honorable



senators propose to include it now, even temporarily.

Senator MCGREGOR.—Will the honorable senator allow me to explain. I wish to explain to Senators Pearce and Trenwith that Senator Millen has given one of the reasons why I suggested Dalgety in the first instance. If honorable senators will look at the map, and the area taken in by the limitation proposed by Senator Pearce, they will find that if they take Dalgety as the centre they may extend fifty miles eastwards without taking in Bega, and if they extend fifty miles westward they will take in country that is almost uninhabited. I should have no objection to the proposal of Senator Trenwith to alter the words "twenty-five miles" to "fifty miles," if it is understood that Dalgety is to be considered the centre. But if Bombala were considered the centre, to extend the territory to a radius of fifty miles from that centre would be to do what Senator Millen has indicated, because it would impound an area that it is not contemplated by this Bill should be taken from or asked from New South Wales. If Dalgety were considered the centre, and the fifty miles radius were accepted, it would include Dalgety, Bombala, and Delegate.

Senator WALKER.—And Cooma.

Senator MCGREGOR.—Cooma would be just outside the area, or just on the border of it. Honorable senators will see that I am endeavouring as far as possible to be fair to the people residing in the settled districts.

The CHAIRMAN.—I understood that it was the desire of the Committee to vote first on the question of districts, and then to take the sections of a district. We have now decided the district, and it appears to me that if honorable senators will accept Senator McGregor's suggestion they can vote upon it, and any honorable senator who may object to Dalgety can move an amendment; allowing the provision with respect to "twenty-five miles" to stand. In the meantime I must put Senator Trenwith's amendment.

Senator MULCAHY (Tasmania).—I think the Vice-President of the Executive Council is under a misapprehension in thinking that we have not yet done anything in connexion with this Bill. We have done something of very great importance, and I doubt whether it would be wise for us to do very much more. The fears expressed by Senator Millen seem to me to be without foundation. In the first place, we are

not now making a law; we are only expressing the wish of the Senate concerning a particular law which may be altered elsewhere. We are not doing anything final to-night.

Senator MILLEN.—Is that the way in which the honorable senator proposes to pass Bills?

Senator MULCAHY.—Even if we took the original area provided for in the Bill, that is, within a radius of twenty-five miles from a given place, we should then take a circular piece of land fifty miles in diameter.

Senator MILLEN.—No.

Senator MULCAHY.—Then, what does the honorable senator fear? It is suggested here that we should make a difference, which has been well described as like that between "tweedle-dum and tweedle-dee."

Senator MILLEN.—It is the difference between honesty and downright robbery.

Senator MULCAHY.—The area desired by Senator Pearce's amendment would include a territory extending eighty miles east and west and sixty miles north and south. It is now proposed that we shall take a centre point within that area, and from that point include territory within a radius of fifty miles. That would give us a territory 100 miles in diameter. It would take us some distance into the ocean on one side, to the north it would take us beyond the point suggested, and somewhere down in Victoria to the south. Having affirmed the amendment proposed by Senator Pearce, I cannot now say that we will acquire territory within a fifty miles radius of a particular site, because that would take us out of the territory which has already been decided upon.

Senator TRENWITH.—Only at some points.

Senator MULCAHY.—Apart from that, it seems to me desirable that, having fixed upon the territory, we should leave the selection of the site to be a matter for future negotiation between the Federal and New South Wales Governments. That, I think, would be in the interests of New South Wales.

Senator TRENWITH (Victoria).—I find that there is a great deal in what Senator Millen has said. We must get all the security, and as great a degree of definiteness, as we can, and at the same time we must avoid, so far as we can, even the suspicion of injury to the citizens of any part of the Commonwealth. If we do not get what we require without the possibility

of injury to anybody, it is just as well that we should have it. The Vice-President of the Executive Council has said that the amendment I first suggested, while it would give the protection which Senator Millen suggested to the people of Bega, would not give us sufficient for our purpose. I do not wish to go an inch further than is necessary to give us ultimately an untrammelled choice within the area upon which we have decided. With reference to the fear expressed by Senator Mulcahy that we may be undoing something which we have already done, I would point out that the limitation now proposed applies only within the original limit, and creates no complication. If those who know the district assure me that both Bombala and Dalgety will come within a radius of forty-five miles, I see no objection to adopting that distance.

Senator MILLEN (New South Wales).—For all practical purposes there is very little difference between forty-five and fifty miles, because, at that distance, the edge of the tableland is reached, and you commence to descend the sides of the mountains towards the dairying district lying between them and the coast. I regard the suggestion of Senator Trenwith as a very fair compromise between two opposite positions. But I appeal to honorable senators not to go further than the distance suggested by him. A distance of fifty miles secures to those who favour either Bombala, Dalgety, or Delegate, ample range within which to make their final selection.

Senator DE LARGIE (Western Australia).—I thought that when we carried the amendment of Senator Pearce, we decided, so far as we were willing to go at the present time, where the Seat of Government should be, leaving the actual position of the Federal Capital an open question. That being so, I cannot understand the reason for suggesting another limit now. I think it will be better to leave the question open. Neither can I understand this new-born enthusiasm for Dalgety. If honorable senators knew more about that site, they would not be in such a hurry to support it in place of Bombala, which had most support last Parliament. Personally, I think we had better adjourn, because we are not likely to arrive at a decision before the last trains leave the city. I ask the Vice-President of the Executive Council to report progress.

Senator STANFORTH SMITH (Western Australia).—I think that we have gone far enough, so far as this clause is con-

cerned, and that the amendment of Senator McGregor is unnecessary and inadvisable. Senator Millen has spoken about locking up the land, but I am unable to see that the land would be locked up, or that a mortgagor or mortgagee interested in land within the area chosen would be in any way injured, since, if it is resumed by the Commonwealth, the full market price, plus 10 per cent., will be paid for it. I do not know what better security than that a mortgagee could have. But by adopting a radius of fifty miles, we shall lock up a larger area than that covered by the amendment of Senator Pearce. If by the amendment of Senator Trenwith we exclude Bega, we also include a large area to the west not previously included.

Senator Lt.-Col. NEILD. — There is nothing to the west.

Senator STANFORTH SMITH.—Then to the north we get up near Lake George.

Senator MCGREGOR.—But we cannot go north of the line fixed by Senator Pearce's amendment.

Senator STANFORTH SMITH.—Senator Millen's object is to exclude Twofold Bay as part of the Federal territory, and that is the real object of all who are supporting the proposal which he favours. In my opinion we have gone far enough at present by carrying the amendment of Senator Pearce. The next step is to get the concurrence of the other Chamber. If we propose this ring fence round Dalgety, excluding Twofold Bay as a Federal port, we are much more likely to have a disagreement with the House of Representatives than if we leave the matter as it stands. We have sufficiently localized the Federal area, and we shall not make any advance by providing that the Federal Capital must be within a given distance of Dalgety.

Senator MILLEN (New South Wales).—It is one of the easiest things to insinuate unfair motives, but I tell the Committee candidly that when I last spoke I had no thought of the effect of the proposal of Senator Trenwith in excluding Twofold Bay.

Senator STANFORTH SMITH.—I accept the honorable senator's statement.

Senator MILLEN.—The suggestion of Senator Smith, that we should lock up country which we do not want to secure country which we do want, is about on a par with the wisdom of the Chinaman who burnt down his house to roast his pig.

We are told that what is wanted is to secure the control of the country between here and Dalgety and Twofold Bay; and there is not intelligence enough on the part of those who desire that to draft an amendment which will carry out their wishes, without also locking up the other lands.

Senator STANFORTH SMITH.—It does include Twofold Bay, does it not?

Senator MILLEN.—Yes; but the suggestion of the fifty-mile radius was not mine. Those who have brought the Committee into this position must take the responsibility for their own bungle. I am here to prevent injustice—though I acknowledge the difficulty of the task—to the people with whose land we have no concern. It is the duty of those who want something to tell the Committee what they want, and to provide an amendment accordingly. To attempt to take land which is not wanted, and in this way interfere with the daily occupations of people in order to secure Twofold Bay, appears ridiculous in the extreme. I suggest that, if necessary, we should report progress, with a view to the recommittal of the clause in order to further amend the amendment of Senator Pearce, which appears to stand in the way. I cannot conceive that the Committee, if we regard the matter seriously, can pass the clause in its present condition. If it be desired to have Twofold Bay, the best and most business-like course is to take the action necessary to have the clause recommitted, in order, as I say, to amend Senator Pearce's proposed amendment.

Senator MCGREGOR.—Honorable senators will recollect that amongst senators a feeling was expressed that instead of sitting a day, or a day and a half each week, we should finish with this Bill, and then adjourn for three weeks. That was an idea to which almost unanimous expression was given.

Senator MILLEN.—When was that?

Senator MCGREGOR.—Last week. Honorable members expressed the desire to leave Melbourne to-morrow, and not return over next week.

Senator MILLEN.—That is nonsense!

Senator MCGREGOR.—I am quite prepared to come back next week, and, indeed, every week.

Senator MILLEN.—So am I.

Senator MCGREGOR.—If honorable senators think that the present discussion ought to extend over a week or a fortnight, the arrangement about not sitting next week must be abandoned. I am quite prepared

to report progress now, and come back to-morrow, and also next week; but I intend that we shall work reasonable hours until the measures which are before us have been dealt with. If, however, it is the desire of honorable senators that progress be reported, I move accordingly.

Progress reported.

Senate adjourned at 11.40 p.m.

## House of Representatives.

*Thursday, 2 June, 1904.*

Mr. SPEAKER took the chair at 2.30 p.m. and read prayers

### SPOTTED FEVER.

Sir LANGDON BONYTHON.—I wish to ask the Minister, in whose province the matter lies, whether the Government think it desirable to make inquiries with regard to the disease known as spotted fever, which seems to have broken out simultaneously in America and Australia. Cases of what I believe to be the same disease also occurred some time ago in South Australia.

Mr. FISHER.—The Government will be very glad to make every inquiry, and to render all possible assistance to the Health Departments of the States in discovering the best means of dealing with the disease with a view to bring about its suppression.

### FRAUDULENT TRADE MARKS BILL.

Mr. POYNTON.—I wish to know if the Minister of Trade and Customs if his attention has been directed to a leading article in the *Age* of to-day, in which the passage occurs—

The Fraudulent Trade Marks Bill, which has been introduced on behalf of the Government by Senator McGregor, is by no means the efficient piece of Federal legislation for which the public has been looking.

In his opinion, is there any justification for the statement that the Bill is inefficient?

Mr. FISHER.—The measure may not be all that we desire, but we are informed by our legal advisers that it will do all that the Constitution permits us to do. If any honorable member can point out how our powers can be strengthened or extended, we shall be glad to remedy the defect to which the writer in the *Age* alludes. We shall

do all we can to prevent people from getting goods other than those they ask for, and it will rest with the States to do the other part of the work. Hitherto we have been criticised for trying to exceed our powers, but in this case it appears that we are being blamed for not using our powers to the full extent.

#### COMMONWEALTH PROSECUTIONS.

Mr. GROOM.—The other day it was stated in the newspapers that an order had been passed authorizing the Attorneys-General of the States to sign informations in prosecutions relating to Commonwealth offences. I, therefore, wish to know from the Attorney-General if it would not be advisable to communicate with the Attorney-General of Queensland as to the expediency of conferring upon the Crown Prosecutors of that State authority to take similar action. Recently a prisoner brought up for trial in either Maryborough or Bundaberg was discharged on the ground that the Crown Prosecutor was not authorized to present an information. The reason for urgency in the matter is that the population of Queensland is very scattered, and each district—North, Central, and South—has its own Crown Prosecutor.

Mr. HIGGINS.—It is true that, with a view to promptitude in criminal prosecutions, we have authorized the Attorneys-General of the States to file indictments and informations, and if there is anything exceptional in the position of Queensland which makes that delegation of authority insufficient, the Government are prepared, at their discretion, to make a further delegation to Crown Prosecutors. I shall look into the matter, and try to meet the views of the honorable and learned member.

#### ELECTION PROMISES.

Mr. CROUCH.—At the recent Melbourne election, promises were made by the members of the Labour Party that if that party came into power the electors would receive snug and cosy little cottages. I wish, therefore, to know from the Minister of Home Affairs if the plans and specifications for these buildings have yet been prepared?

Mr. BATCHELOR.—I am not responsible for the promise referred to.

#### ELECTORAL ADMINISTRATION.

Sir JOHN FORREST.—When will the Minister of Home Affairs be able to lay

upon the table the reports asked for in reference to the conduct of the recent Melbourne and Riverina elections? As the Melbourne election took place some time ago, that report ought now to be ready. I shall be much obliged if the Minister will look into the matter, and let us have these reports as soon as possible.

Mr. BATCHELOR.—I promise to hasten the preparation of the reports asked for, and to lay them upon the table as soon as they are ready.

#### EXCLUSION OF JAPANESE.

Sir LANGDON BONYTHON.—As it is understood that there is a strong objection on the part of the Government of Japan to the means at present adopted to exclude Japanese from Australia, and that that Government is prepared to enter into a treaty to prevent emigration from Japan to the Commonwealth, I would ask the Prime Minister whether his Government would entertain proposals for such a treaty.

Mr. WATSON.—I am not aware that any strong objection has been raised by the Government of Japan to the exercise by us of the undoubted right of every Government to exclude from its territory undesirable immigrants, but we are certainly prepared to give most courteous consideration to any suggestion towards removing diplomatic objections to the methods now adopted so long as effect is given to the object of our policy.

#### LETTER SORTERS.

Mr. CHAPMAN.—I wish to know from the Postmaster-General if letter sorters in Queensland are paid overtime for the sorting of oversea mails, while payment for similar work has been refused to New South Wales letter sorters.

Mr. MAHON.—I see no reason why the information which the honorable member has asked for should not be supplied. This is obviously a question of which notice should be given; and if a question is placed on the notice-paper, I shall make an effort to supply the required information.

#### WATER CONSERVATION.

Debate resumed from 23rd March (*vide* page 832), on motion by Mr. McCOLL—

1. That, in the opinion of this House, the prosperity of Australia as a whole, and the development of the interior more especially, depends on the utilization of its waters.

2. That this great question should receive the early attention of the Government of the Commonwealth.

3. That it is desirable that a scheme of conserving and locking the waters of the River Murray, in the interests of irrigation and navigation, should be formulated and carried out by joint action on the part of the Commonwealth and the States of New South Wales, South Australia, and Victoria, and that the Government should take such steps as it may deem necessary to bring about such joint action without delay.

4. That the petition received by this House from certain residents in the Northern district of Victoria and the Riverina district of New South Wales, on the 25th June, 1903, be taken into consideration in conjunction with this motion.

Mr. G. B. EDWARDS (South Sydney).—I think that honorable members will agree with me that we are entering upon the discussion of a very important subject, the consideration of which may be necessary for some years before a decision can be arrived at. It is very much mixed up with the future progress of these States. Although our powers to deal with the subject are somewhat limited, I hope that the Federal Parliament will do all that it can, constitutionally, to assist in bringing about a settlement of the many difficulties by which it is surrounded, and formulate a system under which the waters of our rivers may be made available for increased settlement in the different States. In considering the question, we are dealing mainly with the report of the Inter-State Royal Commission on the River Murray, and the subject of conservation and irrigation. I think that honorable members will also agree with me that the report is not only one of the most interesting that we have yet had to deal with, but one of the most important, by reason of the vast and varied record of facts and information which it contains. The subject must command consideration throughout all the States, whether they are directly interested in the conservation of the waters of the main rivers dealt with in the report, or whether they are simply interested in the general welfare of the whole of Australia. Our attention has recently been drawn to what is almost an actual necessity for increasing the population of the States, in order to enable us to bear the burden of interest on the money that has been borrowed for constructing numerous public works throughout Australia. And of all the schemes that have been suggested to enable us to increase our population, I do not think that there is any so wise, or so far-reaching, or so well designed

to bring about the desired result, as a national system of irrigation, probably increasing the population over the area operated upon from one man to 300 men per square mile. However we may desire to see settlement, it is of no use to ask the redundant population of old countries to come here unless land is available. All the land that is now available is, to a very large extent, not of that character which would induce settlement. Most of the land that would be useful for this purpose has been alienated. Settlement has not proceeded far enough to open up some good land, further removed; and although some of the States have adopted the project of resuming land for closer settlement, what can be done in that direction is nearly so important, and so far-reaching in its results, as what can be done by taking the good land which we know is available in the whole of the Murray basin, and by a national scheme of irrigation making it available for small farmers and intensive culture. It seems to me that whichever way we approach this question we are confronted with constitutional difficulties, and difficulties occasioned by the conflicting interests of the various States. While we are hampered in that way in our power to deal with the subject, we are also hampered by these conflicting interests, and by the difficulties connected with the existing law. The history of this question of irrigation was very well put before the House by the honorable member for Echuca, who traced the growth of the struggle, as it may be called, of enthusiasts about irrigation to get some national scheme taken up in New South Wales and Victoria. He brought the history of the case right down to the holding of the Corowa Conference and the issue of the Royal Commission report, on which most of our consideration must now be based. Subsequent to the holding of that Conference at Corowa, and of the Inter-State Commissioners report in their resolutions:—

During the seven months, July to January inclusive, the diversions on the part of New South Wales and Victoria shall be, respectively 292,000 cubic feet per minute, and 146,000 cubic feet per minute, unless the volume of the river Morgan exceeds 337,000 cubic feet per minute, in which case the diversions may be proportionately greater.

That is the very basis of the difficulty between the rival interests of the three States. That portion of the resolution provides for

minimum of 4 feet for navigation in the river, and it goes on to say:—

During the five months, February to June, inclusive, the diversions on the part of New South Wales and Victoria shall be, respectively, 1,000 cubic feet per minute, and 127,000 cubic feet per minute, unless the volume of the Murray at the South Australian border exceeds 70,000 cubic feet per minute, in which case the diversions would be proportionately greater.

This is the main resolution that produced the difficulty between the members of the Royal Commission, and subsequently between their respective Governments. The Commissioner for South Australia, Mr. Burchell, in his dissent, to be found on page 59 of the report, gives the reasons for his objection to that resolution, which is simply that it does not regularly provide sufficient water for the maintenance of navigation on the Murray. In paragraph 5 of his dissent, he sums up his objection in these words:—

Subject to the maintenance of the River Murray as a navigable water-way, as stated in paragraph 4 of this dissent, the question of the just allotment of the waters to the use of the States of New South Wales, Victoria and South Australia for irrigation is one concerning which I am prepared to commend the utmost liberality to the States of New South Wales and Victoria. In my opinion, the surplus waters of the River Murray and its tributaries should be distributed as follows:—New South Wales and Victoria in such proportions as they may agree upon between themselves, one-eighth; and South Australia, one-eighth.

It will be seen that in that paragraph of his dissent he seems to act most magnanimously towards the other two States, and is so. But, prior to that paragraph, he dissenting altogether from the finding of the Royal Commission with regard to the quantity of water that should flow into South Australia to provide for navigation; and it seems to me to become the crux of the whole position. Subsequent to the issue of that report, the Premiers of the three interested States met and discussed the whole question with a view to seeing whether they could adopt the report, and afterwards persuade their respective Parliaments to indorse it. I am not aware of the feeling of Victoria at that time, but the general opinion in New South Wales was that its interests had been altogether surrendered to the able representations of the Premier of South Australia. The minimum quantity of 70,000 cubic feet ought to be provided in a season of drought was increased at the meeting to a minimum of 150,000 cubic feet. Honorable members will see that that quantity is just double what the majority of the

members of the Commission thought should be the minimum to provide for navigation along the Murray down to South Australia; but the South Australians still object to the proposed arrangement. There is a further point, upon which Mr. Burchell bases his objection, which is well worth placing upon record. In paragraph 10 of his statement he says—

I also dissent from recommendation 4, that the Common Law Doctrine of riparian rights is unsuitable in Australia, particularly in regard to the waters of the Murray basin.

I hope honorable members will take notice of this, because I think that the settlement of the question will largely turn upon the way in which public men regard the common law relating to riparian rights. Mr. Burchell continues—

I believe the riparian rights existing as between individuals, is the only equitable basis upon which to arrive at any decision in regard to the apportionment and distribution of the waters of the Murray river to the riparian States.

As I have said, the Premiers' recast of this arrangement is considered in New South Wales to be a very large surrender of the rights of that State. New South Wales holds a very large quantity of the land that it is possible to irrigate from the rivers, and furnishes by far the largest quantity of the water which flows down them, and very naturally the people of that State cannot see the common sense or justice of their being called upon to provide so large a quantity of water in order to satisfy the common law rights—either riparian rights or navigation rights—of South Australia. This agreement has to be indorsed by the various Parliaments of the States concerned; and although it is intended to extend over a period of only five years, I think it will be very difficult to induce the Parliament of New South Wales to pass it. Therefore, if we can so deal with the question as to bring about an adjustment of the rival interests of the States, and so abrogate or modify the common law riparian rights, as to make the waters of the rivers available at points where they can be put to the best use, and also in such a way as to secure a return sufficient to pay all the interest upon the cost of the important works which will be necessary for water conservation, we shall be doing a great work, not only for the rival States, but for the people of Australia. I should like to place on record a report, which was published in the *Sydney Daily Telegraph* of 28th May, of a deputation which waited

upon, the Premier of South Australia, Mr. Jenkins, in Adelaide, on the previous day, in order to present to him resolutions passed at a meeting of the River Murray League held during the preceding week. These resolutions again asserted strongly what the gentlemen who passed them regarded as the navigation and riparian rights of South Australia, and Sir Lancelot Stirling, who introduced the deputation, spoke very strongly; indeed, he used almost menacing language with regard to the way in which South Australia should be induced to insist upon her rights. Although this report is rather long, I should like to put it on record, because I think that we are mainly engaged at present in gathering material, and in a preliminary discussion which is intended to throw light upon the subject, and that therefore it is desirable to have before us the views of South Australian public men *in extenso*, in order that we may understand the position which they at present take up. The report says:—

The Premier, in the course of a long reply, said that it was on the advice of Mr. Justice Gordon, when he was Attorney-General, that the Government had not instituted an action yet in the Courts against the other States, because he said it was not wise to do so until they were prepared with the necessary proofs, and he did not consider even on the report of the expert that had been sent to the other States that they possessed the necessary evidence. The Government had obtained particulars of what was wanted by the people near the Murray mouth. He had personally visited the spot for the proposed barrage, and the Government were now working out details for a modified scheme for the barrage across the Murray mouth. He had also asked the Attorney-General to prepare a bill for submission to Parliament at the earliest possible opportunity. Mr. Bent was now Premier of Victoria. He was not so sanguine as one of the speakers that he would be more successful with Mr. Bent than with Mr. Irvine. (Laughter.) But possibly something might be done in the way of amicable negotiations.

Mr. Jenkins added that he had not much hope of an amicable settlement, unless they were strongly supported by the Federal representatives of the other two States interested. He had not much faith in the support of the Federal members representing Victoria and New South Wales, although Mr. McColl and a few others recognised that the proper settlement of the question was by locking and storage. That, as far as he could see, was the only settlement through which they would benefit by irrigation, and would still maintain navigation. He believed that the legal opinions the Government were obtaining from America would support the South Australian Government. Even if they were unsuccessful in the first court of appeal, if they commenced an action the Government would not abandon it, but would take it before the highest Court to which they could appeal, the Privy Coun-

Mr. G. B. Edwards.

cil. He did not say for a moment that the High Court Judges in Australia would be prejudiced, but perhaps it would be advisable in a case like this to take it where it would be beyond any suspicion of prejudice.

Honorable members will see what a decided and definite view the South Australian public men take of their rights and of the supposed infringement of them in Victoria, and, to a lesser degree, by New South Wales. We can also foresee some of the difficulties we shall have to contend with in evolving—or co-operating with the States in evolving—any scheme to make use of the great national asset that we have in our rivers system. The honorable member for Echuca has very ably brought this matter before us. His motion is divided into four paragraphs, and I really do not think any honorable member can take any serious objection to it. It simply expresses the desirableness of doing something in the direction of utilizing the river waters—using the good offices of the Federal Parliament to induce the States to do something—and, in effect, promises the States that the Commonwealth will be only too ready to fall in with their ideas, and assist them in carrying them out. The honorable member has placed the question very fully before us, and has given us the benefit of a number of facts, figures, and opinions; but he admits that the action to be taken mainly rests with the States, and that all we can do is to assist by expressing our goodwill, and carrying out the functions which are constitutionally entrusted to us. Our powers have regard mainly to navigation, and I take the view entertained by the honorable member, that it is not impossible—nay, that it would be helpful—to combine the navigation and irrigation systems, seeing that one will assist the other. That is not altogether the opinion of the Commissioners; but I quite agree with the honorable member and other experienced men that we can make the waters for navigation purposes subservient, in some degree, to their utilization for the purposes of irrigation. Conversely the same statement of fact holds good. There are some points in the speech of the honorable member for Echuca to which I desire to refer. Upon page 83 of *Hansard* he is reported to have said—

We must utilize the Crown lands that remain unalienated, but we may do more. The Federal Parliament has yet no power to deal with the lands, but the States Governments should exercise the power of resumption to the fullest extent.

ent. Where they find it impossible to voluntarily resume areas in the water districts, and lose to main lines of communication, they should adopt the compulsory system of land re-emption at the earliest date.

It seems to me that in those sentences the honorable member expressed a very practical view indeed, and if it were possible for the Commonwealth to resume large areas of this land, I think that our position in undertaking national works of irrigation could be rendered very much safer. But, unfortunately, the Federation can do nothing in the direction indicated, and I am of opinion that some considerable time will elapse before the States themselves can be induced to take action. I also wish to refer to the view entertained by the honorable member concerning Victoria's action in utilizing the waters of these rivers for irrigation purposes to the extent which she has already done. I entirely dissent from his opinion when he declares that this State could be thoroughly justified in making use of those waters, even if she went to the extreme of closing the mouths of the rivers in question as they enter the Murray. That is what the South Australian public men protest against so strongly. I differ from the honorable member for Echuca, not only as to the justice of such action on the part of Victoria, but as to the law which permits of it. I protest most strongly against the continuance of the existing law, which I maintain justifies the public men of South Australia in the strong attitude which they have taken regarding the action of Victoria. I desire now to direct attention to the area of land and the volume of water which would be available for irrigation purposes under his scheme. I think that the honorable member for Echuca, with his noble enthusiasm, is rather inclined to overstate the facts in this connexion, although he frankly admits that we cannot irrigate the whole of the area in question. There are, however, some writers who apparently take it for granted that we can irrigate some 3,000,000 acres under this scheme. Do not let us be misled in this matter. Very great mistakes have been made in connexion with irrigation schemes in Australia, America, and Italy; and we require to be perfectly sure of our facts before embarking in any such undertaking. I am quite in accord, therefore, with the honorable member for Echuca when he presses for more reliable data concerning this problem. Indeed, the only defect which I find in the report of the

Commissioners is that which they themselves have noted, namely, their inability to furnish reliable information upon which we can make an accurate estimate as to whether the scheme, if carried out, would prove remunerative. If it cannot be made to pay interest upon its capital outlay, there is no justification whatever either for the Federal or State authorities undertaking it. The honorable member, in dealing with the volume of water that flows past different points, and in estimating the area of land available for irrigation, seems to me to have adopted the plan which applies to an army of soldiers upon the stage. We all know that these men are marched across the stage, and that the first portion, upon disappearing from view, reappear so quickly behind their comrades, as to convey the impression that some thousands are engaged when, as a matter of fact, there may be only fifty or sixty. The honorable member makes the mistake of adding the volume of water which flows past one point to the flow past a second and even a third point. Upon the total volume he then bases his estimate. No doubt he was perfectly familiar with the subject of which he was speaking, but the impression conveyed by his speech was that there is a larger area of land available for irrigation purposes and a much greater volume of water than really exists. As evidencing how easily we may be led astray by figures the honorable member said, *vide Hansard*, page 828, that—

The engineers, Mr. Davis and Mr. Murray, were also called in and consulted, and they gave the Conference some very interesting figures. They stated that if locks were established on the Murray, some 5,000,000,000 cubic feet of water would keep the locks going. That is to say, that quantity of water would keep the locks always navigable. That is really only about one-eighteenth of the lowest flow at Albury, so that the quantity of water required to keep the river navigable is actually very small compared with the volume of water that flows down the river.

At that stage I interjected—

Would that quantity keep the river navigable throughout the year?

To that question the honorable member replied—

Yes; that is the estimate of the engineers. To show how the figures mount up, I may point out that South Australia objected to being allotted only 70,000 cubic feet a minute, yet that quantity in the year would run to no less than 50,000,000,000 cubic feet.

I took the trouble to work out these with the result that I found a ver-



discrepancy in them. As honorable members will perceive, there are 525,000 minutes in a year. If that number be multiplied by 70,000 it will produce 36,792,000,000, and not 50,000,000,000 cubic feet, a difference of 13,208,000,000 cubic feet. A discrepancy of 30 per cent. in an estimate of that kind only shows how careful even practical men require to be in their calculations, and in basing their conclusions upon them.

Mr. KENNEDY.—The honorable member for Echuca may have taken into consideration an allowance for waste.

Mr. G. B. EDWARDS.—There is no waste in figures, and I am dealing with actual figures. The honorable member is wrong in his multiplication. Of course, the honorable member dealt very ably with the necessity for having a perfect system of hydrology, and for collecting all the facts available. In that direction this Parliament might certainly take the first step. I think that we should approach this question by seeking to acquire, by every means that skilled experts can suggest, all the reliable data available. We require to possess all the facts necessary to deal with this problem, because some years must elapse before anything practical can be done. In this matter it is wise to make haste slowly. In the second place, it is the duty of this Parliament to consider, as far as possible, the question of the abrogation of the common law affecting riparian rights, and the enactment of a water law for the rivers in question, at least. That can be done under certain sections of the Constitution, and if the States will assist us we shall be doing all that we really can, preliminary to devising the basis upon which future schemes can be built up. In the third place, we might consider the question of providing for the maintenance of a flow of water for navigation purposes—at least equal to that which has existed—by means of locks and weirs, after we have made provision for irrigation. Fourthly, I think that the Federal Government should cordially accept any function, which may be constitutionally conferred upon it out of regard for States interests, to bring about some scheme for the conservation and utilization of these waters. I shall find it necessary during my speech to refer more than once to a report by Mr. Elwood Mead, an irrigation expert in the employ of the State Government of California.

Mr. McCOLL.—He is the best expert in America.

Mr. G. B. EDWARDS.—I believe the honorable member is correct. The report has afforded me so much valuable assistance in the consideration of this question that I believe it would be almost worth while to republish it for the use of those who will have to deal with this matter in Australia. The problem before Mr. Mead and the officers who, with him, formed the Commission, is that which confronts us to-day; but they approached it with much more experience, and far more information at their disposal than we possess. They have made certain strong recommendations to the State Government of California, which appear to me to be almost precisely the recommendations that ought to be made in reference to the question now before us. Strange to say, the report bears no date, but from references which it makes to legal decisions as late as 1900, it appears to have been issued about 1901. It is, therefore, a comparatively recent publication. The Commission was the outcome of a letter addressed to the Director of Agriculture in California by a large number of experienced gentlemen engaged in various commercial and professional pursuits, who urged that the position of California at that time necessitated some inquiry. As the result of that letter, and of the raising of private subscriptions to enable effect to be given to it, Mr. Elwood Mead was intrusted with the duty of superintending the Commission and drawing up a report. An examination of it shows that it deals with the same problems that we have to face in relation to the Murray, although we must not lose sight of the fact that in California they had considerable experience of irrigation to guide them in arriving at a decision. They were called upon to deal with a portion of the State that had not been systematically irrigated, but which presented all the features and materials necessary to enable it to be treated in that way. I shall make several quotations from the report, in order to bear out my assertion that it deals with the problem that now confronts us. It sets forth that the inquiry was made into the state of agriculture, but as a matter of fact it deals wholly with irrigation. The authorities appear to have thought that it was only by means of irrigation that the agricultural conditions of that part of the country which was under consideration

could be improved. At page 68, it is set forth that—

The largest volume of unused water in California comes from the Sacramento and San Joaquin valleys, and it is here that the greatest development in the future will take place—

This is also true of the Murray—

It is not believed that this increased use of water will seriously injure navigation interests, because a large percentage of the water diverted will return to the stream as waste or seepage. Irrigation will create a more uniform flow. There will be lower water in the stream and higher water during the rainless season. But, in order to avert any conflicts, the creation of a State engineering or irrigation bureau should be immediately followed by a conference with the officials of the United States Government having supervision of the navigable streams, looking to such improvements of these rivers as will permit of the largest possible use of water in irrigation. The complete utilization of these two rivers will give California the largest rural population of any State in the Union. Whatever expenditure is necessary to protect navigation interests and enable this result to be brought about should be made. Even if it requires the construction of locks and the canalizing of both streams, the improvements will be well worth their cost, and, as it is a recognised field for the expenditure of Government appropriations, a proper presentation of the situation will, it is believed, lead to the extension of the required aid.

Honorable members will see from this extract that the problem dealt with by the Commission is precisely that which confronts us. Under the existing law, California has to preserve the navigation of the two rivers mentioned in the report; and has also large quantities of water running to waste, although it has a dry climate and plenty of good soil, which, with irrigation, would produce almost anything. The authorities desired, by resorting to irrigation, to place a large permanent population on the land in question, and that is really what we hope to do. Then with regard to the relative duties of the national and the States Governments, the problem is also the same, so that I think that we should receive assistance in many directions from a perusal of this report. In nearly every matter with which we have lately been called upon to deal, we have found it necessary to refer to the Constitution, and it is inevitable that, as this debate proceeds, some of the able legal members of the House will be called upon to discuss the question from its constitutional aspect. As a layman, it seems to me that our actions will be governed by those provisions of the Constitution, to which I now propose to refer. Section 51 provides that—

The Parliament shall, subject to this Constitution, have power to make laws for the peace,

order, and good government of the Commonwealth with respect to—

(i) trade and commerce with other countries and among the States.

At first sight it would appear that this provision does not deal in any way with the question of the control of our rivers; but honorable members will discover, by reference to a later section, that it does. The next provision bearing on this question is sub-section xxxvii., of the same section—

Matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliament the matter is referred, or which afterwards adopt the law.

It might suit the States under this provision to give us very large powers to deal with our rivers. Then in section 98, it is provided that—

The power of the Parliament to make laws with respect to trade and commerce extends to navigation and shipping, and to railways the property of any State.

while in section 100 it is declared that—

The Commonwealth shall not, by any law or regulation of trade or commerce, abridge the right of a State or of the residents therein to the reasonable use of the waters of rivers for conservation or irrigation.

This, of all the sections of the Constitution bearing on the subject, will perhaps be the most hotly debated. Then again, we find that in section 111, it is provided that—

The Parliament of a State may surrender any part of the State to the Commonwealth, and upon such surrender, and the acceptance thereof by the Commonwealth, such part of the State shall become subject to the exclusive jurisdiction of the Commonwealth.

Under section 122—

The Parliament may make laws for the government of any territory surrendered by any State to and accepted by the Commonwealth.

I will deal with the last two sections first. To resume all the land that would be operated upon by any great irrigation scheme, would probably, even though there is a great outcry against Socialism, be the best way to deal with this great national question. It is conceivable that the States of New South Wales and Victoria might be persuaded to give to the Commonwealth Parliament control of the land in the Murray basin. We should, of course, have to compensate the present holders, and could then deal with the territory as a socialistic or State experiment. But, although that is conceivable, it is quite unlikely, because it would destroy the present balance of the

States, and would make a separate territory which, if what I have read about the resources of the land that would be irrigated from the Murray and its tributaries is correct, would ultimately become the very heart of Australia. It is inconceivable that either New South Wales, which at present contains the larger part of this area, or Victoria, which contains the smaller part, would hand it over to the Commonwealth. Therefore, I think, we can dismiss from our minds the possibility of those sections being used, although they open up a very wide vista as to what might be done under the Constitution. The States themselves, however, can resume irrigation areas in different places, which ultimately might become parts of a large national scheme. To resume the whole of the Murray basin, as a territory exclusively under Federal jurisdiction, would give us a problem more difficult to deal with than the Federal Capital site problem, both by reason of the area involved, and because of the questions which would arise as to such matters as political representation. If, however, we turn back to section 51 sub-section 1., and to sections 98 and 100, it will be found that they give us full power to utilize the waters of the Murray for navigation. In my opinion, action should not be taken under those sections until the States have taken action under section 51, sub-section xxxvii., that is, until they have referred the matter to the Federal Parliament, either by giving us the right to define a national scheme, and to appoint Commissioners charged with the duty of collecting rates, and other administration, or by referring the matter to us in the capacity of an independent arbitrator or umpire to settle the claims of the contending parties. I do not care which mode of action is adopted. But if anything is done under the provision to which I refer, it will then be time for us to take action under the navigation provisions of the Constitution, and to open up the river and keep it open for navigation throughout as large a part of the year as possible. That is practically the recommendation of the Commissioners, and what the honorable member for Echuca contended for when moving the motion. It seems to me, too, practically all that we can aim at. This is not, however, such a big undertaking when we compare it with similar undertakings which have been carried out successfully in other parts of the world. A dispute arose between Mr. Irvine, when Premier of Victoria, and Mr. Gordon, now

Mr. Justice Gordon, when Acting Premier of South Australia, about the relative rights of the States whose affairs they were administering. During the course of that dispute, the Victorian Premier acted, though he was conducting the affairs of an independent nation, and was not bound by the common rules and laws which govern the members of one empire. Mr. Irvine almost took up the position that South Australia was to him a foreign country, and that Victoria could act as one foreign and barbarous nation might act towards another, and cut off the water supply of South Australia. He thought it was quite within the right of Victoria to do that, and was as though he was restrained from exercising that right only by his innate sense of justice. Let us see, however, how things are arranged elsewhere by rival and often hostile nations. The Danube, which is the second largest river in Europe, and is nearly 2,000 miles long—longer than the Murray—traverses Germany, Austria, Hungary, and Northern Turkey. International action was first taken in regard to its control in 1816, and since that time Northern Turkey has been split up into a number of independent powers through whose territory the river runs. By the treaty of Paris, in 1856, the Danube was not only placed under the protection of an International Convention, and declared free to the ships of all nations, but a Commission was subsequently appointed, consisting of representatives of seven of the great powers of Europe, of which Great Britain was one. That Commission was subsequently continued, and intrusted with the control of the navigation of the river. It, in the first instance, opened up the deltaic portion of the river, in order to allow overseas vessels to enter freely, and to steam or sail into the heart of Europe. Whereas in 1855 thirty vessels were lost in the Danube, in 1860, although twice as many vessels were navigating the river, only seven were lost, because of the work done by the Commission in cutting away dangerous bends, blasting out rocks, opening up the delta, and placing lights along the river. The work of the Commission has been so beneficial that it has been recognised in all the great European treaties, such as those signed at Berlin, London, and Paris, and its life has been renewed from time to time, so that it has now five years to run. A great deal has been said about the decay of British commerce, and I was, therefore, surprised

read the figures relating to British trade on the Danube. The revenue collected by the Commission amounts to £80,000 a year, and its ordinary expenditure to £56,000 a year, leaving £24,000 a year for new works. Between 1857 and 1867, 450,000 tons of commerce entered the river, of which one-third was British; but in 1896 1,800,000 tons entered, of which three-fifths were British. Yet politicians talk of the trade of that great country going down. The shipping of all other countries combined increased in the period to which I refer only fourfold, while that of Great Britain increased eightfold. If what I have described can be done by nations whose people speak different languages, and have often been at war, surely it is possible to reconcile and control the conflicting claims of three dependencies of the British Empire. The honorable member for Echuca has had more experience than I have had in dealing with land, and he knows, too, more about irrigation, because he has seen the operation of many irrigation works in Victoria. He has put before the House the advantages to be derived from irrigation, and I think that if any one not already instructed on the subject will take the trouble to read up the facts, he will be, as I was, very much surprised at the absolute tangible benefits which have been derived in various parts of the world from the adoption of irrigation schemes. It has been said by an old Eastern sage that white umbrellas and elephants mad with pride should be the property of the man who owns the land. But if the land is arid, and there is no means of making use of the water which flows past it, the owner will not be able to have either white umbrellas or mad elephants, because the man who cannot put water on to most of his land in Australia owns nothing. The land must be watered. We have passed through a seven years' drought, in which some of the finest soil in the world was utterly unable to support animal or human life. The last vestiges of creation, as it were, departed from the ground; the grass was dried up; and there was nothing to be seen, so that in most parts of Australia the mere possession of land is no factor out of which wealth can be produced. We must have water. In all directions we see the same thing. The Incas of Peru—a civilization of its own, developed in one quarter of the globe, apart from everything else, and now extinct—carried this idea of irrigation to such

an extent that they had a channel running for 500 miles, from the Andes Mountains to the arid plains of their own territory, distributing water everywhere, and they had always a superabundance of food in their government storehouse for the use of the people.

Mr. BATCHELOR.—That was under a communal system.

Mr. G. B. EDWARDS.—It was a system bossed by a privileged class, but still it was a communal system, and a marvellous one, under which no one ever went hungry, under which every one was able to marry when he arrived at a proper age, and under which every one had a home. It is the most remarkable civilization, I suppose, that we know of. I am not interested just now in that matter; but I am interested in the fact that these people, although so much beneath us in intellectual development, and in capacity for dealing with large works, yet had carried this theory of irrigation to the extent of having a great canal carrying water for 500 miles from distant mountains on to their arid plains. We see again what marvels have been done in modern Italy by the use of irrigation. We see, too, what has been done in Spain, where, perhaps, the works originated under the Moors, but were allowed to fall into disuse, and have been revived in late days. We see how Egypt has been saved from bankruptcy, from ruin, and utter chaos by English and French engineers, who improved upon the old works for making use of the waters of the Nile, and who have increased the production enormously. We see, in India, how irrigation has been made an insurance against famine. In 1876, or 1877, nearly 6,000,000 persons died from famine in that country, and it is reckoned to-day that such a thing is almost impossible. The water has been carried in all directions, the land has been irrigated, and the produce is so enormous that they can contemplate with equanimity the risk of future famine. In Spain the rent of land has increased from 12s. to £3 7s. per acre—an enormous rent, which I do not believe that cultivators should be called on to pay; but it is high on account of the water law giving people the power to charge, not only rent for the land, but also rent for the water. It is against that old common law doctrine that I am raising my voice this afternoon in an effort to see if we cannot prevent its extension, or bring about its abrogation in Australia. In

California, land worth 5dol. an acre in its original state, is, when irrigated and planted with oranges, worth 1,700dol., and yields from 200dol. to 400dol. per acre. In that country 50,000dol. have been paid for a perpetual right to 50 inches of water. The water is worth much more than the land, and yet here in this Federal Parliament we discuss, for months and months, that theory so obnoxious to the honorable and learned member for Werriwa—keeping the money in the country—while we have been allowing the water to flow to the sea. I appeal to the House to assist the States to keep that water in the country, and to make use of it.

Mr. WATKINS.—Why not the money, too?

Mr. G. B. EDWARDS.—If we keep the water we shall keep the money. My collection of old Australian books includes a copy of Sir Thomas Mitchell's quaint old geography designed for the use of schools in New South Wales. In his book, published in 1850, he adopted the system of question and answer known as Magnall's. After enumerating the various counties that were then settled in New South Wales, he puts this question—

What stations have been proposed for towns outside the limits of those counties?

The answer to the question is—

The River Murray, formed of various channels, which join at certain places; such junctions present favorable sites for towns, on account of the direction of lines of thoroughfare, the eligibility being further determined by an abundant supply of water, excellent soil, etc.

It is evident that Sir Thomas Mitchell, a shrewd, experienced man, who had been over practically all this country in his day, and was an intelligent, well-read officer, looked forward to large towns being established on these rivers, on account of the water being there, and on account of the junction, as he calls it, of lines of thoroughfares at certain points; but that has not taken place.

Mr. BATCHELOR.—Everything has run to the big cities.

Mr. G. B. EDWARDS.—If we make a proper use of the water, we shall have large cities up there. It is impossible to think that we could apply water to a country comprising millions of acres of really good land, without seeing large cities, or at any rate large towns grow up. Although the railways run along the lines of thoroughfare pointed out by Sir Thomas Mitchell, and join New South Wales and Victoria at important points on the river; yet, even at

those junctions, we have not seen any considerable town arise. We shall never see it until we make use of the waters of the river. When I paid a visit recently to a portion of the Riverina district, I was surprised to see how little improvement had taken place in such a magnificent territory. I saw there some of the finest land that I could wish to come across. There is no sign of population or wealth outside those places. The possessor of thousands of sheep resides there, and makes what he can out of them, although the land would be capable of maintaining almost as many men and women as sheep, if it were watered and cultivated. The report upon the Irrigation Investigations in California gives a very instructive picture of two classes of land—one irrigated, and one not irrigated, the climate, soil, rainfall, and everything else being precisely the same. The Commissioners passed through two districts, one thirty-five miles long, and the other fifteen miles long, and make this comparison in their report:—

In the 35 miles traversed there were only two school-houses. Attending these schools was one child whose parents owned the land on which they lived. The other pupils were the children of foremen and tenants. The county superintendent told me that at these two schools there were only 15 children. These conditions of alien landlordism, tenant farming, unoccupied homes, and scanty population, in a country so rich in possibilities, show a vital economic defect in method. The situation here was in such striking contrast with what had been seen in travelling through an irrigated valley in Utah the month before, that the difference seems worthy of statement. In a distance of 15 miles, along Cottonwood Creek, Utah, there was not a farm of over 30 acres. The houses and barns on these little farms were more comfortable and thrifty than those of the Sacramento Valley, where the farms are ten times as large. The average population of the Utah district was over 300 people to the square mile; the district traversed in California has less than 10 people to the square mile. The Utah lands range in value from \$50 to \$150 an acre; the lands of the Glenn estate, in the Sacramento Valley, being offered for sale from \$10 to \$40 an acre. Every natural advantage is in favour of California, but the Utah district is irrigated, and the other is not.

If we can look upon these Commissioners as honest, reliable, and capable men—and I do not see how we can regard them as anything else—we cannot help being impressed with the picture which they have drawn. They show two tracts of country having exactly the same soil and the same rainfall, and settled by the same class of people. In the one case, there is nothing but decay and mortgages, and all the difficulties which attend farming when it does

not pay. The mortgages have gone on increasing, the crops have decreased with the reduced rainfall, and general desolation has been the result. That is a common experience in connexion with these Bonanza farms, which are used very largely for wheat growing. They give good crops in good seasons, but as the soil becomes exhausted and the rainfall decreases owing to the clearing of the timber, there is nothing to take the place of the original resources of nature. On the other hand, in the Utah settlement, where the land is irrigated, wealth and prosperity abound, and it would almost seem that water is the only thing that can wash mortgages off the land. Now, turning to Egypt, we find that prior to 1884 the cotton crop in Lower Egypt averaged 123,000 tons. For five years, ending 1898, the crop averaged 250,000 tons; an annual increase in money value of £5,000,000. We know that all the world is now desiring cotton, and I believe that we could grow it in Australia if we had the water. The results achieved in Egypt have been solely due to irrigation. Mr. John McKeague, who has written a book on *Practical Irrigation*, comes from New Zealand, but he has gathered information from all parts of the world. In an introduction to his work, Professor Black, of the Dunedin University, says—

The case of Egypt is a very convincing one, where they think nothing of voting a million or so for repairs alone, and talk now of constructing a dam to hold six hundred and twenty thousand million gallons—a dam half as big again as the Lake of Geneva—and all this for the Delta alone, to irrigate its half-a-million acres.

In Italy, the Cavour Canal, constructed at a cost of two millions, now irrigates in the valleys and on the plains of Piedmont, something like two million acres, formerly parched, like the most arid parts of the Canterbury plains in a dry season, but now famous as one of the most productive districts in Europe.

The "Grand Canal" of the Ticino also, with its hundred and twenty side canals, and its network of channels and of field water-courses, leaving in the broad plains of Lombardy hardly a foot unwatered, conveys a lesson which we would do well to learn.

It is in America, however, and especially in California and in Utah, that we find the most convincing arguments for irrigation, the most liberal expenditure and the best results. In California alone something like £40,000,000 has been spent in irrigation works and in irrigating the land, with the result that vast areas of land, formerly worth 10s. an acre, are now, with their fruit and grain growing, worth £30 an acre.

Mr. BATCHELOR.—Those are practically all gravitation schemes.

Mr. G. B. EDWARDS.—Yes; in California, India, and Egypt nearly all the large schemes are on the gravitation principle, but they use pumps in the orchards of California. They have found there a vast underground supply, and I am told by a gentleman who has recently visited that State that the orchard country is dotted all over by windmills, which are used for raising water for irrigation purposes. Now I should like to refer to India, because I feel that the success which has attended irrigation in India is notable, and should be sufficient to encourage us to some exertions with a view to making profitable use of our vast arid lands. India irrigates 6,352,737 acres, from which it derives a total revenue of £2,194,000. The total annual expenditure amounts to only £457,904, and the net revenue to £1,736,097. The larger works return 7·88 per cent. interest upon the outlay, and the smaller works 4·44 per cent. So that it will be seen that the whole of the irrigation works in India, taking the average, return twice as much as the interest charge on the outlay. These facts, which I have taken from the *Encyclopædia Britannica*, are not quite up-to-date, and I have heard it stated that some of the irrigation works are now paying as much as 12 per cent. interest. The Honorable Kenneth Mackay, of New South Wales, who was quite recently in India, wrote an article which was published in the *Sydney Daily Telegraph* of 29th May. Speaking of the Godavari Canal and irrigation works, he says—

The main canals and branches represent 506 miles, the distributaries 1918 miles, and the navigable canals 493 miles, while the irrigation revenue derived is 3,380,689 rupees, and the working expense 8½ lacs, or 1½ rupees per acre. The whole scheme, I understand, gives a return of about 12 per cent. The farms, I believe, vary from 3 to 300 acres, in fact there seems to be no bar to size of holding, so long as rent is paid. As showing what irrigation means from the standpoint of a nation's prosperity, it is sufficient to state that ten years before this work was completed the population decreased 25 per cent. through famine, and that now that famine is unknown in this district, the population is steadily increasing, and the people are contented and prosperous.

In order to bring this information up to the latest date, I should like to read an extract from the *Times* weekly edition, of 22nd April, which contains a report of the Budget speech delivered by Lord Curzon on 30th March. The heading of the report is—"A

Record of Indian Progress," and it reads as follows:—

The speech deals with the question of the internal development of India, the subject to which Lord Curzon has firmly subordinated all other preoccupations. That development is nothing short of marvellous, and merits the close attention of those who are interested in our Imperial estate, and will repay some study on the part of those who, as financiers or investors, survey the world and anticipate activities. For five years there has been a succession of surpluses, averaging £3,000,000 sterling per annum; credit has, of course, improved, as is shown by the rate at which Rupee Paper loans can now be issued; railways, which have increased by 4,650 miles, and now cover a length of 27,150 miles, have given an average surplus of £466,000, yielding in the last year a net revenue of £855,000; and irrigation has brought in an average net revenue of £823,000. In the Viceroy's words—"We have now secured the whole of our Indian railways and canals for nothing, and instead of costing us money they have become a steady source of income to the State.

If anything in this world can persuade the people that irrigation pays, I think it is supplied by the recent Budget speech of Lord Curzon. He points out that many works which were started in India out of the purest philanthropy in order to succour a large starving population, have not only repaid their original cost, but have become a valuable income-producing asset to the State. That fact should give the authorities heart to proceed still further, until India becomes, as it certainly will, one of the most marvellous producing countries in the world. Honorable members must also recollect that as fast as these canals and water conservation works are completed, the traffic upon the railways is increased. The produce which is grown by means of irrigation is not consumed where it is grown. It requires to be carried to the railways and shipped away. All authorities upon irrigation, writing from the point of view of the political philosopher, condemn the principle of the common law affecting riparian rights. The numerous authorities whom I have consulted in looking up this question are practically unanimous in saying that nothing can safely be attempted in the way of irrigation upon a large scale without abrogating or modifying very materially that common law. If we look at its origin, too, we shall see the necessity which exists for altering it. It originated in lands of fog, rain, marsh, and fen where there are no roads, no railways, no steam, where a river frontage is frequently valuable only because of the protection which it affords to a man's estate, and

\* \* \* G. B. Edwards.

where water is valuable only as a power for driving such mechanism as wool and flour mills. This doctrine has grown up under conditions which are totally dissimilar to our own. The common law regarding riparian rights is precisely similar to the popular notion concerning individual freedom. The general idea is that a man is entitled to enjoy as much liberty as he may without trenching upon the rights of others. The popular view of that matter is probably the nearest approach we can get to the legal definition. But I hold that it is important to consider how far this principle—which may have been sound enough in its day but which originated under circumstances in which irrigation was quite out of the question—can be regarded as a national heritage. In Australia we are brought face to face with conditions under which if we enforce the ordinary common law of riparian rights, we shall condemn two-fifths of the continent to permanent desolation. I ask honorable members to recollect that it is not the present conditions to which we must pay regard. Water is considered as of little importance not only as the people discover its use—as they have done in California—I venture to say that there will be a bigger battle over water rights than has ever raged around riparian rights, and the fight over the latter has been sufficiently bitter at times.

Mr. SKENE.—Under the common law I understand that a man is not allowed to sensibly diminish a stream to the detriment of his neighbours below.

Mr. G. B. EDWARDS.—Upon this point I shall read some extracts which put the matter very concisely. I hold that in a country like Australia, which possesses a magnificent soil, but which in many places is subject to constantly recurring droughts, extending over long periods, during which every blade of grass disappears and stock perish by the million, we should consider whether it is a proper law to apply, and whether we do not need to evolve something which is more reasonable and more adapted to our particular circumstances. The honorable member for the Grampians has stated his view of the common law as regards riparian rights. The question may be viewed in two ways. First, there are the ordinary riparian rights of proprietors, who live upon the banks of a stream, and secondly, there are the general rights of the public to navigation. I shall deal with the question of navigation first, because it

is the right which in Australia we are least able to defend. In England navigation in the case of tidal waters is governed by rules which are contained in Acts of Parliament and Orders in Council, the latter for the most part being promulgated under the authority given by the Merchant Shipping Act of 1862. Thus the navigation of the Thames is governed by the order of 18th March, 1880; of the Mersey by the Mersey Sea Channel Act of 1874, and the order of 5th January, 1881; of the Tyne by the order of 12th December, 1867; of the Tees by the order of 5th September, 1870; of the Humber, by the order of 23rd December, 1881; and of the Dock Yard Ports by the order of 6th March, 1868. It will be seen, therefore, that the tendency in Great Britain is to depart from the principle originally underlying navigation rights and to substitute statutory law. Non-tidal waters, even though navigable—and I do not think it can be contended for one moment that the Murray is a tidal river—are in Great Britain *prima facie* private waters, in which the right of navigation does not exist as a public franchise, but can be acquired only by prescription, founded on a presumed grant by an owner. In Roman law, and in the Code Napoleon it is otherwise. Navigable rivers in those systems are always *publici juris*, whether tidal or non-tidal. The navigation of non-tidal waters in the United Kingdom, whether natural or artificial, is now almost entirely regulated by various Navigation and Conservancy Acts, as, for example, the Thames Conservancy Acts, and the Shannon, Trent, Lee, &c., Navigation Acts. The tendency in Great Britain, therefore, is to wander away from the old principle governing navigation and riparian rights, and to make them more a matter of statutory enactment. That, of course, would not overcome the trouble with which we are confronted, in trying to protect the riparian rights of individuals residing along the course of the Murray in South Australia against persons in Victoria, who have already taken a large share of the water. Upon this point a writer in the *Encyclopædia Britannica* says—

All the riparian proprietors might combine to divert a non-navigable river though one alone could not do so as against the others, but no combination of riparian proprietors could defeat the right of the public to have a navigable river maintained undiverted.

I think this is the strength of the South Australian claim, and that we are bound to admit it. It is idle to resist the undeni-

able claims of a neighbouring State on the ground that they are the result of a mean and shabby provincial patriotism. We cannot escape from the law as it stands at present, and from the provision in the Constitution, which, though it confers no new right upon South Australia, declares definitely the right which it originally possessed. The ordinary right to the use of the waters of a natural stream cannot be better described than in the words of Lord Kingsdown in the case of *Miner v. Gilmour*. This was a Privy Council appeal case which originated in Canada, and the decision is quoted by nearly every writer on irrigation. I have seen references to it by writers in America and New Zealand, and it is quoted by Mr. Justice Gordon and others as being the exposition of the law as it is to-day. That being so, I think it well to have it placed on record early in this discussion. It sets forth that—

By the general law applicable to running streams, every riparian proprietor has a right to what may be called the ordinary use of water flowing past his land—for instance, to the reasonable use of water for domestic purposes, and for his cattle, and this without regard to the effect which such use may have in case of a deficiency upon proprietors lower down the stream. But, further, he has a right to the use of it for any purpose, or what may be deemed the extraordinary use of it, provided he does not thereby interfere with the rights of other proprietors, either above or below him. Subject to this condition he may dam up a stream for the purpose of a mill, or direct the water for the purpose of irrigation. But he has no right to intercept the regular flow of the stream, if he thereby interferes with the lawful use of the water by other proprietors, and inflicts upon them a sensible injury.

The thirteen original States of America adopted the common law of England, which was found sufficient for all their purposes, until irrigation began to be pressed on the attention of those engaged in agriculture. It was then discovered to be inefficient and wholly ineffective in its operation, and so much opposed to public interest that the legislators of about one-half of the States used what the lawyers described as their "power of eminent domain" to abrogate it, and passed new laws treating water—as it is dealt with under the old Roman civil law—as being as free as the air, and to be put to its highest possible use. When Mr. Elwood Mead and his fellow-Commissioners proceeded to consider the state of agriculture in California, they had to admit that money had been wasted on irrigation, and that the population and products



of various irrigation communities had largely decreased. They found it difficult at first to realize the reason for this state of affairs, but their inquiries clearly proved that it was due to the absence of any law giving safety to those who availed themselves of the system. They discovered that large canals had been made in all directions by capitalists and speculators who had purchased the water rights from the original settlers. These settlers had perhaps sold their land to A, and their water rights to B, and the latter, as a speculator, had carried the water over A's land and sold it for use on holdings perhaps ten miles distant. Such a system defeats the original principle of riparian rights. The Commissioners learned that in the course of years many original holders had parted with their rights, and that the waters of a stream were perhaps diverted and sold to a land-holder miles away, while land having a frontage to it was actually parched. Examination shows that even worse results attended the adoption of this system. Disputes are continually taking place in regard to the ownership of water, and large companies often find their rivals trying to steal their water. They fight each other in the law courts, and the law lists are swollen with applications for injunctions and other proceedings to determine disputes in regard to water rights. In the meantime, the cultivator of the soil finds himself in a very awkward position. One man was asked by the Elwood Mead Commission what he did when he obtained a claim, and he said, in reply, "I bring up one or two men from Arizona who are handy with a gun, and then I try to establish my claim." It has even been necessary to resort to arms to protect water rights purchased or acquired. On the plea of "developing water," as they describe it, many men undermine a canal owned by others, and draw the water from it. This practice leads to disputes of such a nature that, as Mr. Mead points out, a man often spends half his time in trying to evade the sheriff, because he is using water to which he is not entitled, or else spends it in searching for the sheriff to deal with some one who is stealing water from him. All these facts are set forth in the report, and every standard work on agriculture points to them as being the direct result of the common law—riparian rights. In California the situation is most difficult. I read recently that £40,000,000 had been expended there

*Mr. G. B. Edwards.*

in irrigation, and that the difficulty to which I have referred is growing more and more intense. While we certainly experience some trouble in regard to the matter, the position is not by any means so acute as it is in California, and we should take care to prevent the occurrence of such a state of affairs in the Commonwealth. Before proceeding to enact laws relating to irrigation, the Government of Canada appointed a Commissioner to visit the irrigation States of America to inspect the works, and inquire into the laws bearing on the subject. The Commissioner furnished a report, the very first line of which was in favour of the total suppression of riparian rights in water, so that the same being vested in the Crown, may be distributed, under well-considered Government control, for the benefit of the greatest possible number. I have not been able to clearly follow the technical language employed in the Victorian Acts, but I believe that riparian rights were abrogated as far back as 1886. That abrogation relates only to grants subsequent to that year. Other legislation, dealing with water supply and conservation, was passed in this State in 1899, while similar but more effective laws were passed in New South Wales in 1896. It seems to me, however, that it will be necessary for us to take a further step. In the operation of the old law, although it was not as bad as that of the English common law, was found to be so detrimental to national irrigation that the Government deemed it necessary to acquire the water rights possessed by large landed proprietors before spending any money on canals and water storage works. Here, proposals have been made to construct great conservation works. I do not say that the necessary funds are to be provided by the Commonwealth, but we know that while the works are estimated to involve a very large expenditure, the total cost will be found in the end to be even greater. If they are carried out, they will be largely in the interests of a few landed proprietors. It seems to me that we cannot, by carrying out these works, in justice tax the people in order to benefit the few, and that some amendment of the laws relating to water supply must first be made, in order to extend the advantages of the system to a large number of persons. If only a few landholders have the right to the water supplied by means of these schemes, they may dispose of that right, as has been done in California, and we may discover that in the end

the man who holds the water right also holds the land.

Mr. McCOLL.—It is held that the common law as between individuals and a State does not apply as between sovereign States.

Mr. G. B. EDWARDS—Quite so; but I think that the whole question needs to be carefully examined. We must evolve some system under which the Government, as well as private individuals, will feel more secure than they do at present in spreading money in this direction.

Mr. McCOLL.—Some system that will give justice to all.

Mr. G. B. EDWARDS.—Exactly. As I have already mentioned, South Australia is chiefly interested in the question of navigation. We have the power, not merely, as Mr. Irvine contends, to make provision for rules of the road and river and for lights, and to deal with tonnage dues, but the power, and with it the correlative duty, of preserving and improving the navigation of the Murray. It is very important that we should keep that fact before us. The report of the Inter-State Commission refers to the existence of that power, and deals with the various ways in which we should exercise it. We may avoid exercising it for a long time to come; but by doing so we shall only increase the difficulties to be faced. I agree with the honorable member for Echuca, that the only way in which we can satisfy South Australia is by meeting her in a spirit of fairness and justice, and acknowledging our obligation to keep open the river for navigation. South Australia's right to the preservation of the navigability of the river is indorsed by the Constitution. No new right is given her by that instrument; but her existing right is defined, and cannot be ignored. The question is one of the many which occupied the attention of the Commissioners. It seems to me that there is very little upon which they have not touched, and when they were short of data or information they had the good sense to draw attention to the fact. In that light particularly, their report is a very valuable one. In support of my contention that there should be an amendment of the law, I wish to read the following extract from page 47 of the Commissioners' report:—

There was a consensus of opinion as to the need for amendment of the Common law in regard to riparian rights, or perhaps more correctly for its supersession by Statute; but there was some divergence of opinion in detail. The following is a brief summary of the several

views:—Under the Roman Civil law the water of streams is of public right, and its appropriation by a first comer gives him a right, as against lower riparian owners. The Civil law is more conducive to the use of water in agriculture than the Common law, and would be more beneficially applicable in Australia. In arid America the Common law has been in some States abolished, in some ignored, in all modified, to meet the actual facts. Legislation in Australia, to modify the Common law herein, should be by the Federal Legislature, but undertaken only under the advice, on the motion, and with the concurrence of the States concerned.

That seems to me to be wise advice, and sound from the lawyers' point of view, because I do not see how we can do anything in the matter until it is referred to us by the States chiefly interested. We could pass a water law, and make it applicable only to the particular rivers we are now considering, leaving it open to the States through which those rivers flow, and to other States to extend its applicability. In the meantime we should have dealt with the case of the great dividing river, whose navigability we are absolutely bound to consider. Our first duty, however, seems to be to obtain all necessary data. We have to consider the matter carefully and practically, and unless we have all particulars as to rainfall, watersheds, levels, flows, surveys of storage places, navigability, what is called duty of water, and other details, we shall be unable to deal practically with any scheme. It is only with the aid of such information that technically experienced men will be able to prepare or to criticise proposals put before us. In the light of that need, we should adopt the concluding recommendation of the Californian Commissioners that no work should be undertaken unless it can in all human certainty be demonstrated that it will from the first be payable. It has been stated by the Treasurer of New South Wales, I do not know upon what authority, that in Victoria they have written off nearly £4,000,000 of capital in connexion with irrigation schemes.

Mr. McCOLL.—About £1,000,000. I am speaking of irrigation schemes only.

Mr. G. B. EDWARDS.—I thought that it had been admitted by Victorian experts that something between £2,000,000 and £4,000,000 had been written off; but, accepting the honorable member's correction, the state of affairs seems an unhappy one. The Commonwealth should guard against any similar loss. To show that mistakes have been made elsewhere, I would mention

that the estimate of the flow of the Po, in connexion with the proposed Cavour canal, was 154,700,000,000 cubic feet, and the actual quantity turned out to be only one-third of that volume. Even in America, which may be called the home of modern irrigation, terrible mistakes have been made. Canals and other irrigation works remain empty and idle because the capital upon which they were commenced turned out to be insufficient, and investors probably got tired of providing more. The discharge of the Murray at Morgan has been estimated at 455,000,000 cubic feet. If an acre, as most authorities declare, requires 65,000 cubic feet to irrigate it to a depth of eighteen inches, that discharge would irrigate only 7,000,000 acres. We should indeed be very lucky if we were able to irrigate 7,000,000 acres from the Murray, because that stream, until you get near the mouth, is a very poor one, and outside Australia would hardly be considered a river. I quite believe in the storage schemes suggested in the report. If they are carefully investigated, and proved to be reliable, we shall have a great deal more water to irrigate with. I am prepared to do all I can, both in and out of Parliament, to forward this great movement. The honorable member for Echuca gave us an estimate of the worth of the water of the Murray as a national asset to Australia. I have approached the consideration of that question from various points of view, and have calculated that the water of the Murray is worth from £10,000,000 to £20,000,000 to the people of Australia. It would require an expenditure of £4,000,000 or £5,000,000 to make it available; but when we have spent that amount in utilizing the flow that now runs to waste we shall have an asset worth the sum I have mentioned. We have been warned, however, against making excessive estimates, and Colonel Home, who reported on the Murrumbidgee scheme in New South Wales, warned the Government of that State that the same results were not to be expected there as are obtained in India, because of the want of a dense population. It seems to me that we are faced with a question similar to the old problem whether the first fowl came from an egg, or whether the first egg came from a fowl. Colonel Home says that we cannot expect much from irrigation without population, and I do not think we can expect to get population without irrigation. In other parts of the world, notably in America, the population surrounding irrigation areas was very small when the

*Mr. G. B. Edwards.*

irrigation works were commenced; but those works speedily attracted an immense amount of settlement, although I admit that there was more to draw upon there than there is here. But if we do not carry out any great scheme in its entirety, we should have such a scheme designed, so that it may be tested, and, step by step, carried into effect, until we have at last a great national system of conservation which will make the Murray navigable throughout. The Commissioners say very definitely that the locking of the Murray will not give more water for the purpose of irrigation.

Judging by much that has from time to time appeared in the public press, there seems to be a good deal of popular misapprehension on the subject of weiring and locking the Murray, and of the benefits that might accrue therefrom. Locks have been spoken of as if they would be available for storage of the river water, and also as if the water stored would be available for diversion at higher levels, and at points more favourable than in the natural course. Let it be understood, once for all, that the weirs and locks proposed in this report will have as their essential, and, indeed, sole purpose, the maintenance of navigation.

But if reference is made to the evidence and opinions expressed elsewhere throughout the report from which I am quoting, it will be seen that there are many views at variance with that just expressed. For instance, on page 31 I find this statement:—

An important factor affecting the duration of navigation has been the natural storage in certain lakes; a great part of which flowed out as the river sank, so maintaining its volume sometimes for one or two months beyond that at which navigation would otherwise have ceased. Some of these natural storages are capable of improvement and regulation, their beneficial effect upon the navigability of the river being thereby extended.

It will be seen that this is nothing but the same system of locks which keeps the back land covered with water, which is available later on. There is a similar statement on page 42, where reference is made to the filling of lakes near the Darling by the proprietors of the Avoca station. That action kept the river navigable for a considerable time. Then on page 51, the Honorable Alfred Catt gives this evidence—he is being questioned by Mr. Burchell:—

At present 4 feet of water is required at Morgan for navigation purposes; do you know that is equal to 340,000 cubic feet per minute; with locks you would not require anything near as much as that? His reply was, "I do not think so."

My contention is that if locks are used, the only loss of water that takes place is that

which escapes in the process of opening and shutting, plus the amount which evaporates, and which must be lost in any case. Mr. Burchell, at page 59, says—

The weiring and locking of the rivers would not only allow of these requirements being amply provided for, but will give more water to the riparian States for conservation and irrigation.

I have, therefore, proved to my own satisfaction at least, that the Commissioners are wrong in the contention that no water can be gained by a system of locking. Such a system would conserve surplus water in billabongs, lakelets, and swamps. Water could not be better stored than in swamps, where the ground will absorb it, and where the evaporation is as little as possible.

Mr. KENNEDY.—The contention was that the weirs would not make the water available for irrigation purposes.

Mr. G. B. EDWARDS.—But they lost sight of the fact that we were not dealing with a lock near the mouth of the Murray, but with a succession of locks extending up the river. The water conserved would not be only that which was contained in the river, but also that retained in the billabongs and lakelets. If a certain quantity of water were allowed to escape, in order to allow a barge to pass through a lock, we should lose it; but if the river were not locked we should be losing an equal quantity of water every moment. I submit that we shall have to keep the river open for the purposes of navigation, and that the other States may safely meet the South Australian people by stating that they will do the best they can to that end. At the same time, they must point out that the time may come—and this is a point which I wish to specially emphasize—such as that which we passed through two or three years ago, when even the rights of navigation will have to go by the board. If we, in New South Wales, were again brought face to face with drought conditions, such as those of a year or two ago, and we thought it necessary to divert water through various channels over the Riverina country, no laws would stop us. It had better be understood at once that whilst everything would be done to keep the river open for navigation as long as possible, we should divert the river waters if we found that it was absolutely necessary for the preservation of stock or of human life. I should like, in conclusion, to refer to the opinion expressed at the close of the recent controversy between the Honorable

J. H. Gordon, of South Australia, and Mr. Irvine, then Premier of Victoria. Mr. Gordon, who had a good deal the best of the argument, concluded by expressing a sentiment which I think should actuate all of us in dealing with this great question. He says—

I venture with submission to point out to you that you are mistaken in supposing that the maintenance of navigation necessarily involves the waste of millions of tons of water which yearly flow into the ocean, and which should be utilized to enrich vast acres. The desire of this Government is that not a drop of water should be wasted.

I think that there was a declaration of policy which is agreeable to most of those advocating water conservation. He proceeds in these memorable words, with which I conclude—

The situation is not narrowed to the dangerous alternatives you suggest. It has been demonstrated by scientific authority that the river affords every natural facility for locking, and that when this is done navigation will be secured without the waste of any of the water which is so valuable to all the States. Which I ask is the juster proposition—that in order to fertilize their own lands, the upper riparian States should devastate South Australia, or that they should join in adopting such measures to regulate the flow of this great water system, as will enable all the riparian States to continue to enjoy in harmony the benefits which it confers? Let the spirit of natural comity, which should find its highest expression among the sister States of the Commonwealth supply the answer. I entertain the profound belief that the solvent principle of justice which has ever prevailed in British communities, will reduce our present difficulties to naught, and that no part of the Commonwealth shall suffer wrong.

Debate (on motion by Mr. BATCHELOR) adjourned.

#### COMMONWEALTH FLAG.

Debate resumed from 26th May (*vide* page 1610), on motion by Mr. CROUCH—

That, in the opinion of this House, the Australian flag as officially selected should be flown upon all forts, vessels, saluting places, and public buildings of the Commonwealth upon all occasions when flags are used.

Motion (by Mr. RAMFORD) proposed—

That the debate be adjourned.

Mr. CROUCH (Corio).—I object to the adjournment of the debate, because I wish to say a few words by way of reply, and then submit the motion to a vote. I understand that the debate was adjourned on a former occasion in order to permit the honorable member for Swan to give us the reasons for his impression that the Imperial

Government might object to the use of the Commonwealth flag in the way indicated in the motion.

Mr. SPEAKER.—I shall put the motion proposed by the honorable member for Herbert. If the honorable and learned member objects to the adjournment of the debate, the proper course for him to adopt would be to vote against it.

Motion negatived.

Mr. CROUCH (Corio).—I do not desire in any way to interfere with the discussion of this motion. I understand that the honorable member for Swan proposed to give us some reasons for his impression that the Imperial Government might object to the substitution of the Australian flag for the Royal Standard. He evidently forgot, however, that the Australian flag had been approved of by the Imperial authorities. The dislike expressed by some honorable members for the design of the Australian flag does not affect the motion, because, even if a new flag were selected, it might still apply. Personally, I regard the present flag with approval, because I think that it is sufficiently distinctive. I am very glad that the Prime Minister sees no objection to giving effect to the desire expressed in the motion, and I would ask honorable members to support me in placing it on record.

Question resolved in the affirmative.

#### PAPER.

Mr. FISHER laid upon the table the following paper:—

Provisional regulations under the Patents Act, dated 31st May, 1904.

#### SUPPLY (*Formal*).

Question—That Mr. Speaker do now leave the chair, and that the House resolve itself into Committee of Supply—negatived.

#### CONCILIATION AND ARBITRATION BILL.

*In Committee* (Consideration resumed from 1st June, *vide* page 1836):

Clause 4, as amended—

In this Act, except where otherwise clearly intended—

“Industrial dispute” means a dispute in relation to industrial matters—

(a) arising between an employer or an organization of employers on the one part and an organization of employees on the other part, or

(b) certified by the Registrar as proper in the public interest to be dealt with by the Court, and extending beyond the limits of any one State, including disputes in relation to employment upon State railways, or to employment in industries carried on by or under the control of the Commonwealth or a State, or any public authority constituted under the Commonwealth or a State.

Mr. ROBINSON (Wannon).—I move—

That the following words be added to paragraph b:—“But it does not include a dispute relating to employment in any agricultural, viticultural, horticultural, or dairying pursuit.”

My object is to exempt the farming industries of Australia from the operation of the Bill, the object of which is to provide machinery for the settlement of disputes as to wages and hours of work extending beyond any one State. While there is, doubtless, a good deal to be said in favor of legislation of that kind in connexion with large industries in which considerable capital has been invested, I contend that the farming industry differs very materially from those industries. Conditions, which may be laid down without loss to the latter, cannot advantageously be applied to the former. In the farming industry there is no large aggregation of men employed under one master, nor is there a large amount of capital invested by each employer. Few outside hands are employed, save for a brief period of the year. The mainstay of the industry is the farmer himself and his family. In other words, the farming industry is chiefly a family industry. It is evident, therefore, that the conditions which prevail in a large city business in which hundreds and, perhaps, thousands of men are engaged under one roof, do not obtain where one man only and his family are employed. The farmer, I repeat, is the employer, and usually he labours much harder than do the rest. He frequently works longer hours than does any man in his employment. The fact that it is a family industry, to my mind, creates a very great distinction between the farming industry and city industries. It also renders it impossible to arbitrarily fix the hours of labour and the rates of pay of workers in the industry. If we attempt to impose such conditions, we shall render it impossible for a large number of farmers to carry on their avocations. Usually, the sons of farmers work for their fathers without any definite wage, but in the expectation of future reward. Indeed, a large number of the farmers of Victoria are not possessed of the ready cash to en-

able them to pay a fixed wage. It is undeniable that many farmers in the northern parts of this State would have been absolutely unable to comply with any order of an Arbitration Court which fixed definite wages or hours of labour in their industry. Many of those settled in the Mallee were without any return for their labour for years.

Mr. MAHON.—What about the present season?

Mr. ROBINSON.—I admit that they are now enjoying a good season, but we have to take into consideration the lean years with the fat. The Mallee farmers have experienced seven lean years, in some of which they obtained no crop whatever. If an arbitrary scale of wages were imposed in connexion with the farming industry, the bulk of them would be driven off the land. I would further point out that, in many parts of the country, reciprocal arrangements exist between farmers, under which one man may assist another without any pay. The adoption of a hard and fast rule regarding the wages to be paid would prevent effect being given to these sensible arrangements, which constitute a very great boon in many cases. There is still another feature connected with farming operations which makes it impossible to restrict the hours of labour in that industry. It is to a great extent dependent upon weather conditions. It sometimes happens that the farmer, his sons, and even his daughters, have to work for inordinately long hours in order to harvest the crop before the weather breaks, and thus save the product of their labour from destruction. In such circumstances, it would be impossible for them to comply with any arbitrary limit as to the hours of labour. They could not apply for an exemption from the common rule, because no person can determine from one day to another what will be the weather conditions. Consequently any limitation of the hours of labour must result in injury to the producers. Those who have been engaged in irrigation must be aware that when the time comes for turning the water upon the land, a very long spell of work must be undertaken. I have two brothers who were farming upon irrigated land. When the time arrived for them to apply water to the land, they usually had to labour continuously for eighteen to twenty hours. Under such circumstances it is impossible to fix any definite hours of labour.

Mr. PAGE.—What is to prevent them from working two shifts?

Mr. ROBINSON.—The honorable member must recollect that it is impossible to work two shifts in the country districts. If two young farmers are engaged together, and there is only one employé, they cannot work two shifts. They are all engaged for eighteen hours at a stretch under such circumstances. It would be the height of stupidity to urge that the two farmers should labour continuously for a protracted period, but that their employé should not exceed a certain maximum of hours.

Mr. CROUCH.—Would not the Court take all these facts into consideration?

Mr. ROBINSON.—It might. I hold, however, that it is absolutely impossible to get the various views of the farmers placed before any such tribunal. There are men in Australia engaged in farming pursuits from the north of Queensland to the southernmost point of Tasmania, and it is impossible for them to place the varying conditions of their industry before any Arbitration Court. Consequently, it is idle to talk of that tribunal being seized of their views upon any matter.

Mr. DAVID THOMSON.—How can a farming dispute extend beyond one State?

Mr. ROBINSON.—If a dispute between a farmer and his employés is not likely to extend beyond the limits of any one State, no harm can result from the adoption of my amendment. I would further point out that in many cases it is impossible for the farmer to say—when the work of sowing the crop is performed—whether he will secure any return for his labour.

Mr. WATSON.—That applies to manufactures, too.

Mr. ROBINSON.—But not to anything like the same extent. In manufacturing industries, the partially manufactured material is at least worth something. I know farmers in my own district who have ploughed their land, and drilled the crop in, and who, after six months of solid work, have obtained no reward whatever for their labour. These are not isolated cases. A very large number of our farmers were in that position a year or so back, when the State Government had to come to their assistance by advancing them seed wheat to the value of £100,000. How, then, can it be urged that it is fair to fix an arbitrary rate of pay, or an arbitrary scale of hours, as applied to this industry, when at the very time that a large portion of the work is performed the farmers are absolutely in the dark as to whether they will receive any return?

Government might object to the use of the Commonwealth flag in the way indicated in the motion.

Mr. SPEAKER.—I shall put the motion proposed by the honorable member for Herbert. If the honorable and learned member objects to the adjournment of the debate, the proper course for him to adopt would be to vote against it.

Motion negatived.

Mr. CROUCH (Corio).—I do not desire in any way to interfere with the discussion of this motion. I understand that the honorable member for Swan proposed to give us some reasons for his impression that the Imperial Government might object to the substitution of the Australian flag for the Royal Standard. He evidently forgot, however, that the Australian flag had been approved of by the Imperial authorities. The dislike expressed by some honorable members for the design of the Australian flag does not affect the motion, because, even if a new flag were selected, it might still apply. Personally, I regard the present flag with approval, because I think that it is sufficiently distinctive. I am very glad that the Prime Minister sees no objection to giving effect to the desire expressed in the motion, and I would ask honorable members to support me in placing it on record.

Question resolved in the affirmative.

#### PAPER.

Mr. FISHER laid upon the table the following paper:—

Provisional regulations under the Patents Act, dated 31st May, 1904.

#### SUPPLY (Formal).

Question—That Mr. Speaker do now leave the chair, and that the House resolve itself into Committee of Supply—negatived.

#### CONCILIATION AND ARBITRATION BILL.

In Committee (Consideration resumed from 1st June, *vide* page 1836):

Clause 4, as amended—

In this Act, except where otherwise clearly intended—

“Industrial dispute” means a dispute in relation to industrial matters—

(a) arising between an employer or an organization of employers on the one part and an organization of employees on the other part, or

(b) certified by the Registrar as proper in the public interest to be dealt with by the Court, and extending beyond the limits of any one State, including disputes in relation to employment upon State railways, or to employment in industries carried on by or under the control of the Commonwealth or a State, or by public authority constituted under the Commonwealth or a State.

Mr. ROBINSON (Wannon).—I move—

That the following words be added to paragraph 8:—“But it does not include a dispute relating to employment in any agricultural, viticultural, horticultural, or dairying pursuit.”

My object is to exempt the farming industries of Australia from the operation of the Bill, the object of which is to provide machinery for the settlement of disputes as to wages and hours of work extending beyond any one State. While there is, doubtless, a good deal to be said in favor of legislation of that kind in connexion with large industries in which considerable capital has been invested, I contend that the farming industry differs very materially from those industries. Conditions, which may be laid down without loss to the latter, cannot advantageously be applied to the former. In the farming industry there is no large aggregation of men employed under one master, nor is there a large amount of capital invested by an employer. Few outside hands are employed, save for a brief period of the year. The mainstay of the industry is the farmer himself and his family. In other words the farming industry is chiefly a family industry. It is evident, therefore, that conditions which prevail in a large city business in which hundreds and, perhaps, thousands of men are engaged under one master do not obtain where one man only and his family are employed. The farmer, I repeat, is the employer, and usually he labors much harder than do the rest. He frequently works longer hours than does any man in his employment. The fact that it is a family industry, to my mind, creates a very great distinction between the farming industry and city industries. It also renders it impossible to arbitrarily fix the rates of labour and the rates of pay of workers in the industry. If we attempt to impose such conditions, we shall render it impossible for a large number of farmers to carry on their avocations. Usually, the sons of farmers work for their fathers without any definite wage, but in the expectation of a future reward. Indeed, a large number of the farmers of Victoria are not possessed of the ready cash to be

their difficulties. As I have already mentioned, certain members of my family have been engaged in fruitgrowing, and although rosy pictures have been drawn of the money made from this branch of industry, they know from sad experience that one has to work very hard in order to secure little more than a bare subsistence. If legislation be passed to fix the hours of labour and rates of pay of those engaged in farming industries, they will have a still harder row to hoe. So far as I am aware, the farming industry has not been brought under any State Factory or Arbitration Act.

Sir WILLIAM LYNE.—It has in New South Wales.

Mr. WATSON.—And also in New Zealand.

Mr. ROBINSON.—The farming industry of New Zealand has not been brought under the provisions of the local Arbitration Act.

Mr. WATSON.—Yes, it has.

Mr. ROBINSON.—Provision has been made for the industry to be brought under the control of the Court, but there is no award dealing with it, nor has any attempt been made to bind the industry in that way. Why was a powerful farmers' union formed in New Zealand? Simply to prevent the application of the provisions of the Arbitration Act to the farming industry.

Mr. WATSON.—But the New Zealand Act does apply to the industry.

Mr. ROBINSON.—The union was formed to prevent the extension of the Act to the farmers.

Mr. WATSON.—It could not prevent anything of the kind. The law exists, and can be applied to the farmers if anybody considers it necessary to take action. If a grievance occurs, the honorable and learned member may rest assured that the law will soon be put in motion.

Mr. ROBINSON.—If in New Zealand it has not been considered desirable to extend the provisions of the Act to the farming industry, surely we should not include the industry within the scope of this Bill. This matter has again and again been before the electors of Victoria. It has also been discussed in the Victorian Legislature; and every attempt to extend factory legislation in this direction has been defeated by a majority of two to one. I read the speeches of most of the candidates at the Victorian general elections which took place yesterday; but, so far as I am aware, not one of them advocated the application of industrial

legislation to this industry. The pledged labour candidate for Glenelg—which forms part of my electorate—distinctly stated that he would be no party to bringing any of the farming industries under the operation of the Factories Act. All who have been brought into contact with farming pursuits must recognise that the Government proposal is really impracticable. The question is of very great importance to the producing interests of Victoria, and if the farming industry be brought under the operation of the measure a very grave blow will be struck at the producing interests of all the States. I therefore urge the Prime Minister to accept my amendment. I believe that, even from his own point of view, it would be wise for him to do so, for he would thus give immense satisfaction to thousands of farmers in Victoria who view the passing of this measure with apprehension, fearing that their industries may be brought under the heel of the proposed Court.

Mr. WATSON (Bland—Treasurer).—I desire to say that the Government will oppose the amendment by every means in their power. I am almost as familiar with rural conditions as is any honorable member in this Chamber, and I assert that, instead of there being, as the honorable and learned member for Wannon would have us believe, widespread opposition to this proposal in the farming districts, there is, at all events in my own electorate, a very strong feeling that something ought to be done for the benefit of those who labour on farms. I can speak only with certainty in regard to the position of affairs in my own State, and I know that the condition of many farm labourers in New South Wales is pitiable in the extreme. Many of these men work from daylight to dark for very small wages, and in many instances are without proper housing and accommodation.

Mr. SKENE.—What wage do they receive?

Mr. WATSON.—As low as 7s., 8s., 10s., and 12s. a week.

Mr. CROUCH.—I know of a case in which a farm labourer is receiving only 5s. a week.

Mr. ROBINSON.—They must be very incompetent.

Mr. SKENE.—Why do not they come to Victoria?

Mr. WATSON.—I do not know that the wages paid to farm labourers in Victoria are princely, and it is not always due to incompetence that men receive low wages.



As a rule, low wages are due to an over-supplied labour market. The dairying industry is likely, under present conditions, to leave a distinct impress of evil upon the life of Australia, unless the public conscience be aroused. The condition of affairs in some of the dairying districts is most awful, at all events, so far as many children are concerned.

Mr. McCAY.—Will this Bill reach that state of affairs?

Mr. WATSON.—I shall deal later on with that aspect of the matter. I remember on one occasion driving, with a number of others, through a dairying district in New South Wales, and seeing a lad, apparently about twelve years of age, lying fast asleep on the roadside, close to a couple of cream-cans, intended for conveyance to a central factory. As we approached him, the driver cracked his whip, and did his utmost to arouse him from the deep sleep into which he had fallen. This was about 8 a.m., but notwithstanding all our efforts, we could not awaken the lad. The light delivery waggon which collected the cans of cream was immediately behind us, and the driver of it had to jump from his seat and lift up the lad before he could awaken him.

Mr. LIDDELL.—He was a lazy lad.

Mr. WATSON.—The honorable member surely does not know what it means to be called out to work, as many of these youngsters are, at 4 a.m.

Mr. KELLY.—And yet they are the healthiest in the State.

Mr. McLEAN.—They make the best men we have in the State.

Mr. WATSON.—What kind of citizens are they likely to become? Of what value are they likely to be, so far as their intellectual qualifications are concerned, if they have to attend school when they are overborne with a desire to sleep? What chance is there, under such circumstances, for a lad to become a good citizen?

Mr. McLEAN.—Rubbish!

Mr. SKENE.—One swallow does not make a summer.

Mr. WATSON.—Every man tells the same tale.

Mr. SKENE.—It may be the case in New South Wales, but it is not so in Victoria.

Mr. TUDOR.—The same state of affairs exists in Victoria.

Mr. WATSON.—At a conference of teachers, which was recently held in Victoria, striking testimony was given on this point. Every teacher who dealt with the subject, almost without exception, gave the

same evidence, and a like state of affairs is portrayed as existing in New South Wales by those best able to judge of the effect of this system on children in country districts. I do not for one moment suggest that the industry is beyond redemption; but I assert that one of the gravest problems with which we are confronted is the fact that over a large area we find school children employed in the early hours of morning, as well as at night, in performing duties relating to dairy work. In such circumstances, they really gain no benefit from their studies, while the children of larger growth, and the adults are, for the most part, compelled to work 365 days in the year. The worst aspect of the industry is that which relates to the wives of the dairymen. I visited a creamery in New South Wales some little time ago, and the woman in charge informed me that she with her family had to milk a great number of cows and attend to the work of separating the cream from the milk, and despatching it to the market. She declared that it was the most laborious task that she had ever faced. It was not that the work on any particular day was specially heavy, but that she and her family had to attend to these duties every day in the year. At first sight it does not appear possible to find a way out of this undoubtedly grave position of affairs. I admit that there are many difficulties in the way; but possibly an inventive genius will come to our aid, and produce something that will mitigate the severity of the strain to which these persons are subjected.

Mr. SKENE.—Something to milk the cows on Sundays, and so forth?

Mr. WATSON.—I dare say that even the honorable member will realize that we may possibly secure satisfactory machinery to lessen the extent of the work.

Mr. SKENE.—And do away with labour.

Mr. WATSON.—We trust that every person will welcome that which reduces labour, as long as the return from labour is not affected. It will only be necessary to secure a re-adjustment of the present conditions in order to enable every one to welcome labour-saving machinery. I have never indorsed any objection to labour-saving machinery. The more it can be adopted the better, to my way of thinking, though the community should take care that the right person owns the machines.

Mr. KELLY.—Does the Prime Minister think that those engaged in dairying opera-

tions are agreeable to being brought under the Bill?

Mr. WATSON.—If the honorable member means the employers, who, in many instances, are, under the present system, able to obtain an advantage at the expense of their employes, I do not think so; but the employes, so far as I have been able to learn, are strenuously anxious to obtain legislation which will protect them from the result of the insane competition which obtains under present conditions. I do not say that the dairy farmers are getting fat at the expense of their employes. Those who really take the cream are the landlords, and every increase in the cost of production will be borne by them, because it will be paid for out of the rent.

Mr. SKENE.—What proportion of dairy farmers are tenants?

Mr. WATSON.—Speaking from personal experience, a very large proportion. One gentleman in Victoria who owns dairying land is reputed to allow the tenant farmers who use that land on the share system one-fourth or one-fifth of the total amount received from the factory, he finding the land and the cows.

Mr. SKENE.—But what do they make out of it?

Mr. WATSON.—Not much, so far as I can learn. That is why it is hardly possible for them to pay decent wages.

Mr. ROBINSON.—The Arbitration Court will have no power to fix rents.

Mr. WATSON.—No. But if a movement sets in for the increasing of wages, and the improvement of the conditions of the dairying industry, it must be paid for out of the excessive rentals now charged by landlords. In New South Wales quite a number of tenants are paying from 30s. to £2 per acre per annum for dairying land. It is evident that such tenants are not making their fortunes, and that they are compelled to pay low wages. It would, of course, be absurd to say that the dairying industry does not give good returns; because in country suited to it the returns are very good. But are we going to fatten the landlords all the time? If that is to be our policy, we must support the *ad misericordiam* appeal of the honorable and learned member for Wannon.

Mr. ROBINSON.—The great bulk of the dairy farmers are not tenants.

Mr. WATSON.—That statement may be true of the Victorian dairy farmers; but most of the New South Wales dairy farmers are tenants. Down the Illawarra coast

they are nearly all tenants, or farmers on the share system. I have had experience of farm work. As a lad I worked on farms, as well as in other places, and all my brothers are now working on farms in New Zealand. I know, therefore, something about the farming conditions in that Colony. The honorable and learned member for Wannon has told us that the New Zealand Arbitration Act does not apply to farmers.

Mr. ROBINSON.—No. I said that they have not been brought under the Court. No award applicable to the farming industry has been made in New Zealand.

Mr. WATSON.—The honorable and learned member proceeded to say that a farmers' union had been formed in New Zealand to prevent the farming industry from being brought under the Arbitration Court; but no union could do anything of the kind.

Mr. ROBINSON.—I admit that. What I said was that no attempt has been made to apply the decisions of the Arbitration Court to the farming industry. The farmers' union of New Zealand was formed to checkmate any attempt to do so.

Mr. WATSON.—The farmers' union could not checkmate any such attempt. At any time a union might be formed which could petition the Court, and then 100 farmers' unions could not prevent the decision of the Court from taking effect. I admit that in New Zealand conditions differ somewhat from those prevailing in Australia. Probably the Victorian conditions are more like those of New Zealand than are any others. The New Zealand climate gives a more reasonable certainty of a return than exists here. There has been no appeal to the New Zealand Arbitration Court by the farm employes of the Colony, because, practically speaking, they have no grievances. To my knowledge they have had what is virtually the eight hours system on the farms of Southern New Zealand at least, since I was a lad.

Mr. LEE.—On the dairy farms?

Mr. WATSON.—No; but in connexion with ordinary farming operations, except at harvest-time. A man who is engaged in carting or ploughing is required to feed his horses before breakfasting; but he does not leave the stable until 8 o'clock, and leaves the field again at 5 o'clock. At harvest time the hours are longer; but the men employed then are paid by the hour. Men there receive what here would be thought magnificent wages. A brother-in-law of

mine last harvest paid 1s. 3d. an hour and found to his ordinary hands.

Mr. SPENCE. — Two-and-sixpence an hour has been paid in the Canterbury province.

Mr. WATSON. — Yes. For years past high wages have obtained in the farming industry in New Zealand, and consequently there have not been the causes for complaint that exist here.

Mr. McCOLL. — It is only for a few days, when the crops are being carted in, that those wages are paid.

Mr. WATSON. — They obtain throughout the harvesting and threshing season. At other times of the year wages run from 2s. to 3s. a week, and found.

Mr. SKENE. — If the carters and ploughmen have to attend to their horses before they take them out in the morning, and again after they bring them back at night, and are away eight hours, they must work at least ten hours a day, so that the conditions there are practically the same as they are here.

Mr. WATSON. — Here on most farms the men are called upon to work from daylight to dark.

Mr. SKENE. — They are not required to feed their horses before dinner.

Mr. WATSON. — I am not speaking merely of the feeding of horses. As a general thing, farm labourers work from daylight to dark, and we must contemplate the possibility of some movement being made by them to better their conditions. That a union of farm labourers is possible has been demonstrated by what has occurred in the old land. Who of us has not heard of the great work accomplished by Joseph Arch and others in connexion with the agricultural labourers of England? And who does not know of the dire results which flowed from the failure to secure adequate recognition of their rights? The landlords retained their grip of the position, and without legislation the unions of labourers accomplished very little. Consequently they resorted to immigration, with the result that tens of thousands of sturdy yeomen, the best of England's population, left their native land.

Mr. McDONALD. — The same thing is taking place in Victoria at the present time.

Mr. WATSON. — Yes. We find that the active, young, energetic male population of Victoria is disappearing as fast as it can get away, notwithstanding that they have arbitration law.

Mr. McCOLL. — There are twenty applicants for every piece of land made available for settlement.

Mr. WATSON. — I admit that. I do not for a moment mean to say that the emigration from Victoria is due wholly to the want of an arbitration law, or to the present condition of the labouring population. I agree with the honorable member that it is necessary for the Government of the State and for the Governments of other States to take immediate steps towards opening up the land and preventing monopoly.

Mr. WILSON. — They are doing so. The land is being opened up.

Mr. WATSON. — Under rack-renting conditions which seem to be approved of by the honorable member, but which, to my mind, give very little prospect of effective settlement.

Mr. ROBINSON. — The Prime Minister cannot call a thirty-years' purchase system rack-renting.

Mr. WATSON. — It depends upon the amount of the purchase money.

Mr. ROBINSON. — Men would not go on to the land unless they thought it a good thing to do.

Mr. WATSON. — Under the old legislation in regard to the Irish lands they gave twenty-one years' purchase.

Mr. ROBINSON. — Under the closer settlement provisions of the Victorian land law men are being allowed thirty and a-half years in which to pay for their land.

Mr. WATSON. — That is where men take land from the Government. I had in my mind the conditions under which some of the private land-holders are disposing of their land. But whether it is possible to secure effective settlement by cutting up Government land depends upon the price at which it is offered to the settlers. The price must be such as will permit them to make a living off the land. If values are inflated, effective settlement will be impossible. It is well known that the Irish contracts were materially reduced by the Irish Land Commission before the resumption which has lately been brought about. In many cases the reduction amounted to 40 per cent. The conditions given in Ireland are more liberal than those given in Victoria, and the latest cables show that the Irish land policy has had a marked effect in preventing emigration. Only a few days ago we were informed that there was a marked reduction in the number of emigrants from Ireland last year. One remark made by the honorable member is worthy of attention. He

stated that it was impossible to fix the hours of labour in connexion with the farming industry. Within certain limits I agree with him. I would point out, however, that we may fairly assume that any Judge who may be asked to adjudicate upon a petition brought before him under this Bill, will bear in mind the conditions of the industry. Is it to be supposed that we shall take from the High Court Bench an absolute fool, and charge him with the duty of giving decisions under this measure? We could not conceive of a Judge who would do other than take into consideration all the surroundings of an industry before deciding, and there should be no difficulty in arranging that the normal hours might be so-and-so, but that if an emergency arose the men might work longer, and be paid accordingly.

Mr. ROBINSON.—“May” work, and not “shall” work?

Mr. WATSON.—It is always “may” now. Luckily for the people of Australia we have no system of serfdom in existence here, by which men can be forced to work—except by the pressure of hunger. Therefore, after all, we are dependent upon the word “may,” and “shall” is impossible of use in this connexion. No sensible Judge could do other than make allowance for all the conditions of an industry. We do not find that any outrageous decisions have been given by the Arbitration Court in New South Wales. There may be room for objection to the decisions of the Court on minor matters, but so far as the general decisions are concerned, I am glad to be able to indorse the assertion, recently made by the honorable member for Darling, that the most that has been so far done by the Court has been to fix, as a general rule, what fair employers have previously paid to their hands. That is, they have made the unfair, rapacious, and sweating employer pay what the fair employer was previously giving. That is the most that has been done so far, and that is the most that we can expect in that direction from any Arbitration Court. Although I have been strongly in favour of compulsory arbitration for many years, I do not believe that we can by this Bill secure rates of wages that will give satisfaction to every one who is labouring for his living. I think, however, that it will afford us some chance of securing just as much as an industry can afford, and that we shall not get below living conditions when the Court is making

its awards. In all industries there must be a minimum wage, below which it is impossible to go, and expect a man to live and at the same time be a good citizen. Having arrived at that minimum, the Court may say, “You shall at least pay the minimum,” or they may fix as much more as the industry can stand. It has been urged that the farmer in putting in his crop has no guarantee that he will secure any return. No doubt it is one of the unfortunate aspects of Australian agricultural life that the farmer does not know what the year will bring forth. Even if his crop is abundant the prices may be low. Unfortunately for the regulation of human affairs, the same uncertainty prevails in many other walks of life.

Mr. LEE.—But not to the same extent.

Mr. WATSON.—I am not so sure that the uncertainty in the case of the farmer is not counterbalanced by other conditions. It stands to reason that people would not go farming unless there were a chance of occasionally making a big haul.

Mr. CROUCH.—They do not increase wages when they get a bumper crop.

Mr. WATSON.—No, except so far as the competition for labour that may result from an extraordinarily large crop may compel them to give higher rates of pay. Nearly every industry is subject to similar vicissitudes, and those engaged in them have to run the risk of sometimes securing no return.

Mr. LIDDELL.—The landlord suffers as much as does the tenant under the halves system. If there is no crop the landlord gets no return.

Mr. WATSON.—No doubt; but a large proportion of the landlords in the dairying industry do not work on the halves system. The tenant has to pay his rent whether he gets a high or low price for his cream or milk. A good deal of grain farming is carried on by tenants who are simply leaseholders, and who do not work on the halves or share system.

Mr. McCAY.—But the Prime Minister has been declaiming against the halves system as if it were the general rule in New South Wales.

Mr. WATSON.—I said that a large proportion of the dairying in New South Wales was carried on under the share system—not under the halves system. There are a number of tenant farmers on the south coast who do not work on the halves system, but pay rent in the ordinary way. The argument I was putting forward was

that the landlord would be called upon, by reduction of rent, to make good any increase of wages that might be insisted upon under the award of the Court.

Mr. CHAPMAN.—The landlord may very well be trusted to look after himself.

Mr. WATSON.—No doubt. My argument was not so much dependent on whether the tenants were working on the share system, or paying a fixed rental, as upon the fact that they existed as tenants in one form or another. The honorable and learned member for Illawarra can substantiate my statement that the majority of the dairy farmers in the south coast are tenants.

Mr. FULLER.—Yes, a great proportion of them; but there are also a large number of small land-holders.

Mr. WATSON.—Certainly; but of the area utilized for dairying in the south coast district, it will be found that the greater proportion of the land is leased by tenants.

Mr. FULLER.—I do not think that the share system prevails there at all.

Mr. WATSON.—The share system prevails largely on the north coast. For that statement I have the authority of men who own land there, and who work it on the share system.

Mr. LEE.—Not a quarter of it is worked on that system.

Mr. WATSON.—I only know what is said by men who are engaged in the business.

Mr. LEE.—I have lived on the north coast.

Mr. WATSON.—How long ago?

Mr. LEE.—Up to about three years ago.

Mr. WATSON.—Within the last three years two gentlemen of my acquaintance, who have land on the north coast, have told me that they are working it on the share system, and have testified to the extent to which it is being resorted to in connexion with the dairying industry in that part of New South Wales. That, however, is not the point. The question was whether the farmers owned the land, or held it on some terms or other from the owners; and I advanced the contention, to which I still adhere, that the greater number of the dairy farmers in New South Wales are working as tenants. The point upon which I was speaking was with regard to farmers having no certainty of a return for their labour, and I was pointing out that equal uncertainty attached to other forms of industry. Take mining, for instance. We know that at the outset of almost any ordinary

metalliferous mining enterprise, it is always a toss up whether or not any return will be obtained. It is practically a gamble, and four or five years may be occupied in performing development work before any return can be even hoped for.

Mr. McCAY.—But the Prime Minister will admit that the mine-owner takes the chance.

Mr. WATSON.—Similarly, the farmer takes the chance whether he gets a poor yield or a good one. I do not wish to pretend that the farmers of Australia are making fortunes, but I do say that, in many cases in my own district, they could extend much better conditions to their employes. I do not suppose there are many industries in respect of which machinery has been developed in such a marked degree as in farming during the last few years. This is especially the case in the central districts of New South Wales, where the farmers have not the same heavy country to deal with as have agriculturists in some parts of the coast. Most of us can remember the scythe as the accepted implement for cutting down crops. I even saw a sickle in use only a year or two ago in the electorate of the honorable member for Eden-Monaro. Then we had the back-delivery reaper, and afterwards advanced to the wire or string binder. For some time past we have had the stripper, and now we have the combined harvester. Each of these, in succession, has had the effect of reducing the cost of handling the crop, so far as labour is concerned, and the actual amount spent in wages by a farmer, with 400 or 500 acres devoted to wheat growing—with perhaps the greater proportion of his land under crop, and with only a small portion of it lying fallow—is very small indeed. He would probably employ two or three men for two or three weeks at harvest time, and for the rest of the year his outlay on labour would be scarcely worth mentioning. This would apply, at any rate, so far as the central districts are concerned. I admit that in the coastal districts, where the rainfall is greater, and more intense cultivation is possible, the farmer has to spend a much greater amount in wages in order to make his land reproductive, and to justify the large amount of interest he has to pay on his purchase money or the large rental which has to be given to his landlord. I admit that, under these conditions, wages may be a much greater charge than in the central districts where the circumstances are such as I have indicated. In the coastal districts, however, the farmers have better

land and better climatic conditions, and, consequently, are in a better position to conform to any award that the Court may make. It is not as though the community did nothing for the farmer. We have done a great deal for him, and we are justified in doing a great deal. I have, for ten years past, represented a farming constituency, and I have always been an advocate of helping the farmer as far as possible. I am very glad to say that, in the New South Wales Legislature, we were, to a very large extent successful in this direction. In New South Wales—and I suppose it is much the same in Victoria—we charge much lower railway rates for the carriage of farming produce, generally speaking, than are levied on other goods. We carry one ton of wheat 300 miles for about 13s.

Mr. LEE.—But the Government charge him about £4 per ton for the carriage of his sugar.

Mr. WATSON.—Quite so; but as the farmer produces many tons of wheat, and requires very few tons of sugar, he is not particularly worried by the freight upon sugar.

Mr. SKENE.—What is the charge per bushel upon wheat? Does the Prime Minister know?

Mr. WATSON.—For the distance mentioned between 4d. and 5d. per bushel, I think; but I am speaking from memory only. The State assists the farmer as much as possible in many directions.

Mr. FULLER.—Federation has not assisted him.

Mr. WATSON.—I admit that, but I hope that the Commonwealth will yet have an opportunity of rendering the farming community a little assistance also.

An HONORABLE MEMBER.—Will they be assisted by this Bill?

Mr. WATSON.—Yes. I do not think that the Government proposal is likely to injure the farmers very much, otherwise I should not bring it forward.

Mr. CHAPMAN.—The honorable gentleman surely contends that it will not injure him at all.

Mr. WATSON.—That is so. In Victoria, an example has been set—and one which is worthy of emulation—by the completeness of the Export Department which was created here some years ago. Still, there is room for improvement in the conduct of that Department, as was evidenced by the fate of the farmers at the hands of private enterprise, as disclosed in the

records of the Butter Commission. Nevertheless, an effort has been made to do something for them in that direction. In New South Wales, too, I would point out that experimental farms have been established. In my own district, there is, at Wagga, one of these institutions, and it has materially assisted the farmers to an appreciation of what is possible in agriculture, without irrigation, by the scientific use of manures, by proper tilth, and by the adoption of different methods of treating land. Again, colleges have been established, to which lads may be sent to obtain an agricultural training. In all these instances the State has endeavoured to extend to the farmer some advantages. But beyond that it has gone to the length of interfering with private enterprise, by the creation of State land banks in Victoria, New South Wales, and elsewhere, for the purpose of supplying him with cheap money.

Mr. McCAY.—But those institutions involve no expense to the general community.

Mr. WATSON.—That is so, but nevertheless they are an extremely valuable aid to the farmer. That experiment constitutes an interference with private enterprise. It is an interference to extend the machinery of the State to the farmer for his benefit.

An HONORABLE MEMBER.—The State has not extended the same consideration to others.

Mr. WATSON.—But I hope that some day we shall have State banks, which will be accessible to all classes of the community.

An HONORABLE MEMBER.—By means of the Canadian note system?

Mr. WATSON.—I dare say that the adoption of that system would, in a moderate degree, assist the honorable member in shedding his present ideas. At a later stage I should not be surprised to see him accept a scheme which is proved to be to the benefit of the State. But even the Federation may do something for the farmer. At the present time there is a motion upon the business-paper in the name of the honorable and learned member for Bendigo, affirming the desirability of establishing a national agricultural bureau. No one can read what has been done in that direction in America without sympathising with his desire to have an institution founded in the Commonwealth which can render valuable service to the community, without in the meantime involving it in any vast expenditure. All these facts show

that the farmer has not been neglected by the legislative machine in the various States.

Sir JOHN FORREST.—He is the father of the family.

Mr. WATSON.—I admit that; but I say that we have shown a proper appreciation of the importance of the farmer to the community, by extending to him these aids. I do not say that any one of them, in itself, would surmount the farmers' difficulties, but nevertheless they are all material helps to the successful carrying on of the farming industry. What do the Government ask in this Bill? Simply that, in case of any dispute which extends beyond the limits of any one State between farmers and their employes, both parties to it shall consent to the dispute being submitted to a tribunal established for the purpose of doing justice between them.

Mr. WILSON.—Have there been any disputes, to the Prime Minister's knowledge, between farmers and their employes?

Mr. WATSON.—Most certainly there have, but I admit that they have not been of large dimensions. I do not think it is likely that any dispute of that character would extend beyond the boundaries of any one State; but if such a condition of affairs did arise, it would be most unfortunate if there were no provision in the law which would enable a settlement to be promptly arrived at. I do not think there is any immediate prospect of such a dispute arising as would call for the intervention of the Conciliation and Arbitration Court. Any action which may be taken by the employes of the farmers will, therefore, probably be taken under the State arbitration laws, such as exist now in New South Wales; but whilst that is so, there is always the possibility of a dispute occurring, and extending beyond the limits of any one State. I repeat that, if such a disturbance took place, it would be most unfortunate if no machinery existed under which a settlement could be insisted upon. I reiterate that we have every reason for trusting to the impartiality of the proposed tribunal. We may well take it for granted that the gentleman who will be appointed to preside over it, will have a just appreciation of his responsibility, and will weigh every circumstance surrounding any question which he is called upon to determine before he arrives at a decision, whether it be in respect of the farming industry, or any other industry in the community.

Sir WILLIAM LYNE (Hume).—I think the Prime Minister will admit that I

am in accord with the Government in regard to the main principles underlying this Bill. He struck the keynote of the proposal before the Committee, when he declared that he did not think there was any probability of a dispute between farmers and their employes extending beyond the limits of any one State. I need scarcely remind honorable members that I supported the inclusion, within the provisions of this measure, of the railway employes, and of those persons who are engaged in industrial enterprises.

Mr. WATSON.—A similar proposal contained in the Act, which was passed by the Government, of which the honorable member was the head.

Sir WILLIAM LYNE.—I was not the author of that Act. I merely consented to the Attorney-General introducing that measure before I left State politics. In my judgment, it is possible to proceed a little too far, by attempting, at the outset, to make this Bill applicable to every industry. My own idea is that where a dispute is not likely to extend beyond the boundaries of any one State, the State authorities should deal with it. I supported the inclusion of railway employes chiefly because I foresaw that if any serious railway trouble arose in any State, it would probably extend to another State. That very nearly occurred in the case of the Victorian railway strike. I understood that the honorable and learned member for Wannon originally proposed to exempt the pastoral industry from the operations of the Bill. I am in favour of making the measure applicable to pastoralists, because we know very well that shearing troubles are likely to extend all over Australia, as they have in the past. Concerning agriculture, however, I agree with the Prime Minister, that there is even a little probability of disputes between farmers and their employes extending beyond the limits of any one State. If they did so, they would most certainly relate to a question of wages only. The Arbitration Court, in dealing with that matter, would have to give an award, but it would not establish a common wage all over Australia. In New South Wales every industry is brought under the operation of the State Arbitration Act. The possibility of a combination under it has been present ever since it was passed.

Mr. A. McLEAN.—Has a case ever arisen under it?

Sir WILLIAM LYNE. — No. The definition of "industrial disputes" under that Act covers every trade, profession, or calling. "Industry" is defined as meaning—"Any business trade, manufacture, undertaking, calling, or employment in which persons of either sex are employed or hire or reward." Had any serious trouble occurred either in the dairying or agricultural industries in that State, combinations would have been formed long ere this, and the aid of the Arbitration Court would have been invoked. The fact that no such appeals have been made is conclusive evidence that no disputes between farmers and their employes are likely to arise which would extend beyond the limits of any one State. If I recognised the likelihood of such a contingency, I should not hesitate to assist in passing a law to prevent trouble. The Prime Minister himself has had some experience of the dairying industry. So, too, have I. As a youngster I was compelled to milk the cows at night and in the early morning, in frosty weather, and I had to work on my father's property with a sickle, just as did any ordinary labourer.

Mr. McLEAN.—It did not make a worse man of the honorable member.

Sir WILLIAM LYNE.—I hope not. Although the work associated with dairying is tedious, it is not laborious. We all know that the hours are irregular, but that is a difficulty which, in the existing circumstances, cannot be avoided. I do not think that there are many who work, on the whole, more than eight hours a day, and those who have to perform duties in the early hours of the morning have later on ample time to rest. The Prime Minister touched on a matter of importance when he spoke of the necessity of seeing that farm labourers were properly housed. The honorable member for Darling took a prominent part in the agitation which resulted in the passing of an Act by the Legislature of New South Wales to insure better accommodation for shearers, and it seems to me that the Governments of the States—it is perhaps not a matter for the Federal Government to deal with—should take care that proper accommodation is provided for all engaged in farming and agricultural industries. But for the fact that Victoria has lagged behind the other States in the matter of legislation relating to conciliation and arbitration, I do not think there would have been much desire to pass this Bill. We have a Conciliation and Arbitration Act in force

in New South Wales, and I believe it would be desirable for us to watch what effect it will have on the farming industry before we attempt to extend this measure in that direction. I do not, of course, suggest that such a provision is likely to be required. If the State Act were not availed of, resort could not be had to this Bill save in the case of a dispute extending beyond the boundaries of any one State. I am satisfied it is reasonable that the Bill should include the railway employes of the States, if it is constitutional, which I question; but I certainly have not witnessed any of those scenes in connexion with the dairying industry which the Prime Minister has described. In New South Wales a law is in operation which provides for the periodical inspection of dairy farms, and I must say that the dairy farms which I have visited in that State are a credit to the owners. Advantage has been taken of many modern improvements, and their condition is in the highest degree praiseworthy.

Mr. WATSON.—I was not referring to the premises.

Sir WILLIAM LYNE.—No doubt before the passing of that law, there were many dairy premises that were really a source of danger to the public health. But that state of affairs has to a large extent been remedied. If we take care that suitable accommodation is provided for the men, I do not think there will be much of which to complain. The industry is a great and a growing one, and should receive every encouragement. It would be difficult, if not impossible, to deal with farm labourers as we can with shearers. The farmer has a certain time for ploughing, sowing, reaping, and threshing, and the last-named work is for the most part done under contract by owners of threshing machines, who travel from farm to farm and from district to district. It would be exceedingly difficult to frame any regulation that would embrace all these operations; and it seems to me that there is no necessity for us to display any anxiety to legislate in this direction until it has been shown that there is continuous discontent among the farming community, and that unions of farm labourers have been formed to seek the assistance of the States Arbitration Courts. When action is taken in that direction we shall be able to judge whether there is good ground for a proposal such as that now put forward by the Government. The New Zealand Arbitration Act applies to farmers; but,



informed that, although it has been in force for eight years, no application has been made to the Court to deal with a dispute between them and their employes. In these circumstances it seems to me that an attempt is being made to raise a boggy unnecessarily.

Mr. McDONALD.—In New Zealand the employers are reasonable.

Sir WILLIAM LYNE.—It is true that among the pastoralists and farmers, a man is occasionally found who is a disgrace to the whole of his class in the treatment of his employes; but, as a rule, the men who own their own properties, and whose lands are not heavily mortgaged to banks or other financial institutions, are very good employers. I believe that owners of dairying land worked under the share system take care to deal fairly and liberally with those who work their property and earn for them the income which they derive from it. During the shearing dispute reference was made to the largest property to be found not very far from Albury, that was managed in a most disgraceful way as regards the housing of the employes. It was held in contempt, not only by those who were employed upon it, but by the public generally. It does not follow, however, that all pastoralists are unjust. The way in which the men were treated on this property was one of the main springs of my efforts to pass a law to secure better accommodation for shearers. I represent the largest agricultural district in Australia. It has this year produced double the quantity of wheat produced by any other electoral division in the Commonwealth.

Mr. WATSON.—What about the electorate that I represent?

Sir WILLIAM LYNE.—It does not produce anything like so much wheat as does the Hume.

Mr. WATSON.—I am prepared to dispute the honorable member's statement as to his district producing double the quantity.

Sir WILLIAM LYNE.—I take a great pride in my electorate. I think it is the largest and the best wheat-producing area in Australia. As the representative of such a district, I have had an opportunity to judge of the conditions under which farm labourers are called upon to work. During the last elections I travelled, at harvest time, over the principal parts of my electorate, and was astonished at the evidences which I saw of modern improvements in agricultural machinery. I was

also astounded at the improvement that had been made in the accommodation provided for farm employes. I spoke to many of the men in regard to their conditions of labour, and found that as a rule they were entirely satisfied. In some cases the difficulty of housing the additional hands was very great, but the workers said that in nearly every case the employers did their best. So far as I could ascertain there were no complaints. Many of the farmers in the district own their properties. For the most part they do not possess large holdings, and, with the exception of harvesting operations, the greater part of the work relating to the farm and the dairy is carried out by their sons and daughters. These men would not be affected by a provision of the kind now before us, because it would extend only to employes. In these circumstances I do not think it is necessary at present to extend the Bill to those engaged in the farming industry, and I would advise the Prime Minister to go slowly in this direction. He has frankly acknowledged that it is unlikely that such a provision would be used for some time to come, and therefore, while we should impress upon the States Governments the desirableness of action being taken, if at all, by them, there is no reason why, in the absence of any trouble, we should seek to jump into an imaginary breach. Let us have a further opportunity to profit by the experience of New South Wales and New Zealand. There is no real necessity to extend the measure in the way now proposed.

Mr. LEE.—The farmers are exempt in New Zealand.

Sir WILLIAM LYNE.—They come within the Act; but no application has been made to the Court to apply its provisions to them. Although I am anxious that States rights should be preserved absolutely intact, it seems to me that as long as we keep within what we believe to be the four corners of the Constitution, we shall not even touch the fringe of States powers. Too much sensitiveness has been displayed by some honorable members in dealing with this aspect of the question. I contend that the States are absolutely secure from any invasion of their rights. We have the Constitution to guide us, and the necessary machinery to determine whether we in any way infringe that privilege. If there has been anything in the direction of oppressiveness, it seems to me that the States have sometimes tried somewhat to dominate the Federal

Parliament. While we should not take up an aggressive attitude, we should at least be firm, and show the States that the Federal Parliament is not a mere myth. We shall not inflict any injustice on the States by extending the provisions of this Bill to disputes extending beyond a State. The States themselves will take care that we do not exceed our constitutional powers, and we, in turn, must see that they do not prevent us from doing what is right and within our power. I wish to place before the Committee my reasons for voting for the inclusion of shearers, railway employes, and miners, as well as those engaged in maritime disputes, whilst at the same time holding that it is unnecessary to extend the Bill in the way now proposed by the Government. The operations of those engaged in maritime pursuits are undoubtedly interwoven with all the States, and it is right that the Federal Parliament should pass a law that will prevent a repetition of the disastrous consequences of the strike of some years ago.

AN *HONORABLE MEMBER*.—It was that strike that led to the insertion of the provision in the Constitution on which this Bill is framed.

SIR WILLIAM LYNE.—It was inserted in the Constitution because of the maritime, shearing, and mining strikes. I am prepared, regardless of what the consequences to me may be, to support a measure of this kind; but it is unnecessary for us to delve into matters which at present do not require to be probed. I think that the States that have not yet attempted to pass an Arbitration Act might take warning, and recognise that we are perhaps staying our hand in regard to certain matters, in the hope that they will take action. If they do not, and if, as the result of their inactivity, there is any prospect of great trouble, we may fairly consider whether we shall not be justified in doing that which they should have done.

MR. McLEAN (Gippsland).—I regret that my honorable friend the Prime Minister should have thought it necessary to slander the farmers and dairymen of the Commonwealth for the purpose of imposing upon the credulity of that section of the Committee which is not intimately acquainted with the matters to which he referred. He drew a most harrowing picture of the condition of the farm and dairying employes of Australia, and would have us believe that it is necessary, in the interests of

humanity, to come to their rescue by bringing them within the scope of some such measure as this. Shortly afterwards, however, in a weak moment, he had the candour to admit that, if we did so, our legislation would be a dead letter. I sympathize as much with labour as does my honorable friend, and during my parliamentary career have done as much for it as he is likely to do for many years to come. I have shown my sympathy in a practical way; not by indulging in clap-trap. Since the Victorian Factories Act was passed, it has been controlled by six Ministers, who brought twenty-eight or twenty-nine trades under its operation, of which I was responsible in one year for twenty-two. Whenever I discovered an instance of sweating in any trade, I brought that trade under the Act. But whilst supporting the principles of the Act, and ready to extend its operation, I should object to its extension into fields where it was not required. If there were any need for its application to the farming and dairying industry, I should be as ready as any other honorable member to so apply it. I represent as many farmers and dairymen as does any member of the House, and I have lived all my life in a dairying and farming community; but I have never known of a serious dispute between an employer and an employe in that industry. That being so, there is no need to apply legislation of this kind to it. I discussed this matter with my constituents during the recent electoral campaign. Of course, farm and dairying employes are my constituents as much as are the employers; but I did not find an individual employe or employer in favour of extending legislation of this kind to the industry. Both employers and employes were unanimously opposed to any such extension. The Prime Minister laid great stress upon the fact that young lads employed on a dairy farm have to rise and set to work before daylight. When I was only about eight years of age I had to bring in the horses before daylight, but I do not think it has made me a worse man; and I wish that a larger proportion of our youth had been brought up to habits of industry. The young fellows engaged on dairy farms have not to work unduly long hours. They commence work early, and they finish late; but in the middle of the day they have very little to do. Those for whom they work are not inhuman, and the fact that employers and employes get on so well shows

that the men are fairly and humanely treated. The conditions under which dairying and farming work is done are so varied and complex that it would be almost impossible for a Court to apply any satisfactory common rule. So far as farm labourers are concerned, while they often have to work hard, there are other times when they are very slack. Of course, when the weather is dry and warm and the grain is ripening fast they have to work almost day and night, Sundays and holidays, to get it in.

Mr. McDONALD.—Sundays?

Mr. McLEAN.—Yes. It is not a common thing for a man to work on Sundays; but when the grain is dropping out of the ear, they are compelled to do so, in order that they may not lose the result of the year's work.

Mr. KNOX.—Those are exceptional cases.

Mr. McLEAN.—Yes. It would be extremely difficult for a Court to regulate the hours of labour on a farm or dairy. Cows have to be milked twice a day, morning and evening; but, between whiles, there is not much to be done, and many of the children who are employed to do the milking spend the best part of the day at school, and turn out the best men and women in the community. I know many who have had to work early and late, and who, through their honest industry and thrift, have now become employers of labour. They have saved sufficient money to buy places of their own, and are now employing others, whom they hope to see follow their example.

Mr. SPENCE.—What wages did they get to save out of—15s. a week?

Mr. McLEAN.—They got what wages the industry would pay, and saved enough to buy farms. A working man to whom I sold 44 acres of land had saved enough out of his wages to pay the deposit, and was able to meet the other payments as they matured. He has since bought farm after farm, and is now a large land-holder.

Mr. LIDDELL.—Honorable members opposite would like to take his land away from him.

Mr. McLEAN.—Many of our friends think that such a man's land should be confiscated; that he should be taxed to such an extent as would virtually deprive him of his interest in it. This is not an exceptional case. I could mention many others who once worked for £1 a week, and are now well-to-do land-holders. It is only by honest industry and thrift that the best settlers in the country have acquired their holdings. I wish to see the farming and

dairying industry encouraged in every way. Without depreciating other industries, I say that farming and dairying have done more for Australia than any other industry has done. I am with the members of the Labor Party in many of their aspirations, but I must oppose them when they advocate schemes which would not benefit those whom they profess to represent. No doubt they are actuated by the best motives, and believe that they are doing what is right; but they cannot benefit the working classes by merely proposing to raise wages. They cannot extract from any employer higher wages than the industry in which he is engaged allows him to pay. The best way to benefit the workers is to encourage the industry, and thus to open up new fields of employment, and give opportunities for the payment of better wages. I agree with them when they say that every industry should pay a fair wage if it can afford it, and I believe that most of our industries can afford to pay a reasonable wage. But I object to applying legislation of this kind to our farmers and dairymen. It has not been shown to be necessary, and it has not been asked for by either employees or employers. Similar legislation elsewhere has been a dead letter, and the legislation now proposed would also be a dead letter. Why, then, should we needlessly alarm those engaged in the industry by passing such a law? While we know perfectly well that it will have no effect, they are not aware that it cannot be effective. We shall study the best interests of the Commonwealth by applying this legislation only to industries in regard to which interference is necessary. Some of our honorable friends argue that if interference is not a good thing for every industry, we should not apply it to any, but that if it is a good thing for one we should apply it to all. That is not a logical argument. A strong drug might be very useful to a person suffering from a particular malady, but it would be ridiculous to prescribe it for a person in robust health. It might be legitimate for a person who had a grievance to resort to the law courts, but we should not ask any one who had nothing to complain of, to go there. If he did, he would find that it was a very expensive proceeding. We should not think of encouraging any person to go to law, unless he had a legitimate object to achieve. Therefore, whilst I admit that compulsory arbitration may be desirable and necessary for the purpose of settling industrial disputes in cases where

we know that it would be better to arrive at an adjustment by peaceful means rather than by recourse to the barbarous system of strikes and locks-outs, I do not think that it is a good thing to apply the system to industries in which there is not the slightest necessity for it. The States which have passed laws similar to that now under our consideration have never availed themselves of them, and are not likely to do so, so far as the farming industry is concerned. The Prime Minister told us of the great things that had been done for the farmers. He said that our agriculturists received the benefit of cheap railway freights. Does the honorable gentleman realize that the farmer has to pay freight both ways? Not only has he to pay for the carriage of his produce to market, but he also defrays the railway charges upon all the supplies sent to him from the city by the merchant or storekeeper.

MR. WATSON.—Which affects him the more—the freight on produce sent to the city, or that on goods sent to the country?

MR. McLEAN.—It depends upon the volume of traffic. That, however, is not the question. I would ask my honorable friend, who supports the railways?

MR. BAMFORD.—Most people think that the consumer pays the freight one way.

MR. McLEAN.—The honorable member will find that the men who are farming within half a mile of the city get exactly the same price for their produce as do the farmers who occupy land on the banks of the Murray. The country agriculturist cannot charge anything more for that which he sends to the city.

MR. WATSON.—But the farmer near the city has to pay more rent.

MR. McLEAN.—And he derives corresponding benefits. My honorable friend must grant that the farmers support all the country lines, because they pay freight both ways. Then, with regard to cheap money, the farmer pays the market rate for any accommodation he may receive in the form of loans; this is to the advantage of the lender, as well as of the farmer, otherwise the latter would not get the money. I do not mean to say that the Prime Minister is not in sympathy with the farmer. He knows the value of the farming community to Australia too well to be other than in sympathy with them. I wish to see the farming and dairying industry greatly extended. I hope that the system of closer settlement will be carried out in a proper spirit. I sincerely regret that in

Victoria the Closer Settlement Act has been allowed to remain a dead letter for some years past. The Government with which I was connected, and in which the honorable member for Echuca was Minister of Lands, experienced no difficulty in acquiring land by voluntary purchase. I believe in having the power to take land compulsorily; but, if we had that power tomorrow, it would be used only on very rare occasions, because the land compulsorily taken always costs the settler more than that which is acquired by ordinary purchase. We dealt with four estates in one year, and we found that we could secure good land at a fair market value. We are told that landowners ask too much for their property; but that is only natural. That affords no reason why we should not give a fair price. When an estate was offered to us, the Minister of Lands and myself, and sometimes other members of the Government who were well acquainted with land values, carefully inspected the property, and called in the assistance of local experts. If, after having determined in our own minds the value of the land, we found that the price asked by the owner was in excess of our estimate, we submitted our price, and the land-owner could take it or not, as he pleased. We found, however, that, in most cases, the owner was disposed to accept a fair price. Four estates were resumed, and several hundreds of settlers were placed upon land where only four farmers had been making a living previously. Every acre of these estates is now under occupation, and, according to the last return I saw, only seven of the occupants were in arrears in their instalments, and even in these cases only to a very small extent.

MR. McCOLL.—The arrears at present are 1 per cent. only.

MR. McLEAN.—No one could expect, or even wish, for better results than that. The settlers secured the land at a fair market value, and were very pleased to get it on the easy terms which the Government were able to extend to them. The payment of the purchase money was arranged for in easy instalments—such as could be provided for out of the proceeds of the produce obtained from the land itself. I see no reason why this system should not be very greatly extended. I am sure that if the honorable member for Echuca had remained in office, he would have gone on resuming and dividing estates, just as he did during the year that he was my colleague in the Victorian

Ministry. I hope that the Victorian Government will not allow the Closer Settlement Act to remain a dead letter. Although six Governments have held office since it came into operation, only one estate, other than the four dealt with during our year of office, has been resumed. The Prime Minister laid great stress on the fact that among the farmers and dairymen of Australia the only men who were making any money were the landlords. My experience is that only in very exceptional cases is the farmer or dairyman a tenant. Of course, I know that there are some tenant farmers, but many more settlers carry on operations on their own land. I have always been an advocate of giving every possible facility to farmers to become land-owners. It is rather singular that the Prime Minister and those who join him in denouncing landlords are always advocating that every man should occupy the land as a tenant.

Mr. WATSON.—Under the State, with fair conditions as to rent and otherwise.

Mr. McLEAN.—It is all very well to say that, but my honorable friend is not always logical. He believes in the nationalization of the land, and in the State becoming the landlord. He would also say that the State was best qualified to conduct our railways; and yet, when he asks us to extend the operation of this Bill to railway servants, he says that no one is so unfit as the State to manage the railways, and that the employes cannot obtain justice.

Mr. WATSON.—We are providing machinery by which they can obtain justice.

Mr. McLEAN.—The Prime Minister proposes to call in an outside tribunal to control the railways, on the ground that the State cannot properly manage them. He would, I presume, do the same with the land, and I would ask him who would regulate the rents?

Mr. WATSON.—Commissioners.

Mr. McLEAN.—Then the State would occupy the position of an absentee owner who employed factors to manage for him, and to fix rentals. These would be the very worst conditions under which tenants could live. As a rule they can do much better when they are dealing direct with the owner of the land. In my opinion, it is far better to have a large peasant proprietary, with every man on his own little holding. Under such conditions the land would be turned to the best possible account. If the State were landlord, and rents were adjusted from time to time, the tenant would never know whether he would

derive the benefit of his own improvements.

Mr. WATSON.—Under the leasing system in New South Wales he does.

Mr. McLEAN.—If the tenant was granted a perpetual lease at a fixed rent, he would derive the benefit of his improvements; but if rents were adjusted from time to time, he would never know, from one year's end to the other, what rent he would have to pay.

Mr. KENNEDY.—That is where the difference lies between the conditions in New Zealand and New South Wales.

Mr. McLEAN.—In New Zealand rents are fixed for 99 years, and, of course, in that case the tenant is in precisely the same position as an owner.

Mr. WATSON.—Hear, hear; I believe in that system.

Mr. McLEAN.—In my opinion it matters very little whether the State owns or does not own the land. Our aim should be to make the land as productive as possible, and I believe that the most satisfactory results are to be obtained by placing men upon their own holdings. I should like to see every encouragement given to small proprietors to settle in all parts of the country.

Mr. WATSON.—As they do in England.

Mr. McLEAN.—England is not a place to which we should go for an example. I may remind the Prime Minister that in that country land is gradually going out of cultivation. We should rather turn to America, where the State encourages settlement upon the land by every possible means. They have an Agricultural Department there which supplies information to every class of producer and assists them in every way. There we find that agriculture is increasing by leaps and bounds. If we desire that the Commonwealth prosper we should adopt similar methods. When my honorable friend declaims against the landlord, I would say that the landlord is entitled to a fair rent.

Mr. HUTCHISON.—I wish that he had received that.

Mr. McLEAN.—No tenant should pay more than a fair rent. It is not in the interests of the landlord that he should do so, because if he charges too high a rental he loses his tenants. I have known tenants to remain in possession of land from year's end to year's end. I have a farm myself for which I have not had to

ask rent for sixteen or eighteen years. The tenant pays it regularly into the bank to my credit. He pays punctually, because he knows he could not obtain a similar holding at the same price. Nevertheless, he pays me a fair rental.

Mr. O'MALLEY.—But the honorable member is a just landlord.

Mr. McLEAN.—I have been familiar with a good many landlords, and have heard very few tenants complain. They almost invariably admit that the landlords treat them fairly. At the same time, I am not in favour of landlordism. I prefer to assist the people to obtain holdings of their own. The Government have assured the Committee that they desire to represent the interests of every section of the country. I wish they would evidence that in the present instance. If they take the trouble to inquire into this matter they will certainly find that the whole community will be benefited if they refrain from pushing the operations of this Bill further than experience shows to be necessary. I am willing to support its extension to every branch of industry to which it can be shown that its application is necessary. But the whole of my experience proves that the necessity for applying it to the dairying and agricultural industries has not yet arisen. I know very well that there is a great feeling of unrest amongst the rural districts in regard to this provision, and I have been requested by rural employes to oppose it. I should be false to the best interests of the Commonwealth if I did otherwise. The Prime Minister has said that the Court will act justly. I think that some of my honorable friends opposite are a great deal too sanguine regarding the success of this legislation. I admit that the Court will do that which it believes to be right, but I do not admit that any Judge, by taking evidence for a few hours, can thoroughly master the details of any industry with which he may be called upon to deal. I would ask the honorable and learned member for Darling Downs, who is a firm believer in that doctrine, whether, if I placed him in the witness-box for two or three hours, I could acquire a sufficient knowledge of the law to qualify me for the Bar? I can assure my honorable friend that, if he took evidence from farming experts for a few hours, he would know very little more about the conditions surrounding that industry than he did at the outset.

Mr. GROOM.—But in three hours the honorable member could ascertain whether I was getting a fair fee.

Mr. McLEAN.—Undoubtedly. I hold that unless a Judge is thoroughly familiar with all the ramifications of the industry with which he is dealing, he cannot obtain that knowledge by a few hours' examination of witnesses. I admit that he may administer justice in a rough and ready way, and even that is better than a strike or a lock-out. Still, wherever we can dispense with his services, we shall be very much better off by so doing. I have grave doubts as to whether this Bill will prove the unqualified success which some honorable members appear to think, and I venture to say that to some extent it will hamper the industries to which it is applied. Whilst perfectly willing to extend its operation to industries to which past experience has shown its application to be necessary, I ask honorable members to oppose its extension to industries in which it is not required.

Mr. HUGHES (West Sydney—Minister of External Affairs).—The honorable member for Gippsland has invited the Committee to follow him in applying this law to those persons with whom he is not intimately associated. In doing so he is not acting at all singularly. The immortal principle of applying the law to "the other fellow" has been universally popular in all ages. Now, the honorable member who tells us that he represents an agricultural constituency—that he represents more farmers than does any other member of this Chamber—declares that if the Bill will not affect the farmers he does not object to voting for it. That is a very good-natured proposal, and one which will be highly appreciated by the farmers. In his opening remarks he stated that the Prime Minister had slandered a very deserving class of people, and had attempted to impose upon the credulity of honorable members by talking of that of which he either knew nothing or was not well informed. I propose to consider the arguments advanced by the honorable member, with a view to ascertaining whether they are sound. He said that the Prime Minister cannot be thoroughly seized of the conditions surrounding the dairying and agricultural industries, otherwise he would not ask the Committee to hamper them by this proposal. He also said that the Prime Minister had indulged in "clap-trap."

Mr. McLEAN.—I did not say that.

Mr. HUGHES.—The honorable member most emphatically levelled that charge against those who favour the Government proposal, amongst whom is the Prime Minister. To affirm that any person is indulging in "clap-trap" is merely to say that he entertains sentiments with which his listener does not agree. That is really a comprehensive definition of clap-trap. Moreover, clap-trap should not be altogether a stranger to the honorable member, because no politician can ever point to so many past victories without being open to the suspicion that he has indulged, if not in clap-trap, in something of a very similar character. The honorable member cannot be quite a stranger to that kind of talk, which serves the successful candidate so excellently upon the hustings, and which the other fellow denounces as "clap-trap." The honorable member gave the Committee a little exhibition of that when he exclaimed—"See what I have done for labour." Let us examine his record. We are most ready to give him credit for all that he has done. He was the leader of a Government in Victoria. What did it do for labour? Doubtless it did something. Every Government does. Obviously it did not do very much in the way of closer settlement, which, he acknowledges, is the great *desideratum*, because he declares that closer settlement in this State has been a dead letter. Obviously, then, he did nothing to settle the people upon the land.

Mr. McLEAN.—We settled several hundreds upon land which we resumed.

Mr. HUGHES.—No doubt, under his régime a number of persons were settled under the land; but I am speaking of settlement upon the land in an agricultural sense. If the honorable member will tell us what particular legislation he introduced with a view to settling people upon the land we shall be very glad to hear him.

Mr. McLEAN.—I was the first Minister in Australia to introduce a Closer Settlement Bill.

Mr. HUGHES.—Naturally, people were settled upon the land under the then existing system of land tenure.

Mr. WILSON.—The honorable member for Gippsland says that he introduced a Closer Settlement Bill.

Mr. HUGHES.—But he told the Committee that it proved a dead letter.

Mr. ROBINSON.—No, he said that the Government, of which he was the head, bought under it four estates within ten years.

Mr. HUGHES.—Only yesterday the Premier of this State declared that the first plank in the Ministerial platform related to closer settlement. What do statistics show regarding the time which has elapsed since the honorable member for Gippsland first introduced his scheme for closer settlement? They show that the people are flocking from the country to the town. His scheme of closer settlement simply amounts to this: that Collingwood, Fitzroy, and other agricultural districts, are becoming densely populated, but that the provinces which ought to be settled have not been peopled under it. Mr. Bent still says that what we need in Victoria is a scheme of closer settlement. That has been the cry from the beginning. In these circumstances let us consider the position of the honorable member. He admits, first of all, that this provision would not prove operative, and that opinion is shared generally by honorable members. At the same time, there appears to be a general consensus of opinion that notwithstanding that fact it should not be inserted in the Bill. It is a general principle of legislation that no considerable section ought to be exempt from the operation of any law unless there is good reason for it. I shall be very glad to hear of any law from the operation of which a considerable section of the people are exempt. It is difficult to understand why any section should be omitted from the provisions of this Bill.

Mr. McLEAN.—The Victorian Factories Act exempts a large section of the community.

Mr. HUGHES.—Could any man say that agriculture comes within the scope of factory legislation?

Mr. McLEAN.—Yes; there are cheese and butter factories.

Mr. HUGHES.—That may be; but hoeing turnips or digging potatoes is not factory work. I do not deny that there are some operations carried on in rural districts that might legitimately be brought within the operation of Factory Acts; but picking grapes is not one of them. Even assuming that all these branches of industry could be properly brought under factory legislation, I do not think that my honorable friend suggests that they should. I believe that he says, "Thus far, and no further."

Mr. McLEAN.—Certainly, until the necessity is shown for going further.

Mr. HUGHES.—Is not my honorable friend opposed to the extension of factory legislation to rural occupations?

Mr. McLEAN.—Yes.

Mr. HUGHES.—Therefore the brilliant efforts of the honorable and learned member for Wannon, who has suggested that these operations might come under the scope of the Factories Act, do not help him. We have heard the honorable member for Gippsland declare that as a boy he rose early in the morning, and was none the worse for it. No one says that he is; but I do not know that he ever derived much pleasure from early rising. I can conscientiously say that I never rose early unless compelled to do so, and that I never will. When I do get up I am able to do as much work as are most men. I do not hanker after the privilege of getting up by rushlight at four o'clock in the morning, and laying the foundation for a great career. That is a very fine sentiment; but when men have to rise early in the morning, and work hard all day and late at night, they are not likely to make a nation of happy people. In the district represented by the honorable and learned member for Illawarra there are persons who have to rise before 4 a.m. I have spoken to them, and know that, although they rest for a time during the day, they work as hard as they are able to do. It would be beyond human endurance to work as these men work without some respite in the course of the day.

Mr. FULLER.—Can we avoid this state of things any more than we can avoid night shifts in coal mines?

Mr. HUGHES.—Let me put to the honorable and learned member the question that John Bright put to those who contended for a working day of ten hours. He declared that the foundation of England's greatness depended on unrestricted hours of employment in all factories, and that once the working day was reduced to one of ten hours, England would decay. That assertion was made at some time between 1850 and 1860, and, although since then the working hours have been reduced, the trade of England has not decayed.

Mr. McCAY.—That is a moot point.

Mr. HUGHES.—The honorable member for Illawarra represents a district in which the sons and daughters of many farmers rise before 4 a.m., and having worked hard all day, simply sink down to rest at night with the animal satisfaction that belongs to the brute beasts.

Mr. FULLER.—Does the honorable and learned gentleman say that the President of the Court will fix the time at which men ought to get out of bed?

Mr. HUGHES.—I shall deal with that point. I am connected with an organization the members of which formerly worked eighty hours a week. The Court is now adjudicating on their case. A working week of eighty or eighty-five hours, if it can possibly be avoided is altogether too long; yet we have had man after man declaring that the hours of labour in the industry in question cannot be reduced. What are the facts? In New Zealand, and other places, they have been shortened to about fifty-five per week, without any perceptible effect upon the trade. My honorable and learned friend speaks about long hours being inevitable. All that I can say is that he can have had but little experience of many trades if he does not know that, in nearly every business, men have said: "Our trade differs from every other," and we cannot reduce the working hours and still keep the industry going." I do not say that the industry with which we are now dealing has anything in common with any other, nor that the hours during which those connected with it are employed can be cut down. But it is a mistake to suppose that the functions of the Arbitration Court will be confined to shortening the hours of labour. In several cases the Conciliation and Arbitration Court of New South Wales has not dealt with the hours of labour, and in several others has not touched the wages question.

Mr. WATSON.—In several cases the working day has been fixed at ten hours.

Mr. HUGHES.—The idea that appears to permeate the minds of some persons that an Arbitration Court is closely associated with the eight hours principle, is absurd. Cooks and waiters in New South Wales work from sixty to seventy hours per week. The bakers' carters work, I believe, fifty hours per week, while in another case with which I am acquainted, the men are asking for fifty-seven hours per week. Others are appealing to the Court to fix a working week of sixty hours. There is no magic associated with the eight hours principle, that it should be regarded as inseparably connected with an Arbitration Court. The Court looks at the merits of each case. It says, perhaps, in one case, that the industry can be conducted on the eight hours



principle. In another case it fixes a working day of ten hours, and, in yet another, it declines to fix any definite number a day. It holds, in some cases, that an industry cannot be regulated by the day; and in one case it refused to regulate the hours per day to be worked. It is useless, therefore, to ask how is it possible for the Court to regulate the hours of employment? That has nothing to do with the matter. If it can be shown that the present working hours cannot, with convenience to business and with propriety, be shortened, there is an end to it. Those who appeal to the Court to be established, will appeal to a sensible and just tribunal, two of the members of which will be, not mere assessors, knowing nothing of the circumstances of the case, but representatives of the employers and employes. It is said that it is impossible to regulate the working hours of farm labourers, and that there are slack times and busy times associated with agricultural pursuits. It is, nevertheless, a fact that the farmers almost without exception discharge their hands in the off season, and engage them when the busy season approaches. Some employ one or two hands all the year round, but the majority of them employ only casual hands who are taken on during the harvest season. The honorable member for Gippsland knows that at harvest time men follow threshing machines from district to district, and in that way make a living. Let us imagine for a moment that instead of regulating the hours of employment, the Court determined to regulate the rate of pay per hour. That would have a tendency to prevent inordinately long hours. I have had some experience in this direction. A pioneer of the soil in Queensland, for whom I worked, whose ideas were fantastic in the extreme, conceived that the best time to set to work was before the sun rose. He felt that there was a degree of keenness in the air, and a vivacity associated with all things at that early hour, that caused men to do more work than they would perform at any other part of the day. We disagreed on this point, but I have never forgotten his views. Had he been called upon to pay overtime he would not have mistaken 4 a.m. for 5 a.m., or even, as he often did, 3 a.m. for 6 a.m. In many cases men are kept working hour after hour because they receive low wages. If they were paid by the hour—if they received a higher rate of pay—the working hours would be

ghes.

reduced. Does not the honorable member for Gippsland know that the working day of shearers in England is much longer than that of shearers in Australia; but that, nevertheless, the English shearer deals with a smaller number of sheep? On the farm on which I was born and lived for seven or eight years they used to commence shearing operations by lamplight, and, although they remained at work as long as possible, they were not able to shear more than twenty or twenty-five sheep per day. In Australia, however, a shearer is able to account for from fifty to sixty sheep of a like class, Lincolns or Southdowns, in a working day of eight hours.

Mr. FULLER.—How old is the honorable and learned gentleman?

Mr. HUGHES.—Invariably, the rule is that the higher the price of labour the more one obtains from it. When a man is compelled to pay high rates per hour he does not ask his man to work many hours per day. It is said that we propose, by means of these restrictions, to hamper the dairying and agricultural industries. It would be difficult to conceive of any set of circumstances that would apparently be worse for the dairying and agricultural interests than are the present. My honorable friend says we ought not to discourage any one from settling on the land. But what are the facts? He says that we ought to permit closer settlement, and that it would be a good thing if all the young men of the country were to follow in his footsteps, and engage in the dairying or agricultural industries. I say so, too. No one more thoroughly appreciates the fact that, if we could get our young men to go into the country, instead of holding to the opinion that it is a good thing to earn their living with their coats on, in some office in a large town, we should have done more than any one else to solve the great question that now perplexes mankind. But the young man deserts the farm, the vineyard, and the field, to come to the large town. Why? Obviously not because the farm, but because the big town, is attractive to him. The fact is that you work these young men for such long hours on the farms, give them such miserable wages, afford them such wretched opportunities for social enjoyment and mental improvement, that they are glad to take the earliest occasion to leave the country. In America every effort is being made to cause country life to be attractive. To do that, it is necessary to pay decent rates of wages, and

to require decent hours of labour. If we can by any legislation attract our young men to the country, we shall have done more than any other body of men has done to solve this greatest of all great social questions. The efflux from the country is becoming more alarming each year. I join heartily with those who deplore it, and any one who can show us how it may be prevented or diminished will have our whole-souled support, and that of the party behind us. But it is obvious that the present system, which the honorable member has glorified, is responsible for what we deplore. He admits that in England the land is going out of cultivation. But there is no Arbitration Act there. Why do the country people of England flock to the large towns of the kingdom? Why do the country people of Victoria and New South Wales, who are unaffected by arbitration legislation, flock to Melbourne and Sydney, and voluntarily place themselves under the yoke of Factory and other industrial Acts, if it is not to escape the conditions which exist under the system of non-interference which he justifies? It is that system which is responsible for the depopulation and the falling out of use of the country land of England, which is becoming more marked every year. For the honorable gentleman to say that the members of the Labour Party wish to discourage industry is to attempt to fix upon us a stigma which should rather be applied to those who hold his opinions. I suppose every man would assert that it is a good thing to settle people on the land, and to encourage them to remain there. I very early imbibed the opinion that the proper settlement of the land is the source of all prosperity, and the basis of national wealth. But I ask the honorable member for Gippsland whether, under his system of non-interference, people are being settled on the land as satisfactorily as he would wish? Obviously they are not.

Mr. McLEAN.—There are more applicants for land in Victoria than we can give land to.

Mr. HUGHES.—How many are *bonâ fide*, and how many are able to remain on the land when they get it? There is not a piece of land offered for settlement in New South Wales, under any system there in vogue, for which there are not a dozen or twenty or more applicants; but how many of the pieces taken up remain in the possession and under the control of those who

take them up? It is notorious that the lands of the country are getting into the hands of the few.

Mr. McLEAN.—The honorable and learned gentleman will not find many vacant blocks in Victoria.

Mr. HUGHES.—No; but a great many of those who ought to be owners of land are merely tenants at will. The banks and great monetary institutions are the real owners of the country. Our proposal to include agricultural industries in a measure of this kind is not a novel one. It was put forward by the late Government, and I feel sure will have the support of its members.

Mr. McCOLL.—One ex-Minister has already declared against it.

Mr. CHAPMAN.—And another soon will.

Mr. HUGHES.—The rumour that some of those who sat behind the late Government are opposed to this proposal is, I am sure, a canard, and does those honorable members a grievous injustice. As to the need for this proposal, I agree with the Prime Minister and others, that in all probability it will never have to be put into force. But if it is ever required, it will be needed very badly, and at a time when it will be too late to pass special legislation. Any legislation introduced under such circumstances would be panic legislation, which would be one-sided, and not likely to be just and equitable. I admit that the provisions of the measure will be largely inoperative. Perhaps they will never be applied to a majority of the trades and callings, within the Commonwealth, but the fact that if it is needed it will be at hand will give to the people the assurance that lamentable occurrences such as disgraced and nearly ruined Australia thirteen years ago will not be repeated. There is no reason why a disturbance which could be easily prevented if the dispute out of which it arose were immediately adjudicated upon by an impartial tribunal should be allowed to embroil one industry after another, until the commerce and trade of the whole community is injured. I hope that the Committee will support the inclusion of the agricultural industry. I feel sure that the objection which has been levelled against the Arbitration Acts of some of the States—I think unjustly—that they have caused abuses to be manufactured or fomented, cannot be levelled against this measure, because it can apply only to disputes extending beyond the limits of any

one State. The honorable member for Gippsland said that many boys who work on farms, getting up early in the morning to milk, are still able to go to school. But if a man does a hard day's work in the open air before he goes to his office, his brain and body are too fagged for him to do his office work well. Similarly, the boy who has risen early to milk, or to do other work, is too weary to attend intelligently to the instruction which he receives at school. That opinion was openly expressed at the recent Conference of teachers at Sydney, and it is notorious that boys do not learn as easily and readily when their brains and bodies are tired as when they are fresh. In my opinion, no farmer would wish his boy to be subjected to the conditions of which the honorable member spoke approvingly, though many farmers are compelled to keep their sons at such employment. I do not deny that it is very difficult to deal satisfactorily with this matter, and as the honorable and learned member for Illawarra says, in many cases apparently impossible. But the apparently impossible is sometimes susceptible to alteration, and I do not think it can be said that the subjection of the agricultural industry to the Arbitration Court will in any way hamper it.

Mr. McCAY (Corinella).—The zeal and energy which the Government, in their comparatively short existence, have displayed in urging upon honorable members schemes which they admit will be practically inoperative, would be well expended in a better cause. The Prime Minister has himself admitted that the proposal now before us, even if carried, will be practically inoperative; while the Minister of External Affairs, who is always brought forward whenever the Government are attacked, as a sort of quick-firing gun to clear all obstacles out of the way—

Mr. BATCHELOR.—Does the honorable and learned member not like to have him turned on?

Mr. McCAY.—I do not mind, when he has neither the range nor the objective correctly, as was the case this evening. On the contrary, I feel rather gratified, because if he cannot make out a good case for a Government proposal, who can? He has said that this provision will be practically inoperative; that it may operate on some remote future occasion—I suppose on that remote future occasion when the universal nationalization of industries takes place, under the auspices of himself and his colleagues. He seemed to promise to

us that the passing into law of a measure whose provisions can relate only to disputes extending beyond the limits of one State, and which will, in all probability, never be applied to the rural industries, will, in some mysterious way, cause the people of Australia to rush from the cities to settle upon the land. It is to relieve the congestion of the cities and to fill the country with an ardent, happy population. It is to give general social, and mental enjoyment to all who settle on the land under these happy auspices. Whether the mental enjoyment referred to is to be derived from perusing the pages of the Statute, in order to discover how it is going to confer benefit upon them, I cannot say. It seems to me that the honorable member's ardent advocacy of the Government proposal, as it stands, is due to the fact that some man in Queensland believes in rising at an earlier hour than he does.

AN HONORABLE MEMBER.—Is not the provision now in the Bill a copy of that proposed by the Deakin Government?

Mr. McCAY.—Possibly it is. But I never pledged myself to oppose such an amendment as that now before the Committee. I do not believe in what is called dead-letter legislation, or in placing enactments upon our statute-book which will have no effect. We have plenty to do in the way of passing legislation that will be operative, and we could better employ our time in allowing such a proposal as this to engage our attention. The main argument of the Government, in opposing the amendment, is that the Bill, as it stands, is quite harmless because nothing will happen under it. If that is so, the Bill should not cumber the statute-book and raise false hopes in the breasts of those who think they are likely to benefit from it, while, at the same time, generating false alarms in the minds of those who fear that it will injure them. We are told that the result of the Bill will be to give and that the hopes and apprehensions indulged in are alike unfounded. Such legislation is not worthy of this Chamber, or of the Parliament of which it forms a part. If we pause to consider for a moment the constitutional limits imposed upon us by the Constitution, and reflect that this Bill can apply only to industrial disputes which extend beyond the limits of any one State, can we conceive of circumstances under which a dispute affecting the farming communities of Australia—which carry on their operations under widely divergent conditions—could be brought within the same

Mr. BAMFORD.—Does the Victorian Factories Act apply to a lorry-driver?

Mr. KENNEDY.—Certainly, if he is employed in the city.

Mr. TUDOR.—That is not so.

Mr. KENNEDY.—The Minister of External Affairs mentioned that bread-carters were brought under the operation of the Act.

Mr. WATSON.—That was in New South Wales.

Mr. MCLEAN.—I am under the impression that the hours of Victorian carters are also regulated.

Mr. KENNEDY.—I venture to say that the farming industry can show a larger proportion of men and women who have risen from the ranks and made homes for themselves than can any other calling. The honorable member for Gippsland has been twitted with regard to his policy of non-interference, and it has been urged that that policy has set up conditions that cause our lands to be less attractive than they should be. We have also been told by the Minister of External Affairs that, as the result of the closer settlement policy of Victoria, population has gradually drifted from this State to New South Wales. Is that any matter for surprise, in view of the fact that we have practically not an acre of land available for settlement? It is due to the policy of interference that has been pursued that our rate of production has been raised to its present high level.

Mr. BAMFORD.—Socialism!

Mr. KENNEDY.—It is open to the honorable member to so describe the policy. I have no dread of the name. As a matter of fact, I hold that the State should interfere in any industry whenever it is desirable to do so. But I think that the Government, instead of proposing to include the farming industry within the scope of this Bill, might, with advantage, turn its attention to the establishment of industries that will create new avenues of employment, and secure better wages for the people generally. The lack of employment, to which reference has been made, is largely due to the fact that modern machinery has displaced manual labour to a very considerable extent, and that we have not attempted to diversify the local fields of employment. A great deal of work that was carried out twenty years ago by the farmers themselves is to-day performed in the cities. We have not a man growing 200 or 300 acres of wheat who is unable, with the assistance of modern machinery, to

carry on his operations with the help of one or two farm hands, although, in the old days, it would have been necessary for him to employ eight or ten. The same may be said of the butter industry. With the exception of the milking of the cows, nearly all the work formerly done on dairy farms is now carried out if not in the large towns and cities, at all events in the local factories. Unfortunately, owing to lack of State interference, some of those who carry on the large undertakings in the city obtain more of the cream than they should rightly receive.

Mr. BATCHELOR.—A little more Socialism has rendered such a thing impossible in South Australia.

Mr. KENNEDY.—A good deal of ingenuity is necessary in order to checkmate the keen business men who seek to circumvent the farmers. I have been for a number of years carrying on farming operations in the district which I represent, and know of many young men there who have a general knowledge of farm work, and sufficient capital to enable them to establish a home for themselves, but find it impossible to secure a piece of land in the district. Whilst the honorable member for Gippsland was Premier of Victoria, he did practically all that has been done in the direction of closer settlement. It was during his term of office that we witnessed the only effort that has been made in Victoria in that direction. We must look to closer settlement for a solution of the problem which now confronts us. We hear much talk of immigration; but what purpose will be served by inducing people to emigrate to the Commonwealth if we cannot find employment for them? I regret that it is to a large extent true that we are unable to find work for our present population; and, that being so, it is absurd to talk of inducing others to come to Australia. We hear much of the attractiveness of Canada and the United States of America, and we are aware that those who leave the old world for those countries know before they do so that they will find there some field of employment offering a better scope for their energy than they were able to discover at home. It is only by offering like inducements that we shall be able to keep our own population in the Commonwealth and attract immigrants. It is admitted by the Prime Minister and the Minister of External Affairs that it is altogether improbable that this provision would be brought into operation, and, that being so,

there unless they had land to give them. There is not an acre of decent land in Victoria that is not applied for a dozen times over the moment it becomes available. Why should we have to listen to all this nonsense about the non-existence of an Arbitration Act applying to rural industries being the cause of the people leaving Victoria. If we are to have a fight over this question let us face the facts, and not allow our imaginations to run riot.

Mr. BATCHELOR.—The honorable and learned member is indulging in a little imagination.

Mr. McCAY.—I am quoting what the Minister of External Affairs said. He stated that the falling out of use of the country lands of Australia was becoming more and more marked every year.

Mr. BATCHELOR.—Yes; but he did not say the *want* of a Conciliation and Arbitration Act was the cause of that.

Mr. McCAY.—He said that the policy of non-interference was the cause, and he drew a glowing picture as to the possibilities under the operation of a Conciliation and Arbitration Act. Will the Minister of Home Affairs deny that the Minister of External Affairs said that there was a falling out of use of the country lands of Australia?

Mr. BATCHELOR.—He said that the people were flocking to the towns.

An HONORABLE MEMBER.—He said that of England.

Mr. McCAY.—The honorable member referred to the country lands of Australia. His statement was contrary to facts, and any inferences he may have drawn are, therefore, utterly valueless. It is not my intention to follow the Minister of External Affairs through all the devious paths along which he professed to track the honorable member for Gippsland. I do not intend to deal with his entire misapprehension of that honorable member's position with regard to closer settlement in Victoria, further than to say that if he were aware of that honorable member's connexion with the matter he would realize that he has done much to further that form of settlement. What he has done has proved successful, and if other Ministers during the last six years had done as much, there would have been even more settlement than we now find. I firmly believe in the principle of conciliation and arbitration, but I have ever present in my mind the limitation of our powers contained in the Constitution. I

endeavour always to recollect the circumstances under which legislation as is now proposed is reasonably practicable. I always draw a marked distinction between farming and kindred rural industries, and manufacturing industries. The latter are practically under the control of those who are immediately concerned in them, whereas the former are not. Of course there are cases upon the border line. There are manufacturing industries in which the product is, to a large extent, taken out of the hands of those who are directly concerned in them; and similarly there are rural industries which are under the immediate control of those engaged in them. Speaking generally, however, there is the broad distinction which I have drawn between the two classes of industry. It is a fact that, as a rule, the product of rural industries is not under the control of the persons who are engaged in them. I believe in the main provisions of this Bill. I have always thought that, undesirable as is litigation, it is a less unpleasant alternative than a resort to force or to fisticuffs upon a large scale. But I have never believed in the argument that if it is good to apply a principle in one case, it necessarily follows that it is equally good to apply it in all cases. The honorable member for Gippsland dealt with that phase of the question. He has pointed out that conciliation and arbitration under this or any other Bill merely involves the application of a remedy to a disease, or a threatened disease. Because the remedy proves good in a score of diseases, it does not follow that it will prove efficacious in the twenty-first case. Personally, I utterly fail to see the necessity for making people take medicine before they are ill. I venture to say that, so far as the rural industries of Australia are concerned, there has never been any substantial dissatisfaction shown with existing conditions, either on the part of employers or employes. At any rate they have not displayed that feeling to anything like the extent that it has been exhibited in the various manufacturing and carrying interests of the Commonwealth. The facts are that trouble has arisen, and may be expected to recur if it is not prevented, in certain cases. But in legislation of this character, which the public regard with a certain amount of unjust suspicion and unwarranted fear, I think we should follow the plan that is adopted by honorable members opposite in regard to the social millennium. We should "wait until the public

the conditions which have been so much deplored.

**AN HONORABLE MEMBER.**—The honorable gentleman is not a bad specimen himself.

**MR. FULLER.**—No, although I have never been one to get up early in the morning if I could help it. But I have been mixed up with dairymen during my whole life, and know intimately nearly every one in my district. There are no finer men and women in Australia than are reared under these conditions of labour. It has been said to-night, and the statement has been made at conferences of public school teachers, that boys and girls who rise at daylight, and have work to do before breakfast, are not in a fit state to go to school, and I quite agree that it does handicap them; but the fact remains that the public schools of the South Coast district of New South Wales produce, in proportion to their number, as many successful candidates at the Public Service junior and senior examinations as come from the other schools of the Colony.

**MR. SPENCE.**—It shows that the children are anxious to get away from that kind of employment.

**MR. FULLER.**—It shows that the employment does not affect their intellectual capabilities. The Minister of External Affairs has stated that no section of the community should be exempted from the operation of a measure of this kind unless good reasons can be shown. I have displayed my sincerity in connexion with the Bill by the vote which I have given on every division which has been taken in connexion with it; but I am opposed to applying it to the dairying industry, and no case has been made out for doing so. It has been pointed out to-night that, although the New Zealand Arbitration Act has been in force for eight years, and the dairy farmers and agriculturists of that colony have had every opportunity to avail themselves of its provisions, no union has been formed to take advantage of them. Similarly, we have an Arbitration Act in force in New South Wales, and those engaged in dairying and agricultural pursuits have had every opportunity to take advantage of it; but no union has been formed to do so. The Prime Minister and the Minister of Home Affairs have admitted that in all probability the provision which they are pressing upon the Committee will, even if passed, never be used. If that be so, why load the Bill with it? In my opinion, it has been moved merely to throw

dust in the eyes of a certain section of the community, and to delude them into the belief that they are getting some great advantage. The Prime Minister has said that men will not go in for farming except, to use his own words, "on the chance of a bumper haul." But in New South Wales we have in our farming districts men who came from England, Ireland, and Scotland, and who left carpentering, bricklaying, and other pursuits to start farming. They did so because they thought that the best occupation open to them. Nevertheless, the farmers do not make the bumper hauls which some people think they make. They have one of the hardest occupations in the Commonwealth, full of trials and disappointments. Since the Prime Minister has stated that so much has been done for them by the Parliaments of New South Wales, and of the other States, I would ask him what has the Commonwealth done for them? It has done its best to cripple them. My advice to the honorable gentleman and his colleagues is to put aside these schemes for bettering the lot of the farmer by bringing him within the scope of the Arbitration Bill, and to remove the duties which press so hardly upon him.

**MR. BATCHELOR.**—The honorable member for Gippsland would not agree with the honorable and learned member in that matter.

**MR. FULLER.**—I know that he differs from me there. But as one who has had the experience of a lifetime in connexion with agricultural industries, I say that it is the duties imposed by the Commonwealth Parliament which press most hardly upon the dairy farmers, and we saw this during the recent drought. The Prime Minister made another mistake in regard to the dairying industry, so far as the constituency which I represent is concerned. He stated that, in the south coast district of New South Wales, a large number of dairy farmers are working on the share system. As a matter of fact, the system is hardly known there. On the tableland about Robertson and Mossvale there are some farms which are worked on that system, but elsewhere it is almost unknown. It must be remembered that, although it is said that the dairy farmers make a magnificent thing out of the industry, they have to depend upon the success of their produce in the markets of the world, and by so much as we hamper them we help their competitors in Denmark, Russia, Sweden, the Argentine, and other countries. If we wish to

of the opinion that they are somewhat exaggerated, and I have no doubt that something can be said upon the other side. The ordinary parent is not so inconsiderate to his children that the extraordinary condition of affairs depicted by the Prime Minister can be said to be very widespread. I refuse to believe that the dairy farmers of Australia, as a whole, habitually countenance a state of semi-slavery amongst their children. Even if such conditions obtained, I do not think it was fair for the Prime Minister to draw the moving picture which he did as an inferential argument in favour of the Government proposal. It is in no way germane to it, and, therefore, should not have been introduced. Measures which impose restrictions upon the liberty of the individual are frequently justifiable. Justification for the action now proposed has been proved to exist in the case of a number of the great industries of Australia, but it has not been demonstrated to exist in the case of the industries which are the subject matter of this amendment—nor has it been shown that it is desirable to create unnecessary alarms on the one hand, or to raise false hopes on the other. I contend that the attitude of the Government will create unnecessary alarms and raise false hopes. In this direction, as in others, they should proceed one step at a time. When this measure comes into operation, and the public realize that it is not going to have all kinds of serious effects on the trades to which it applies, they will be more ready to consent to its application to other industries than they are at present. No justification has been shown for the Government proposal. I decline to draw general conclusions from isolated cases. We all are too prone to generalize too hastily from particular instances. The support given to the Government proposal by the Minister of External Affairs must be founded on the fact that a gentleman in Queensland approved of rising at a much earlier hour than he considered desirable, or else upon the other isolated case of the lad whom the Prime Minister saw fast asleep beside a milk-can on the roadside. These cases, however, afford no justification for the Government proposal, and neither the Prime Minister nor the Minister of External Affairs has suggested the existence of conditions in the rural parts of Australia that would justify it. It was pointed out by the Prime Minister that the wages paid to farm hands of various kinds

*Mr. McCay.*

in Southern New Zealand are higher than are those paid in Victoria. I believe that that is so; but I would remind the honorable gentleman that the returns per acre in Southern New Zealand are also greater.

*Mr. WATSON.*—I mentioned that I did not use the point referred to in my argument, but incidentally alluded to it.

*Mr. McCAY.*—We know that it is possible to take in wages from an industry more than the profits will enable it to pay. In extreme cases, one may take all the profits of an industry, but I do not know that the Prime Minister would be prepared to suggest anything in that direction. I do not doubt, however, that the hours of rural occupation are sometimes long, and the duties are heavy. Those who live in the country undoubtedly have not the same opportunities for social and mental enjoyment as those in the towns possess; but the passing of a law which every one admits will be inoperative will not transform the country into the town and will not make long hours short, nor will it make laborious duties lighter.

*Mr. KENNEDY (Moir).*—Notwithstanding the harrowing picture which the Prime Minister has drawn of the boy whom he discovered fast asleep by the side of a milk-can on a country road, and whom it would have been impossible to arouse, even by the discharge of a shot gun, I refuse to believe that the prevailing conditions of the farming industry in New South Wales are so bad as he would have us believe, or that the wages paid to farm labourers are less than 7s. per week.

*Mr. WATSON.*—I did not say that that was the ruling rate of pay; I simply mentioned that I knew that wages as low as 7s. per week were paid to these employees.

*Mr. KENNEDY.*—I have an intimate knowledge of the conditions prevailing in the farming industry in Victoria, and I venture to say that it would be impossible to obtain the services of even a boy to milk cows for 7s. per week and his board. A farmer will not employ a man who can earn £1 a week and his board. That is the general rate of pay in the winter season—from harvest time to harvest time.

*Mr. BAMFORD.*—A married man who committed suicide in Melbourne a few days ago received only 17s. per week as a lorry driver.

*Mr. KENNEDY.*—And that was possible in Melbourne, notwithstanding that that legislation applies to most of the city trades.

Mr. BAMFORD.—Does the Victorian Factories Act apply to a lorry-driver?

Mr. KENNEDY.—Certainly, if he is employed in the city.

Mr. TUDOR.—That is not so.

Mr. KENNEDY.—The Minister of External Affairs mentioned that bread-carters are brought under the operation of the

Mr. WATSON.—That was in New South Wales.

Mr. McLEAN.—I am under the impression that the hours of Victorian carters are regulated.

Mr. KENNEDY.—I venture to say that the farming industry can show a larger proportion of men and women who have risen in the ranks and made homes for themselves than can any other calling. The honorable member for Gippsland has been criticised with regard to his policy of non-interference, and it has been urged that that policy has set up conditions that cause our lands to be less attractive than they should be.

We have also been told by the Minister of External Affairs that, as the result of the closer settlement policy of Victoria, population has gradually drifted from this State to New South Wales. Is that any matter for surprise, in view of the fact that we have practically not an acre of land available for settlement? It is due to the policy of non-interference that has been pursued that our rate of production has been raised to its present high level.

Mr. BAMFORD.—Socialism!

Mr. KENNEDY.—It is open to the honorable member to so describe the policy. I have no dread of the name. As a matter of fact, I hold that the State should interfere in any industry whenever it is desirable to do so. But I think that the Government, instead of proposing to include the farming industry within the scope of this Bill, might, with advantage, turn its attention to the establishment of industries that will create new avenues of employment, and secure better wages for the people generally. The lack of employment, to which reference has been made, is largely due to the fact that modern machinery has displaced manual labour to a very considerable extent, and that we have not attempted to diversify the local fields of employment. A great deal of work that was carried out twenty years ago by the farmers themselves is to-day performed in the cities. We have not a man growing 200 or 300 acres of wheat who is unable, with the assistance of modern machinery, to

carry on his operations with the help of one or two farm hands, although, in the old days, it would have been necessary for him to employ eight or ten. The same may be said of the butter industry. With the exception of the milking of the cows, nearly all the work formerly done on dairy farms is now carried out if not in the large towns and cities, at all events in the local factories. Unfortunately, owing to lack of State interference, some of those who carry on the large undertakings in the city obtain more of the cream than they should rightly receive.

Mr. BATCHELOR.—A little more Socialism has rendered such a thing impossible in South Australia.

Mr. KENNEDY.—A good deal of ingenuity is necessary in order to checkmate the keen business men who seek to circumvent the farmers. I have been for a number of years carrying on farming operations in the district which I represent, and know of many young men there who have a general knowledge of farm work, and sufficient capital to enable them to establish a home for themselves, but find it impossible to secure a piece of land in the district. Whilst the honorable member for Gippsland was Premier of Victoria, he did practically all that has been done in the direction of closer settlement. It was during his term of office that we witnessed the only effort that has been made in Victoria in that direction. We must look to closer settlement for a solution of the problem which now confronts us. We hear much talk of immigration; but what purpose will be served by inducing people to emigrate to the Commonwealth if we cannot find employment for them? I regret that it is to a large extent true that we are unable to find work for our present population; and, that being so, it is absurd to talk of inducing others to come to Australia. We hear much of the attractiveness of Canada and the United States of America, and we are aware that those who leave the old world for those countries know before they do so that they will find there some field of employment offering a better scope for their energy than they were able to discover at home. It is only by offering like inducements that we shall be able to keep our own population in the Commonwealth and attract immigrants. It is admitted by the Prime Minister and the Minister of External Affairs that it is altogether improbable that this provision would be brought into operation, and, that being so,



help them, we must do all we can to make their industry free and unrestricted. Nothing should be done which will handicap them in their competition with other producers in the markets of the world. It has been said that, because of the hard conditions prevailing on farms, men are attracted to the city. We all know the attractions of city life. In the country there are no theatres or other amusements, and I dare say all of us who have been brought up in the country have known what it is to wish to go to the city and know what is passing there. This generally applies to men living in the country, and engaged in any occupation. Something has been said by the honorable member for Hume in regard to the inclusion of the pastoral industry. I quite agree with him. We can remember the great dispute that occurred in connexion with the pastoral industry some time ago, and which extended over four States. That is one of the industries to which the provisions of this Bill might be very well applied, and the same remarks apply to the railway services and to the mining industry. The position occupied by the industries mentioned in the amendment, however, is quite different. The Prime Minister should not run away with the idea that the farmers of the Commonwealth frequently make bumper hauls. They are, in many instances, leading a very hard life, and they certainly would not be benefited by the Bill. Something has been said about the harshness of landlords. I happen to know a good deal about the landlords in the district which I represent, and I can confidently assert that in the majority of cases they deal fairly and liberally with all their tenants. It is very easy to talk about the hard times tenants have under their landlords, but I venture to say that if the books of many of the landlords in New South Wales were examined it would be found that in a large number of instances the tenants had hold of the best end of the stick. In consideration of the fact that a conciliation and arbitration law has been in operation in New Zealand for many years, and has not been taken advantage of by those engaged in agricultural pursuits, and that no occasion has arisen in New South Wales for farmers or their employes to appeal to the Arbitration Court, I trust that honorable members will recognise that there is no necessity for extending the provisions of the Bill to that industry. I trust that the amendment will be carried.

*Mr. Fuller.*

Mr. SPENCE (Darling).—I have listened with great interest to the debate, which has embraced a discussion on the land question. It was generally understood that the Federal Parliament had nothing to do with the land, but, judging from the statements of many honorable members, our legislation will have a very serious effect upon those who are settled upon it. Whilst listening to the honorable and learned member for Illawarra I was reminded of the story of the young man who attended the ball in his district, and who, after having had a dance or two, approached a young lady who was sitting on one side of the room, with the intention of asking her to dance with him. He tapped her on the shoulder, and, before he could prefer his request, heard her say, "Stand up, Spot." She was dreaming and thought that she was in the milking-yard. The honorable and learned member for Illawarra has asked us how we could fix the working hours of men engaged in the dairying industry, and the question is a pertinent one. About a year ago I paid a visit to a dairying friend of mine, who has had life-long experience of the industry. He runs his dairy most successfully. He told me that he had never forgotten the very early hours at which he used to be roused out of bed by his father, in order to commence the work of the day. He did not feel any better for it, and made up his mind to dispense with the very early rising, which is regarded by some dairymen as necessary to enable them to carry on successfully. He does not require the members of his family, or his employes, to rise at unreasonable hours, and the whole of the day's work on his farm can be done between 6 o'clock in the morning and the same hour at night. One important fact has been overlooked in connexion with the amendment. The honorable and learned member for Wannon desires to make exemptions in favour of persons engaged in certain industries. He intends to reserve to them the privilege to do that which in others would be regarded as an offence against the law—practically a crime. It is intended that the farm labourer should be free to go on strike when he likes, whereas the shearer is to be prohibited from doing so. The honorable and learned member first proposed that shearers should also be exempted, because he does not believe in the Bill, but favours strikes and lock-outs in preference to peaceful methods of settlement. Now he wants to prohibit the

shearer from striking, and to leave the harvester a free hand. As has been pointed out by the honorable member for Gippsland, when a crop is ripe, it is necessary that all hands should work hard for long hours in order to harvest it. I have taken part in harvesting work myself, and I know what it is. The honorable and learned member for Wannon, who professes to be a friend of the farmers, wants to expose them to the risk of a strike on the part of their harvesters at a critical time, when a day's delay may mean the loss of a valuable crop.

Mr. ROBINSON.—The Bill as introduced by the Government exempts two large classes of persons, namely, domestic servants and a large section of the public servants of the States.

Mr. SPENCE.—The principal ground of complaint against the provision as it stands is that it is a drag net which will embrace too many classes of employes. We cannot expect to produce a good moral effect if we exempt certain classes of persons from the penal consequences of striking, whilst others are to be liable to them. The honorable member for Hume suggested that we should wait until some trouble arose before we legislated, but to adopt that course would be equivalent to allowing one's house to be burgled before taking precautions against the depredations of that class of criminals. It is much better to provide for contingencies which experience has shown the necessity of guarding against. I think I can claim to have an inside knowledge of trades unions and their organization, and I think honorable members will recognise that I speak with authority when I say that, apart from the stimulus which has been given by legislation for compulsory arbitration, there has been a very wide extension of the trades union movement during the last few years. This is attributable to the spread of education, and the increasing pressure of the conditions of life. Only recently an appeal came to me from the district represented by the honorable member for Corangamite to organize a union among the very class of employes whom the honorable and learned member for Wannon desires to exclude from the operation of the Bill. We have been requested by the Trades Hall Council which has been appealed to by dairying employes, to take action in this matter. Grievances undoubtedly exist, but the men are so circumstanced that unless some effort be made to organize them, the general

public will remain ignorant of their disabilities. In the western district of Victoria, complaints are continually being made regarding the wages that are paid to the employes, their hours of labour and the poor accommodation which is provided for them. In the former days the shearers' hut was a notoriously unfit place in which to house any animal whatever. The pastoralists would not put their dogs and horses in the buildings which the shearers were obliged to occupy. In New South Wales we had to pass an Act of Parliament to remedy that evil. Similarly one of the strongest grievances of the dairying employes is that they are required to sleep in buildings in which their masters would not house their stock. I do not urge that this condition of affairs is general. It is admitted that the hours of dairying employes are extremely long, and that they have to work seven days a week. The argument that, because no public complaints have been made, no grievances exist, is ridiculous. Of recent years we have heard a good deal in reference to the troubles of the shearers. Why? Simply because they are organized. Prior to their organization was anything heard of their grievances? Certainly not! Those who support the amendment practically argue that the farmers and dairymen as a class are altogether free from those troubles which afflict other employers. In every industry there are some men who treat their employes unjustly. That fact is practically admitted by the honorable and learned member for Wannon, who fears the action which may be taken by the Court which it is proposed to establish under this Bill. He is apprehensive that it will affect the wages that are paid by the farming community. Why? Simply because he knows perfectly well that in many cases those wages are not decent. They are not wages which a Judge of any Court would countenance. Upon no other theory can he justify his fear of disputes of an Inter-State character between farmers and their employes being brought before the Arbitration Court.

Mr. KELLY.—Does the honorable member think that that all the employes of the farmers wish to come under the operation of this Bill?

Mr. SPENCE.—I hold that in an Act of Parliament we have no right to declare that certain persons can commit acts, which, if committed by other persons, would be treated as offences. It is well known that in all industries there are a large number

of perfectly fair employers. But there is always a percentage of sweaters amongst them. It is not in keeping with human nature to assume that farmers and dairymen, as a class, are absolutely fair men. Amongst them there must be some who are unscrupulous. If it were not so, why the necessity of appointing inspectors, whose duty it is to see that our dairies are kept clean, and that typhoid germs are not served up with the morning's milk? As a matter of fact, we require laws only to coerce a minority into doing something which the majority would most willingly undertake. It seems to me that instead of fearing the payment of a fair wage, which the honorable and learned member for Wannon seems to think is all that is involved—

Mr. ROBINSON.—There is a great deal more.

Mr. SPENCE.—The honorable and learned member said that under the operation of this Bill the wages of farm labourers would be so increased, and their hours so shortened, that their employers would not be able to carry on their industry. I believe in rural industries being aided. I have always advocated the settlement of the people on the land, so that they may be able to make a good living for themselves. In their case the wages system would naturally be superseded. But we shall not be studying the interests of the dairy farmer if we regard the employment of cheap labour by him as the first essential. The proper course to adopt is to see that he obtains his land upon fair conditions. Within the past fortnight I paid a visit to the electorate which is represented by the honorable and learned member for Wannon. There I was furnished by a local resident with particulars of a case which will illustrate my point. In that district a man recently purchased some land upon its book value. From the proprietor's books it appeared that certain rentals had been received from it. In one case the rental which the tenant was credited with having paid was £60 a year. What really happened was this: At the end of the year the tenant went to the owner and said, "My crops have been a failure; I have not derived from the land the amount of the rental, and therefore I cannot pay it." Thereupon the owner asked, "How much can you pay?" to which the reply was forthcoming—"All that I can raise is £35." The owner accepted the £35, and gave the tenant a clean receipt.

Mr. PAGE.—We do not do things like that out West.

Mr. SPENCE.—I should hope not. If a tenant pays too much for his land he cannot obtain a return from it. The demand for land is very great, and in competition persons very frequently offer a higher rental for it than they are warranted in doing. It is not the wages which are paid that "cruel" the dairying industry, but the high rentals. I may mention that nine-tenths of an area of 4,000 square miles in the western district of Victoria is held by sixty families.

Mr. ROBINSON.—When were those figures compiled?

Mr. SPENCE.—Quite recently.

Mr. ROBINSON.—Nearly every large estate in the western district has been taken up within the past eighteen months.

Mr. SPENCE.—Nine-tenths of this land is held by sixty families, and the population settled upon it numbers 7,869.

Mr. ROBINSON.—What area of Crown lands does it comprise?

Mr. SPENCE.—I am not speaking of Crown lands.

Mr. ROBINSON.—Is it held in fee-simple?

Mr. SPENCE.—The honorable and learned member must know that the Crown has long ago parted with the fee-simple of most of the western district. Some strange stories are told of the way in which these men acquired the land in the early days. They dummed it first of all in the names of all the members of their family; and, then, having exhausted that list of employes, took up other blocks in the names of their working bullocks.

Mr. GROOM.—Did this happen in Victoria?

Mr. SPENCE.—It did. I am speaking of the land beyond Hamilton. It is notorious that certain blocks of land between Hamilton and Coleraine were actually dummed in the name of working bullocks. I find that 1,240,000 acres are held by eighteen persons.

Mr. ROBINSON.—What class of land is it?

Mr. SPENCE.—The honorable and learned member knows that it comprises a very large area of excellent land. Some of the finest land in Victoria is to be found in the western district, where as much as £40 per acre has been paid. Can it be expected that land for which that price is paid can be profitably devoted to dairying purposes?

Mr. ROBINSON.—Some dairy farmers have paid as much as £50 per acre for their land, and are able to work it profitably.

Mr. SPENCE.—I am anxious to point out that the honorable and learned member, instead of desiring to make it possible for the wages of men, who receive only 10s. per week, to be still further reduced, should endeavour to get at the root of the trouble. I do not say that 10s. per week is the general rate, for I know that there are many employers who would scorn to pay such wages. The honorable member for Gippsland has spoken of his desire to secure a permanent peasantry for Australia, but how is such a class to flourish if it is oppressed and loaded almost beyond bearing.

Mr. KELLY.—Loaded by means of arbitration laws.

Mr. SPENCE.—Arbitration laws do not affect the matter with which I am dealing. Those who favour the amendment have quite lost sight of land monopolists and landlords. A man who obtains control of the land really controls the people.

Mr. ROBINSON.—The Federal Parliament cannot pass land laws.

Mr. SPENCE.—If a man has to pay more for his land than it is honestly worth it is impossible for him to make a living out of it. I have cited facts, and can give the honorable and learned member for Wannon not only the name of every holder of the properties to which I have referred, but their actual acreage. When we find a few individuals in possession of 1,000,000 acres of land we cannot deny that they are monopolists. The honorable member for Gippsland wishes to see a permanent peasantry, but he is strongly opposed to any attempt to reduce the cost of settling the people on the land. He is opposed to a tax on the unimproved value of land, although such a tax would strike at speculative values. The present land tax in Victoria is most unfair.

Mr. SKENE.—That is so.

Mr. SPENCE.—It is not based on sound principles, and is most unfair in its application to large areas. Although the honorable member for Gippsland professes a desire that the people should be encouraged to settle on the land, he is opposed to a proposal that would enable them to make a fair living out of it. At present land monopolists can charge what they like for their land. The vast holdings, of which I have spoken, carry only about two persons to the square mile, and yet the average for

the whole of Victoria, inclusive of mountainous country, is thirteen. Having allowed the monopolists to obtain possession of the best land, we find that those who wish to follow farming pursuits have to pay exorbitant prices for it. The monopolist runs sheep on his estates, and finds wool-raising much less irksome than dairying. What cares he for the rest of the people? When we desire to settle the people on the land we shall have to pay his price. We are told now that many of these monopolists cannot make a living—that they have to compete with Indian wheat growers and others in the open markets of the world, and that we must not do justice to their employes lest we make the industry unpayable. That is the position taken up by those who support the amendment. Are we likely to make dairying more profitable by allowing the wages of a man who receives 15s. per week to be reduced? If a reduction were made in the wages of all dairy hands, would it have any appreciable effect on the profits of the industry? As a matter of fact, they are comparatively few in number, and I wish the honorable and learned member for Wannon to see that he is really starting at the wrong end. We propose that the Bill shall be far-reaching enough to include any industry to which circumstances may render it desirable to extend it. There is as much need to do justice as between the farmer and his employé as there is to mete out justice to any other section of the community. Much that has been said as to the complex character of the dairying industry is highly diverting. There are scores of industries—and particularly those carried on in factories—which are a thousand times more complex than is dairying. For the most part, the only questions relating to dairying that have to be considered are those affecting the hours of employment, rates of pay, and the accommodation for workers. The Arbitration Courts in New Zealand, New South Wales, and Western Australia have successfully dealt with many trades that are of a far more complex character, and all that we have heard about the special knowledge necessary to enable a Court to deal with the dairying industry must go by the board. The Minister of External Affairs has already pointed out that the Court would give consideration to all essential matters, and that there would be a levelling up of wages to the rates paid by most fair-minded employers. I have taken an active part in the formation of many organizations, and I

know that one of the first things they do after framing their rules is to consider the scale of wages to be adopted. In every instance of which I have heard the scale fixed has been, not the highest, but that usually paid by fair-minded employers in the trade. In Victoria there are lands which will carry a bullock, or seven sheep, to the acre, while in some parts of New South Wales a sheep finds it difficult to live on 20 acres. Notwithstanding this fact, holders of rich Victorian lands paid lower shearing rates than were offered in any other part of Australia. They paid only 8s., 9s., and 10s. per 100; but others, again, were voluntarily paying as much as 16s. per 100 when we started the Shearers' Union.

Mr. CHAPMAN.—The honorable member has not recently visited the districts in which the low rates to which he has referred were paid.

Mr. SPENCE.—I have.

Mr. CHAPMAN.—Then I will undertake to say that the rates have since been increased.

Mr. SPENCE.—No doubt they have. I mention the facts merely to show that even before the establishment of the Shearers' Union there were reasonable pastoralists who voluntarily paid a fair wage. Some paid 16s per 100, while one actually paid 17s. per 100. The union decided upon a rate of 15s. per 100, but the pastoralists opposed that proposal. In all the conferences that have taken place between the pastoralists and the shearers' representatives, it has never yet been said that the former could not afford to pay the prices asked. They have simply declined to pay them. It is notorious that in those districts in which the land-owners can best afford to pay the highest rates the lowest rates prevail. Experience shows that it is often the pastoralist who can best afford to pay the highest rate who pays the lowest. That is true of every industry.

Mr. SKENE.—The fair rates referred to by the honorable member were secured by means of voluntary conciliation.

Mr. SPENCE.—We had to fight for them. It was not until recent years that voluntary conciliation was resorted to. The Victorian pastoralists were always willing to meet the representatives of the shearers, and to fairly discuss with them any matter in dispute, until they were prohibited from doing so by the head organization. It seems to me that we must not discuss this question from the stand-point of whether good wages can be paid in an industry.

We have to consider the rights of every human being.

Mr. KELLY.—Did the Machine Shearers' Union, on its formation, adopt the existing rate of wages?

Mr. SPENCE.—Every one knows that that union is merely a bogus one, created solely for the purpose of evading an Act of Parliament. When trades unions are organized, they adopt as their standard the rate of pay offered by fair-minded employers, and honorable members will learn from a perusal of the decisions of the various Arbitration Courts that, in making their awards, they have not exceeded the rates paid voluntarily by fair-minded employers. These employers have simply been able to secure peacefully, with the assistance of the Court, what trades unions, where they have been strong enough, have often succeeded in securing only after hard fighting. This is all we expect from the Bill. No one thinks that its provisions will affect the other problems to which reference has been made. The measure merely assumes the existence of two classes which stand in the relation of employers and employes, and the fact that some workmen in the struggle for bread and butter, and without a true appreciation of the effect of their action upon their fellows, offer their services at too low a rate of wage, while some employers, who will not consider the interests of the individual, force men to take as little as possible. Undoubtedly we are dealing with minorities. All laws do that. But the passing of a measure of this kind brings grievances to light. That is one of the objections urged against the New South Wales Act. It has been said that it has caused grievances. Those who complain overlook the fact that the grievances were in existence, and that there were no means to give expression to them until the men became organized, and could come before the Arbitration Court. One effect of this measure will be to encourage the organization of labour in every industry. I do not say that it is likely that these organizations will appeal to the Commonwealth Arbitration Court. But why should we shut the door against any bodies of employes? Why should some be treated differently from others? I have shown that the statement that those engaged in agricultural and dairying industries have no grievances is unfounded. I do not assert that the time is ripe for an Inter-State organization of such labour, but in New

uth Wales and Victoria there has been a movement afoot to organize it. A great number of the members of the Australian Workers' Union are farmers' employes, and would form the nucleus of a union. I have been asked by the Trades Hall Council to take up this work of organization because of the many grievances urged by dairymen and others which have come before it. I have not heard of any of the complaints coming from Gippsland. They may be all decent people here. But I have heard that some one here employs Chinese. In my opinion a man is not very patriotic if he will patronize Chinese in any walk of life. I do not wish to shut out any class of employes.

Mr. McWILLIAMS.—Than why did the honorable member vote last night to exclude public servants?

Mr. SPENCE.—I did not.

Mr. ROBINSON.—Why are domestic servants excluded?

Mr. SPENCE.—I do not wish to shut out any body of employes. The amendment perpetuates the defect of the Constitution. That defect is one which is, unfortunately, too common in the legislation of the States. In the past it has been customary to only half do a thing, and thus make the position worse than it was before. The defect in the Constitution to which I allude is that our power is so limited that we do not know exactly what we can do. I believe that the right honorable member for Adelaide, who is really the author of the Bill, did wisely in so framing it as to make it wide enough to deal with the possible developments of the future. That is the right way in which to frame a law. We should not have regard merely to the present. Apparently honorable members think that nothing should be done unless some one has gone round among the dairying employes and disturbed the existing pleasant conditions, under which early morning and long hours lead to fortune, causing them to come out on strike, and forcing Parliament to pass a law to deal with them. What a common-sense view to take? The right thing to do is to frame a measure to prevent the possibility of strikes in any part of the Continent. If the Constitution forces us to exclude some members of the community, it is not our fault, but the fault of those who were so conservative as to adopt the old-fashioned method of appealing to give a good deal and really giving very little. It is very difficult for those who go upon the land to make a living.

Even if they take up Crown land, they have to pay for it in instalments, and probably interest to other persons.

Mr. KELLY.—If the dairymen become dissatisfied with the award of the Court, will they go on strike as the members of the Australian Workers' Union did?

Mr. SPENCE.—The workers of the Australian Workers' Union have never gone on strike, nor have they ever been before the Arbitration Court. They have never had a show, but are waiting for this measure to pass. Reference has been made to the employment of children in the dairying industry. I take it that one of the duties of law-makers is to secure adequate protection for children. We should all champion their interests. I do not hold with the old idea that, because one is the father of a child, and bigger than it, he should ill-treat it. In some of the dairies, however, that is practically what happens. All hands have to fall to, and work hard. There is probably more slavery in the dairying industry than in any other. Work there goes on for 365 days in the year; and, while it is not always very hard, it is tedious, and very severe upon the children who are called on to bear a hand. If a case came before the Court, and the hours of labour were regulated, it would no doubt have an effect upon the employment of children, because, if the men did not commence work before a certain time each day, the children would not do so. In my opinion, the Act may do good in causing persons to get into better habits in the management of their business. I know of dairymen who do not work unreasonable hours, and yet are successful. It is unnecessary to work such long hours in any industry. The New South Wales Arbitration Court, however, has recognised that the conditions of industry vary, and while it permits some employes to work fifty-six hours a week, it has made the hours in other industries shorter. Bakers and carters have to commence work early, and so have butchers, especially on certain days of the week; but the Court has recognised the customs of the various trades, and, consequently, there has been no revolution. Apparently, some honorable members cannot sleep at night for thinking what would happen if the Bill were passed, and yet they tell us that its provisions will be practically inoperative. No advantage will be taken of the farmer at harvest time. What the measure does is to declare strikes illegal, and an offence against the law, and under it the New

South Wales experience will be repeated. There scores of unions have sprung into existence, and have been registered, where, previously, there was no organization, and in an immense number of cases grievances have been amicably settled between employés and employers. About 50,000 persons have been concerned in the awards already given.

Mr. SKENE.—Would the honorable member stop the work of harvesting in order to bring harvesters before the Court?

Mr. SPENCE.—It is reasonable to assume that what has taken place in New South Wales would take place under the Bill. I have taken part in an organization which has had in view the redressing of marked grievances in the agricultural industry. If honorable members are afraid that the measure will not be operative, I could undertake to stir the men up a bit more. The honorable members for Wannon, Gippsland, and Moira, all champion the cause of the farmer, and I should like to see what they would say if we organized a big strike during the hot weather, when the harvest was on.

Mr. ROBINSON.—It would be a failure, like another big strike which the honorable member organized last year.

Mr. SPENCE.—The honorable and learned member desires that those belonging to the agricultural and dairying industries should be privileged to go on strike, but he would prevent others from doing so.

Mr. O'MALLEY.—I rise to order. The honorable and learned member for Wannon has stated that the members of the Labour Party in this House organized a strike last year. I wish to know if that statement is allowable, because it is an absolute—

Mr. FRAZER.—Malicious libel.

Mr. O'MALLEY.—It is a malicious libel upon the party.

The CHAIRMAN.—The interjection was disorderly, and as it appears to have been distasteful to some honorable members. I ask the honorable and learned member for Wannon to withdraw it.

Mr. ROBINSON.—Certainly. I withdraw it.

Mr. McCAY.—The honorable member for Darwin has characterized the statement of the honorable and learned member for Wannon as a malicious libel. I desire to know if that is in order. If not, the honorable member should withdraw it.

The CHAIRMAN.—I think perhaps that the honorable and learned member who is

aggrieved should have made the complaint; but since my attention has been drawn to the matter, I ask the honorable member for Darwin to withdraw his statement.

Mr. O'MALLEY.—I withdraw my reference to a malicious libel, because I do not believe that the honorable and learned member for Wannon would be guilty of such a thing. I now characterize his statement as an unholy allegation.

Mr. SPENCE.—Some honorable members have claimed that no appeals have been made to the New Zealand Court by persons connected with the agricultural industry, and they have argued from this that it is not necessary to include those engaged in that pursuit within the scope of this measure. The answer to that is that in New Zealand the employers have been careful not to give the employés any reasons for extending their organization and bringing grievances before the Court. I have known as much as 2s. 6d. an hour to be paid for harvesting work in the Canterbury district. Labour was scarce, and the men took advantage of the opportunity to apply the law of supply and demand.

Mr. McCAY.—But the honorable member does not believe in the unrestricted application of the law of supply and demand.

Mr. SPENCE.—There is no such thing as the unrestricted application of the law of supply and demand under present conditions. It would be possible only under a complete let-alone policy, such as some honorable members would like to adopt. What occurred in Canterbury might also happen here, and our farmers might be called upon to pay ruinously high rates of wages in order to get their crops harvested. In such an event they would find their position much worse than it would be if they were required to pay a slightly increased wage to their hands all the year round. Therefore, even from the farmers' point of view, I think that the course proposed by the honorable and learned member for Wannon is a most unwise one, and I hope that he will withdraw his amendment. He might very well direct the whole of his energies to the consideration of the basic principle of land reform, with a view to enabling settlers to go on to the land under advantageous conditions. He would then find us ready to help him in every possible way. The difficulties under which our farmers labour are not caused by the high wages they have to pay to their hands. In

he early days of the Shearers' Union I met farmers in the electorate represented by the Prime Minister, who said that they did not object to pay 7s. a day to harvesters. They believed in good wages, because they realized that the higher the wages the better would be the market for their wheat. There are many influences which operate against the farmers, and render it difficult for them to make ends meet. Not only have many of them to pay high rentals, but the middlemen, who market their produce, impose heavy burdens upon them. The dairy-farmers of Victoria have recently realized this, judging from the disclosures which have been made in connexion with the butter Commission, and it is to be hoped that they will pay more attention to this particular part of their business. The farmers have not so much occasion to be afraid of their workmen as of others who are preying upon them. Those who are acquainted with the development of the butter industry in Ireland will know that since 1890, when co-operative dairying was brought into vogue, very great success has attended the industry. In Victoria and elsewhere the experience has been the same. The co-operative societies in Ireland found that they could carry on more successfully by combining their operations, as far as possible, and they also made arrangements, not only for dispensing with middlemen who previously derived profit from the sale of their produce, but also for entering upon the purchase of the materials used in connexion with their industry. In the very first year of these extended operations they saved over 40 per cent. upon the purchase of materials alone. By these and other methods the farmers could save a great deal of money without interfering with the wages of their employés. The conditions in Australia, under Federation, are very different from those which existed previously, and there is a strong tendency to organize inter-State unions of those employés who have common grievances, and who work under similar conditions in all the States. The circumstances under which the dairy-farming industry is carried on in Victoria and in some parts of New South Wales and Queensland are very much alike, and there are no insuperable obstacles to the organization of the employés in that industry upon an inter-State basis. A movement in that direction is already on foot, and I appeal to the Committee to leave the door open for these men to appeal to the Court

in the event of a dispute extending beyond any one State. I speak as one who desires to see the land occupied under the very best conditions, and I have no idea of injuring the farmers. I believe that it would be to their advantage if the agricultural industry were brought within the scope of this measure. I have never claimed that arbitration laws in themselves do anything more than secure peaceful conditions, and introduce better methods than those to which we have hitherto been accustomed for the settlement of industrial disputes. We should afford an opportunity to present or prospective organizations of employés in whatever industry, to avail themselves of the benefits of the measure, and I hope, therefore, that the amendment will be negatived. Progress reported.

## ADJOURNMENT.

### MILITARY UNIFORMS.

Motion (by Mr. WATSON) proposed—

That the House do now adjourn.

Mr. McCAY (Corinella).—I wish to direct the attention of the Prime Minister to a matter of some importance in connexion with the Defence Department. As he knows, certain allowances are made for the clothing and other expenses of the military corps. As matters stand at present, practically the whole of the Forces are to be provided with new uniforms. In the usual course, no money is paid in respect of the allowances referred to until the Estimates are actually passed; but I should like the Prime Minister to consider, as early as possible in the coming financial year, whether it would not be possible to allow an advance to be made to officers commanding corps, against their clothing allowances, in order to enable them to make arrangements for providing the new uniforms. I can quite understand that there may be difficulties in the way, because the commanding officers cannot order uniforms until they know that the money is in hand.

Mr. WATSON.—But suppose they received authority before the Estimates were passed, could they not order the uniforms?

Mr. McCAY.—I think that they could order uniforms up to the extent of their allowances if they knew that they would get the money. The matter is of some importance, and I shall be glad if the Prime Minister will consider it.



Mr. WATSON (Bland—Treasurer).—I shall be glad to consult with the Minister of Defence on the matter, and, if possible, accede to what seems to be a reasonable request.

Question resolved in the affirmative.

House adjourned at 10.40 p.m.

## Senate.

Friday, 3 June, 1904.

The PRESIDENT took the Chair at 10.30 a.m., and read prayers.

### PRINTING OF PAPERS.

Senator MACFARLANE asked the Vice-President of the Executive Council, *upon notice*—

If the Government will take steps to endeavour to have the printing of necessary documents done more expeditiously than is often the case?

Senator MCGREGOR. — The Prime Minister requests that the honorable senator will postpone his question, and, if possible, give further particulars of the papers to which he refers. I should also like to request that honorable senators, when giving notice of questions, will not ask for replies on a Friday, as the different Departments have no time on Friday morning to get out the information required to answer their questions.

### LEAVE OF ABSENCE.

Motion (by Senator PEARCE) agreed to—

That one month's leave of absence be given to Senator Croft on account of urgent private business.

Motion (by Senator TURLEY) agreed to—

That one month's leave of absence be given to Senator Givens on account of urgent private business.

### PAPERS.

Senator MCGREGOR laid upon the table the following paper:—

Proclamation of commencement of and regulations under the Patents Act.

The CLERK laid upon the table the following paper:—

Return to order of the Senate of 2nd June, 1904, relating to the secret service code incident.

## SEAT OF GOVERNMENT BILL.

*In Committee* (Consideration resumed from 2nd June, *vide* page 1896):

Clause 2, as amended—

It is hereby determined that the Seat of Government of the Commonwealth shall be within the territory bounded on the north by a line running parallel with and twelve miles south of the thirty-sixth parallel of south latitude, and within twenty-five miles of \_\_\_\_\_, in the State of New South Wales.

Upon which Senator TRENWITH has moved, by way of amendment—

That the word "twenty-five" be left out with a view to insert in lieu thereof the word "fifty."

Senator MCGREGOR (South Australia—Vice-President of the Executive Council).—I have a suggestion to make which I think may bring about the desired harmony amongst honorable senators. In consultation with other senators this morning it was agreed that instead of the parallel indicated by the amendment of Senator Pearce there might be proposed in order to define the territory a line from Pambula to Cooma, and from Cooma due west to the River Murray. That would include Twofold Bay, which, in the minds of many honorable senators, is a very important feature, and it would exclude the corner which has been referred to by Senator Millen. In order to carry out that suggestion it would, of course, be necessary to go on with the Bill, and recommit the clause for this purpose. I mention the matter now that honorable senators may give it consideration.

Senator MILLEN (New South Wales).—I rise not to oppose but to support the suggestion which has been made by the Vice-President of the Executive Council, but I should like to be clear as to what would be the effect of carrying the amendment now before the Committee. I should imagine that in view of the suggestion which has been made by Senator McGregor, it is the desire of the Committee to terminate the discussion upon this clause as rapidly as possible, as it will have to be recommitted. The simplest way would be to negative Senator Trenwith's amendment, and on recommitment to alter the clause in accordance with the suggestion which has been made.

Senator MCGREGOR.—I should prefer to have some place referred to in the clause indicating the site. The question of the distance from the site to be indicated is not to my mind a matter of great consequence. If we were to decide that the distance from the site indicated should be fifty miles, that

would take us into territory a considerable distance beyond the defined territory within which the sites will ultimately be situated. The object which Senator Trenwith had in proposing his amendment was to satisfy honorable senators who are divided in opinion on the merits of Dalgety, Bombala, and Delegate, and if his amendment were accepted, the territory embraced would include each of those places. So long as some site is indicated, it is a matter of indifference to me whether the distance from it is stated at twenty-five or fifty miles.

Senator Lt.-Col. GOULD (New South Wales).—I think it would be well if the Vice-President of the Executive Council would agree to follow the course suggested by Senator Millen. We are satisfied that the majority of honorable senators believe that some site in the Southern Monaro district should be selected. Within the area suggested, Dalgety, Delegate, and Bombala are situated, and as there is a difference of opinion as to which of those sites should be chosen, it would perhaps be as well to leave the clause in such a form as to define generally the area, and leave the Government with a free hand to negotiate with the Government of New South Wales for the site for the Capital. Of course the Government would not attempt to finally decide on any particular locality without consulting Parliament. I believe that we shall get through the work more rapidly if the course suggested by Senator Millen were adopted.

Senator MCGREGOR.—Very well; I agree to that.

Amendment negatived.

Clause, as amended, agreed to.

Clause 3—

The territory to be granted to, or acquired by, the Commonwealth, within which the Seat of Government shall be, shall contain an area not less than the area contained by a square whose side is 30 miles in length.

Senator WALKER (New South Wales).—I move—

That after the word "than," the words "one hundred square miles" be inserted.

My reason for proposing the amendment is that it will comply with the wording of the Constitution. If we insert 100 square miles as the minimum area, honorable senators will see that it will not prevent a maximum area of any extent being acquired. I think it is better to adhere to the words of the Constitution. If, as is here proposed, we fix the minimum area at 900 square miles, there will be no opportunity to reduce that area. I think we should have a suffi-

cient territory to include the necessary catchment area. That might involve the acquisition of 300 or 400 square miles, but I do not think that the New South Wales Parliament would consider favorably such a minimum as 900 square miles. I submit the amendment with the object of promoting the settlement of the question.

Senator MCGREGOR.—I hope Senator Walker will not press his amendment. In view of the suggestion which has been made this morning, and seeing that the area included within the lines to which I have referred embraces a large extent of rough country, there should be very little difficulty when negotiations are entered into with New South Wales in inducing the Government of that State to grant an area considerably greater even than 900 square miles. If Senator Walker and other honorable senators will view the matter in that light they will let the Bill go through as proposed.

Senator WALKER.—I do not desire to limit the maximum area.

Senator MCGREGOR.—I am aware of that; but the honorable senator's amendment defines the minimum area to be acquired, and I think it would be a very wise thing for the Parliament of the Commonwealth to give an indication, no matter how slight, of the views which we hold with respect to the maximum area. This is the only opportunity which we shall have to do that. If we say, as the honorable senator proposes, that the area should be not less than 100 square miles we may give the Government of New South Wales an idea that we would be satisfied with that extent of country. Honorable senators are aware that the majority of the members of the Federal Parliament would not be satisfied with it. I think we may safely pass the Bill as it stands, and leave the area, within the limitation set out, to be the subject of negotiations.

Senator MILLEN (New South Wales).—The alteration of the clause in the manner suggested by Senator Walker's amendment would in no sense hamper the Government in subsequent negotiations. If we agree to the large minimum area proposed in the Bill we shall, however, hamper the Government.

Senator MCGREGOR.—No.

Senator MILLEN.—Suppose that an area, extremely convenient on account of its geographical features and boundaries, were suggested for the Federal territory, and it

was found to be a square mile or two under the minimum 900 square miles?

Senator FINDLEY.—We hope to get considerably more than that.

Senator MILLEN.—I have no doubt that Senator Findley hopes to get a great deal more than he will get. Suppose it were found that within a circle embracing well-defined geographical features there was an excellent area suitable in every way for the purpose we have in view, and that it contained only 899 square miles.

Senator HENDERSON.—That would not matter.

Senator MILLEN.—I am aware that it would not matter to the honorable senator, who would prefer that the Federal Parliament should sit here for ever; but it would involve the passing of an amending Bill before we should have power to accept such an area. I could understand the objection of honorable senators if they had no confidence in the way in which the Government would conduct the negotiations with the New South Wales Government. I have every confidence that the present Government will endeavour to get as large an area as they possibly can.

Senator FINDLEY.—We have confidence in the wisdom of the New South Wales Government, inducing them to concede a large area.

Senator MILLEN.—Then there should be no necessity to provide a hard-and-fast minimum of 900 square miles in this Bill. If we accept Senator Walker's amendment, there will be nothing to prevent the Government negotiating with New South Wales for the largest possible area. There is a serious practical objection to carrying the clause in its present form. A most suitable area might be short of the minimum fixed by two or three square miles, and we should be prevented from acquiring it.

Senator HENDERSON.—Nothing would stop us from getting that area under such circumstances.

Senator MILLEN.—I point out to the honorable senator that it would be a very foolish thing to cross a mountain, a river, or a good natural boundary of that kind to secure an extra two or three square miles. Any man who has had anything to do with land, or even with the division of a State into electorates, knows what a convenience it is to follow natural lines in fixing boundaries. If honorable senators have confidence in the Government, why impose this increased minimum?

Senator FINDLEY.—We want to have a larger area if we can get it.

Senator MILLEN.—No doubt the honorable senator would like to grab everything; but he is not going to get it. The question is not whether the area shall be large or small, but whether the Government are to enter into negotiations with their hands tied. I do not want to tie the hands of the Government. The Constitution has tied them to some extent, but let them enter into these negotiations as free as possible. They can ask for half-a-million acres if they think fit. But to fix a minimum area is to do two things. It is, first of all, to fix an area which may be disadvantageous from the practical stand-point; and it is also an affirmation by honorable senators that they are not prepared to trust the Government in these negotiations. I ask the Committee, even if they do not follow the words of the Constitution, at any rate, not to limit the power of the Government in their efforts to arrive at an amicable settlement of this question. What is exactly the area which we want? Some honorable senators say 5,000 square miles. A little while ago Senator McGregor said 10,000 square miles. If that is the opinion of the Senate, we may reasonably ask for some guarantee that when the Commonwealth asks for a minimum of 900 square miles, it does not mean the whole of the State of New South Wales. Already we have jumped up from 100 square miles to 900. How much further are we going?

Senator FINDLEY.—Mr. Oliver, the Commissioner appointed by the New South Wales Government, proposed 1,200 square miles.

Senator MILLEN.—There is no representative of New South Wales in this Parliament, or in the State Parliament, who has not repudiated that idea.

Senator FINDLEY.—The Government of the State appointed that gentleman, not the members of the Federal Parliament. I take it that he is an expert, whose opinion is worth something.

Senator MILLEN.—How far does Senator Findley propose to follow Mr. Oliver's opinion? Only just so far as it suits him. This touching regard for the opinion of an official is refreshing, coming from Senator Findley, who has never hitherto been known to accept any opinion but his own. I suppose that if there is one honorable senator more than another who is prepared to reject expert opinion, it is Senator Findley.

All I wish to point out is that in no sense shall we jeopardize our prospect of obtaining a larger area, by adopting the minimum set out in the Constitution. On the other hand, we shall tie the hands of the Commonwealth Government if we put in the larger minimum. For that reason I propose to support the amendment.

Senator STYLES (Victoria).—I rise to caution the new senators against the last speaker. He is, perhaps, one of the most astute members of the Senate. Certainly he is one of our nicest mannered senators. It is so easy for a new senator to be led astray by one who has such a plausible manner as has my honorable friend. He asks, "Why not allow the Government to make the best bargain they can with New South Wales?" And he adds, "I have every confidence in this Government." But while he said that, the honorable senator held the belief that the present Government would not be in office to carry out the negotiations. A vote of censure on the Government is to be moved in another place. Senator Milten believes that it will be carried, and that the incoming Government, headed by his leader, will make the arrangement with the Government of New South Wales. He asks, "Why do you object to allowing the present Government to make arrangements with New South Wales?" although he does not believe for a moment that the present Government will have an opportunity of doing so. Of course he may be misguided in that respect.

Senator Lt.-Col. GOULD.—If a change of Government is to take place in the immediate future, this Bill will not become law.

Senator STYLES.—I cautioned the members of the Government the day before yesterday to beware of honorable senators opposite in all circumstances. I recollect that when the Electoral Bill was before the Senate they put their case in a nice plausible manner, and had the supporters of the present Government with them for one day. But only for one day.

Senator MILLEN.—I wish Senator Styles would talk about us like this in New South Wales!

Senator STYLES.—The representative of any State has quite enough to look after in his own State without running away to New South Wales; but if I were there I should not have the least hesitation in saying what I have just said.

Senator PEARCE.—Is Senator Styles in order in discussing the political character of the New South Wales senators?

Senator STYLES.—I have an admiration for honorable senators opposite, although I do not admire their politics.

Senator PULSFORD (New South Wales).—My honorable friend Senator Styles desires to pose as the champion boggy man of the Senate. He is always raising terrible pictures of what is going to happen. On the point of astuteness, I would remark that the honorable senator, who has been arguing so as to procure a large area of New South Wales territory, has, above all others, pointed out to the Senate that the Capital cannot be constructed unless we incur the expenditure of a great many millions of money. It is quite evident that the bigger the area of which the Commonwealth takes possession, the larger must be the expenditure.

Senator MILLEN.—And the longer the delay in securing the territory.

Senator PULSFORD.—Senator McGregor referred to the fact that the country in Southern Monaro is of a very rugged character. He put that as a reason why the Commonwealth should obtain a considerable area. Southern Monaro has not been finally accepted. It is quite possible that Lyndhurst or Tumut may be finally accepted. Rough country, such as has been described, does not exist there. But if we adopt a clause requiring a large area in connexion with country that is rough, and the site containing the rough country is not finally accepted, that clause will stand, although, according to Senator McGregor's logic, the larger area would not be required in better country. Therefore I deprecate the provision for the larger area, unless it is asked for on the grounds given by Senator McGregor. If, when the site has been finally agreed upon, we say to New South Wales that the area granted should be determined by a due consideration of the geographical and physical requirements of the district, that will be a reasonable way of putting our case. But to fix upon a hard-and-fast number of miles on the ground that one site contains very rough country, when the provision with regard to area may afterwards be applied to some of the best territory in New South Wales, is rather ridiculous. Senator Styles asks—"What is 900 square miles out of 310,000 square miles?" He has figured out the percentage. Let me point out, that 310,000 square miles are like 310,000

coins, which might vary in value from sovereigns to halfpennies. If any one said, "I want so many thousands of these coins; I am only to take a certain percentage of the total number; but I want them all to be sovereigns," that would be taking a very much larger value than the percentage. I want to guard against that mistake. A small area may represent a very large value. Therefore, until the actual site of the Capital has been settled, I do not see that we can expect New South Wales to grant a very large area.

Senator STANFORTH SMITH (Western Australia).—Senator Millen has said that if we adopt Senator Walker's amendment, it would not hamper the Government in any way. I think it would hamper the Government, by putting them in a false position in negotiating with New South Wales. The inference would be that the Senate desired to obtain about 100 square miles, and did not stipulate for a larger area. The Constitution permits the Federal Parliament to acquire "not less than 100 square miles." I hope that the Parliament will limit the Capital area to not less than 900 square miles. It is just as well, in negotiating with New South Wales, that that State should clearly know what is the desire of the Federal Parliament. As I have said, I do not like the wording of this Bill. The Vice-President of the Executive Council has admitted that any area which we acquire beyond 100 square miles is a matter for negotiation with the Government of New South Wales. It would have been much better had we recognised that position, and said in the Bill that, with the concurrence of New South Wales, we require an area of not less than 900 square miles. We say in this Bill that the Seat of Government shall contain an area of not less than 900 square miles, but we make no reference to the rights of New South Wales. We, of course, occupy a strong position when we say, "We will not accept any territory unless we have an area which we believe to be large enough to provide for all time for the Capital, the suburbs, the water supply, the parks, and so forth, being within the Federal jurisdiction." But, while we can say that we will not accept any area that will give us a town divided against itself—one portion of which will be under the jurisdiction of New South Wales, and one portion under the jurisdiction of the Federal Government—we must at the same time recognise that New South Wales has some rights, and that

we cannot, without consulting her, say that we will have 900 square miles. That being so, it would be better to say in this Bill that, with the consent of New South Wales, the area shall be not less than 900 square miles. We need not ask for a large area in order to try an experiment in land nationalization. But we must have a catchment area within our own territory, and we also require to have large parks. The catchment area might possibly cover 100 square miles. What is the size of the Yellowstone Park, in the United States?

Senator MCGREGOR.—The area of this is 3,575 square miles.

Senator STANFORTH SMITH.—We also require a large area for a lake. At one of the sites it is proposed to have a lake three miles across. That would involve the acquisition of an area of many thousands of acres.

Senator STYLES.—Ten square miles.

Senator STANFORTH SMITH.—All these matters have to be considered. Possibly we shall require to have manufactures in time to come. All we need to ask the New South Wales Government is to allow us to have a sufficient area to guarantee that all these various concomitants of a Capital shall be under the jurisdiction of the Federal Government. When we have the area it will be for us to say how we shall dispose of it. Personally I think we should not sell on fee-simple of any land. But that will be a matter for subsequent consideration. We simply require to make out a case for 900 square miles. We should show a better disposition in negotiating if we said that we require this area, and wish for the concurrence of the New South Wales Government in obtaining it.

Senator DOBSON (Tasmania).—There is a good deal in what Senator Smith has just said, and, with a view of gathering up all the points he has made—of which I thoroughly approve—I propose to submit an amendment. I can do so only if Senator Walker's amendment is withdrawn or negatived. I first of all thought that it might be as well to leave out clause 3. But if we intend to affirm that we want a larger territory than 100 square miles, possibly that would not do. We desire to consider the rights of New South Wales, but we also desire to uphold the rights of the citizens of the Commonwealth as embedded in the Constitution. We wish to do what is fair.

Senator MILLEN.—That is pleasant.

Senator DOBSON.—I am glad to have the honorable senator's testimony to

hat effect, and will call attention to the terms of my amendment. After the word "area" I propose to insert "of not less than 100 square miles, and, subject to the consent of the Government of New South Wales, such larger area, not exceeding, with the 100 square miles, 900 square miles, as will give access from the Seat of Government, when the same is determined, to the port of Two-fold Bay, and as will include the area necessary to protect the water-shed which is to supply the Seat of Government with water."

Senator MCGREGOR.—We cannot do that.

Senator DOBSON.—Why does the Vice-President of the Executive Council say that we cannot do what I propose?

Senator MCGREGOR.—Because of the Constitution.

The CHAIRMAN.—Senator Dobson cannot submit his amendment until we have disposed of Senator Walker's amendment.

Senator WALKER (New South Wales).—Senator Dobson does not seem to recognise that the first four words of his amendment form part of my amendment.

Senator DOBSON.—I am afraid that Senator Walker's amendment will be negatived.

Senator WALKER.—I cannot accept the suggestion to withdraw my amendment.

Senator MULCAHY (Tasmania).—Clause 3 presents to me one or two difficulties, on which I may have to ask the ruling of the Chairman, and, possibly, the ruling of the President. The words of the clause, "the territory to be granted to," indicate one thing, and "or acquired" indicate another. The Constitution distinctly provides that the Federal territory shall contain an area of at least 100 square miles. I am one who desires to see a large area secured, though, at the same time, I do not like the idea of trespassing on, or dictating to, New South Wales as to any area over 100 square miles, a matter which, in my opinion, it is for New South Wales to determine. A much larger area than 100 square miles will doubtless be required to give access to the sea, apart from the question of water conservation. The point on which I desire to obtain a ruling is whether we, as a Senate, have the right to pass a Bill involving the expenditure of money, even for the requirements of a Federal Capital.

Senator STANFORTH SMITH.—This Bill does not provide for the expenditure of money.

Senator MULCAHY.—Does it not say that the Commonwealth may acquire land?

Senator DAWSON.—That question has already been settled by the President.

Senator MULCAHY.—I am, of course, speaking in ignorance of any ruling on the point.

Senator MILLEN.—Surely Senator Mulcahy's experience will tell him that he cannot raise that point of order at this stage?

Senator MULCAHY.—I do not see how the Commonwealth can acquire a large area of land from private owners without paying for that land.

Senator PEARCE.—A special Appropriation Bill will be introduced for that purpose.

Senator MULCAHY.—I shall not enter into that point now, but confine myself to the main issue. I shall be much better pleased if the Senate were not to indicate any area. We know that the Commonwealth Government will secure the largest area and the best terms and conditions possible; and I should like to see it left to the present Government, or their successors, to negotiate with the Government of New South Wales. The wording of the clause appears to me to be ridiculous. If we want 900 square miles, why not say so straight out?

Senator MCGREGOR.—I have already said several times that the area required greatly depends on the position.

Senator MULCAHY.—Is it not, therefore, foolish on our part to indicate the area?

Senator MCGREGOR.—To provide for not less than 900 square miles will simply indicate to the New South Wales Government that the Federal Parliament requires an area of some considerable extent. I have already intimated that a number of honorable senators are prepared to accept a territory indicated by a line drawn from Pambula to Cooma, and thence west to the Murray. My wish is to give honorable senators an idea of the character of that country, and then ask them if they think there will be any great difficulty in having the whole handed over.

Senator WALKER.—Enormous difficulty.

Senator MCGREGOR.—Dalgety, Delegate, and Bombala are within thirty or forty miles of each other, and it is in their immediate locality that any good land is to be found. As we approach the mountain ranges to the west, the country reached is not such as the New South Wales Government would object to give for Federal purposes. I may also state that the very large area to the westward, including

Mount Kosciusko, is really a portion of the catchment area which will ultimately be necessary for any Federal city.

Senator Lt.-Col. NEILD.—Perhaps it would be as well to annex the clouds, which certainly have something to do with the catchment area.

Senator MCGREGOR.—As soon as we pass Cathcart, on the way to Eden, the road is down the edge of the mountain, and those who have traversed the country will at once admit that, up to the present, New South Wales has made very little use of it. In my opinion, having regard to the character of the country, the New South Wales Government would be willing to cede it to the Federal Government. The area within a line drawn from Pambula to Cooma, and from Cooma to the Murray, thence following the Victorian or New South Wales border, is approximately 5,070 square miles; and, with the exception of 1,000 or 900 square miles, the land is all of the rough character I have already described.

Senator MILLEN.—With the exception of what area?

Senator MCGREGOR.—With the exception of about 1,000 square miles of what may be called moderately good country. Senator Millen knows that district as well as anybody does, and I think he will admit that what I say is very nearly correct. There will, I think, be very little difficulty in making arrangements with New South Wales. I certainly cannot consent to any amendment which will indicate that the Commonwealth Government are prepared to accept an area of less than 900 square miles. We think, as a Government—and I believe Parliament will support us—that to mention 100 square miles would be to indicate too small an area.

Senator MILLEN.—Will the Government be satisfied with 900 or 1,000 square miles?

Senator MCGREGOR.—In some places that area would be quite sufficient, but Senator Millen must know that for the purposes of a Federal Capital or Seat of Government it would require nearly the whole of that area to give effect to the opinions which have been expressed by different senators.

Senator MILLEN.—Let us understand, then, that the Government are after 5,000 square miles of country.

Senator MCGREGOR.—The honorable senator may, of course, put the matter in that way if he likes; I am not particular.

I am dealing with the position before us; and I say that the Government provide in this Bill for not less than 900 square miles for the purpose of indicating to the New South Wales people and Parliament that an area of at least a reasonable character is required.

Senator O'KEEFE (Tasmania).—Senator Walker will, I think, see the wisdom of withdrawing his amendment if he desires that we shall make any progress with the Bill. Senator Walker and others object to an area being named, which is, in the opinion of the majority, undoubtedly required. It has been made manifestly clear that a majority of honorable senators are very strongly of opinion that there should be acquired, at least, 900 square miles.

Senator WALKER.—Will the Government make that the maximum?

Senator MCGREGOR.—It would be foolish to do so.

Senator O'KEEFE.—If we accept Senator Walker's amendment, the New South Wales Government will assume that we will be content with 100 square miles.

Senator WALKER.—As a minimum.

Senator O'KEEFE.—But 900 square miles is the minimum favoured by a large majority. The Constitution may mention 100 square miles, but we have power to legislate in this connexion, and in doing so we ought to make it clear what minimum we think is necessary.

Senator WALKER (New South Wales).—If Senator O'Keefe desires to make progress it would be better for him not to speak, but allow us to proceed to vote at once. The Constitution names a minimum of 100 square miles, whereas Senator McGregor desires that the minimum should be 900 square miles. If the minimum of 100 square miles may be multiplied to 900 square miles, a minimum of 900 square miles may be multiplied to 8,100 square miles. In the first instance, the Vice-President of the Executive Council suggested 24,000 square miles, whereas now, I understand, he is willing that there should be 5,000 square miles.

Senator MCGREGOR.—I am a reasonable man.

Senator WALKER.—It would appear that what the Government desire is a new State, and not merely a Federal Territory.

Senator DAWSON.—Does not the Constitution absolutely provide for the possibility of a new State?

Senator WALKER.—What harm can there be in leaving the minimum of 100 square miles as provided by the Constitution?

Senator DOBSON (Tasmania). — I give—

That the amendment be amended by adding the words: "and, subject to the consent of the Government of New South Wales, such larger area not less than, with the 100 square miles, 100 square miles, as will give access from the Seat of Government, when the same is determined, to the port of Twofold Bay, and as will include the area necessary to protect the watershed which is to supply the Seat of Government with water."

I accept Senator Walker's words as to the minimum of 100 square miles, but, while I may satisfy Senator McGregor, I am afraid it shall come into collision with Senator Millen. I see objection to fixing a hard and fast area. It will be seen that this amendment differs from the amendment indicated, in that I have substituted the words "not less than" for the words "not exceeding." It has been pointed out that, having regard to the vast territory extending from the seaport on the one hand to the watershed on the other, the area required might amount to more than 900 square miles.

Senator MILLEN.—Or a little less.

Senator DOBSON.—Or a little less, of course; it would be a matter of negotiation.

Senator PEARCE (Western Australia).—I ask honorable senators to reject the amendment of Senator Dobson, on the ground that it goes too much into detail, and would unnecessarily tie the hands of the Government. If we say that there shall be an area containing a watershed, why not go on to say that the area shall contain all the materials necessary for building, and in other ways providing a Federal Capital? If we fixed a maximum as well as a minimum, I am sure that senators opposite would be the first to denounce the step as one which would preclude bargaining, and tie the hands of the New South Wales Government. When we fix the minimum we leave the determination of the maximum to negotiation. If an agreement can, or cannot, be arrived at, well and good; but I recognise the right of New South Wales to say that the Commonwealth is asking too much.

Senator Lt.-Col. GOULD (New South Wales).—The amendment proposed by Senator Dobson is altogether of too restrictive a character to meet the wishes of honorable senators generally.

The amendment proposes to take 100 square miles, but goes on to provide for such further area as, with the consent of New South Wales, will, while not amounting to less than 900 square miles, give access to Twofold Bay and provide for a catchment area. If Senator Dobson is anxious to have this larger area, it will be much better to limit the amendment to the first few words; that is to say, to take Senator Walker's amendment, so far as it goes, and then to provide for any such further area as may be granted by the Government of New South Wales. That point ought to be left entirely open. I still maintain that it would be much better to adhere to the minimum of 100 square miles in view of the provision of the Constitution, and with the clear knowledge, which everybody must have, that the Federal Government are anxious to obtain as large an area as the majority of honorable senators may desire. It was suggested, perhaps jokingly, that Senator Millen was in possession of certain secret information as to the course of future events, but assuming, for the sake of argument, that a new Government were to come into power, that Government would have to recognise the will of the majority in the Federal Parliament.

Senator O'KEEFE.—Is it not better that the will of the Parliament should be clearly expressed in this Bill?

Senator Lt.-Col. GOULD.—I do not see the necessity for it, because Parliament will retain the whip hand over any Government that may have to undertake the negotiations with the New South Wales Government on the subject. I think it would be better to carry Senator Walker's amendment in the way in which that honorable senator has proposed it. If there be any desire to make such an addition as Senator Dobson suggests, it would be advisable, even in the interests of those who desire the acquisition of a larger area, to include no words specifying the purposes for which the additional area is to be taken.

Senator DOBSON (Tasmania).—I do not think there is much force in the objections which so far have been raised on my amendment.

Senator MULCAHY.—It is too restrictive.

Senator DOBSON.—Instead of being considered too restrictive, it might almost be thought too comprehensive, as it would take in the port on the one hand and the watershed on the other.



Senator PULSFORD.—Does not the honorable and learned senator recognise how queer the clause would look, amended as he suggests, if Lyndhurst were ultimately chosen as the site.

Senator DOBSON.—I cannot consider any such possibility, because we have already decided on Southern Monaro as the locality in which the site shall be situated. We are invited by honorable senators from New South Wales to believe that there would be the very greatest difficulty in obtaining 900 square miles, or much more than 100 square miles, from the Government of that State. Is it not, therefore, better that we should say in this Bill that one reason why we wish to have 900 square miles or more is not that we desire to carry out a land nationalization scheme, but that we desire access to a port and the protection of the watershed. This amendment would strengthen the hands of Ministers in negotiating with the New South Wales Government. I think the Committee would do well to carry Senator Walker's amendment and so much of my amendment, in addition, as may be thought desirable.

The CHAIRMAN.—I remind the Committee that Senator Dobson's amendment will be put first.

Senator DOBSON.—It was my intention only to ingraft my amendment on that moved by Senator Walker.

Senator MCGREGOR.—Then the honorable and learned senator should wait until Senator Walker's amendment has been dealt with.

The CHAIRMAN.—I cannot take Senator Dobson's amendment in the way the honorable and learned senator suggests.

Senator MILLEN.—I should like to know how the Chairman proposes to put the amendment. Undue haste at this stage might land us in difficulties.

The CHAIRMAN.—Senator Walker has moved the insertion after the word "than" of the words "100 square miles." Senator Dobson proposes to add to those words certain other words, which I have already read to the Committee. I propose to put Senator Dobson's amendment as an amendment on that moved by Senator Walker.

Senator STYLES (Victoria).—As I understand the amendment moved by Senator Dobson, the area to be acquired over and above 100 square miles will be entirely dependent upon the Government of New South Wales.

Senator DOBSON.—It is to be a matter for negotiation with them, and it is to be

not less than 900 square miles, if we can get it.

Senator STYLES.—The idea is that Senator Walker's amendment is to be carried, and then certain words are to be added, giving the Government of New South Wales the power to say whether we shall have any more than 100 square miles. Why should we do this? When we know that we want 900 square miles, why negotiate with the Government of New South Wales for any less area? If the Government of New South Wales were to say that they would not be prepared to go any further than 200 square miles or 300 square miles, the whole business would be at a standstill. Senator Walker agrees with me that that is the meaning of Senator Dobson's amendment. Surely the Committee will not pass an amendment of that kind? If I had not seen the honorable and learned senator drafting it I should have attributed it to some of our honorable friends from New South Wales, because it plays right into their hands. I am surprised that Senator Dobson, with his legal training, should not only be led into a trap, but should walk into one he has laid for himself. We should adhere to the Bill as it stands, and to 900 square miles as a minimum. In the opinion, not only of a majority of honorable senators, but of a majority of honorable members in another place, 900 square miles would be little enough for the Federal Territory. I am speaking with special reference to Southern Monaro, and the remarks of the Vice-President of the Executive Council should convince any unbiased man that 900 square miles will be little enough in that part of the country. The honorable senator showed clearly that of 5,000 square miles only 1,000 square miles would be worth anything so far as the land is concerned. The hills would no doubt be very suitable for picnicing, but unless they contain minerals they are not likely to be of much use for anything else. I hope that the Committee will insist upon 900 square miles as the minimum area to be acquired.

Senator MILLEN (New South Wales).—There is one argument against the undue extension of this area which I feel called upon to press on the notice of the Committee; but, before I refer to it I should like to deal with some reflections that have been made by way of interjection on the rate of progress we are making. It is assumed that honorable senators from New South Wales are not anxious to expedite this

business. We can understand those who are trying to get something being expeditious, but it must be remembered that the representatives of New South Wales believe that a proposal is being made which is unfair to their State. That being so we are only exercising our right in seeking every opportunity to press our views on the Committee.

Senator PEARCE.—Honorable senators have failed miserably in showing that we are proposing what would be unfair to New South Wales.

Senator MILLEN. — We recognise the impossibility of convincing certain honorable senators, but that does not relieve us of the obligation to attempt to do so.

Senator O'KEEFE.—One honorable senator from New South Wales said this morning that he is prepared to bow to the decision of the majority.

Senator MILLEN.—Every minority must do that, but we have the right which a minority always has of fighting up to the last ditch when we think an injustice is about to be done. One grave objection to any undue extension of the area to be acquired is that it might affect the representation of New South Wales in the House of Representatives. I am not contending that if we were to acquire even the larger area of 5,000 square miles, as suggested by Senator McGregor, we should seriously disturb the quota contemplated by the Constitution. But it does seem probable that that is what would happen: Honorable senators are aware that under section 24 of the Constitution it is provided that if, when the quota, and the number of members to which a State is entitled has been ascertained, there is a remainder greater than one-half of the quota, the State shall be entitled to an additional representative. It will be seen from that that 1,000, 500, or 100 electors might represent the turning point.

Senator TRENWITH. One might.

Senator MILLEN.—As the honorable senator says, one might; and I say that honorable senators from New South Wales cannot consent to that State being deprived, not merely of acres, but of men, to any greater extent than is necessary for the proper purposes of the Federation. I can understand that this is a view which may have escaped the attention of honorable senators from other States; but it is one which must influence those who come from New South Wales. Would our Victorian friends stand quietly by if a project were

put forward to deprive their State of a representative? If there ever was a time when honorable senators should consider the character of the Senate it is now, when a proposal is put forward which may have the effect of depriving New South Wales of her due weight in the councils of the nation. I have no desire to unduly prolong the discussion; but I feel that I have advanced a point which, while it may not sway the decision of some honorable senators, is entitled to receive their consideration.

Senator TRENWITH (Victoria).—The point urged by Senator Millen can have very little weight if it is looked into. One of the circumstances connected with this proposal is that the New South Wales people were very anxious that the Seat of Government of the Commonwealth should be in Sydney.

Senator WALKER.—I have always opposed that.

Senator TRENWITH.—I accept the honorable senator's statement, but there still can be no doubt that the people of New South Wales were anxious to have the Seat of Government in Sydney.

Senator WALKER.—Some of the people; not those in the country districts.

Senator TRENWITH.—So far as we know anything of the matter, great indignation was felt by a number of people in New South Wales when it was suggested that Sydney should not be the Capital.

Senator WALKER.—Anti-Billites.

Senator MILLEN.—Do not say that; I am one of them.

Senator Lt.-Col. NEILD.—Here is another.

Senator Lt.-Col. GOULD.—And here is a third.

Senator TRENWITH.—There appears to be some warrant even in this Chamber for saying that there was in New South Wales a strong feeling that it would have been a good thing to have had the Capital in Sydney. I believe that if there had been no stipulation on the subject in the Constitution, and it had been shown that the people of New South Wales desired it, the Seat of Government probably would have been in Sydney. I point out that, if that had been done, there would have been taken out of the population of New South Wales some 400,000 people.

Senator WALKER.—That is exactly what we saw, and that is why we opposed it.

Senator TRENWITH.—It, therefore, seems to me that the argument urged by Senator Millen is obviously specious. However, considering the matter from the point

of view that there is a *bona fide* fear that New South Wales may lose some representation by an extension of the area to be acquired by the Commonwealth, I would ask what right has New South Wales or any other State to representation except on the basis of population, and how would the people who would be left, by being severed from some other persons with whom they had been associated, be injured in respect of their representation?

Senator MCGREGOR. — If New South Wales were cut in two, for instance.

Senator TRENWITH.—We might take that illustration for argument's sake. How would the people of the portion of New South Wales that would be left be injured relatively so long as their proportion of representation was maintained?

Senator MILLEN.—It has never been proposed that the citizens of the Federal Territory should be given the same measure of representation in the Federal Parliament as the citizens of the States.

Senator TRENWITH.—That question does not arise now. How will the people of New South Wales be injured so long as they retain their proper proportion of representation? Is New South Wales to be considered in some way as a sacred entity?

Senator MILLEN. — We should disfranchise the people we cut off.

Senator TRENWITH.—That is an aspect of the matter which was not presented to us by the honorable senator when he spoke, and it does not specially affect him as a representative of New South Wales. It is, however, a very important matter, not only for the Commonwealth Government, but for the people of all the States, including those of New South Wales, that we should have an area large enough to enable us to develop such conditions as may seem desirable in the interests, not of one or two of the States, but of all. The Federal consideration should always be before our minds. The necessities of a single State should not be specially considered, unless it can be shown that a special injustice is being done, or a special hardship inflicted that is not warranted in the general interests of the people. I go the length of saying that if in the interests of the Commonwealth as a whole it were necessary to do something which, looked at from the New South Wales point of view, might be considered a hardship to that State, it would still have to be done.

Senator MILLEN.—It evidently will.

Senator TRENWITH.—The honorable senator makes that interjection as if he considered it were a wrong, but it is a well known axiom of government that the interests of the individual must be subordinate at all times to the aggregate interests of the whole of the citizens. The same principle applies in Federation. The interests of the individual State must always be subordinated to the interest of the aggregate States. I do not think that an injury would be done to New South Wales if 10,000 square miles were taken. In fact, I think that a distinct advantage would be conferred upon that State. But that point is not worth arguing, because it does not touch the question. The question for us to consider is whether it is necessary that the Commonwealth should have a considerable area. That point being once settled, it is unimportant whether the citizens of a certain State, or States, consider that incidentally their interests would be prejudiced. So long as we are satisfied that a certain condition is necessary in the interests of the Commonwealth, it is altogether unimportant whether a State, or States, consider their interests to be prejudiced.

Senator Lt.-Col. NEILD (New South Wales).—The proposition of the honorable senator who has just spoken—namely, that the interests of the individual must always give way to the interests of the greater number—would be a very fine argument to be used by a gang of Bedouin robbers towards a man who was worth robbing. The interests of the individual would have to be subordinated to the interests of those who were going to rob him. I congratulate the honorable senator on the ingenuity with which he put his proposition. I have been sitting here all the morning, maintaining a fine eloquence of silence and listening to the development of what is known as the policy of grab. I have never listened with more pleasure in my life to evidences of the hidden springs of human action and human eloquence. I find that there is no lack of the most beautiful phrases and the most excellent arguments—so long as they are not pushed to their extremes—in favour of the policy of grab. I am going to say something which, perhaps, will throw down the golden apple of discord, but I am not here to make any promise to vote away such an area of the State of New South Wales as no member of the Federal Convention ever dared to intimate it was contemplated to demand. If such

a proposal as that which we are now discussing had been included in the Commonwealth Bill, there would have been no more hope of Federation existing to-day than there is hope of this grab policy being given effect to by the people and Parliament of New South Wales. After three short years of a mixed career, the area of 100 square miles which the people voted upon is to be augmented ninefold as a minimum. I can only say that while such a proposition is eminently favourable as an evidence of temerity, I do not think—I hope that what I am going to say will not hurt any one's feelings—that it is an honorable position to take up that the Capital shall not be established according to law unless we accede to any demand that a majority insists upon. We are assured that if New South Wales does not give exactly what we like to ask for, there will be no Capital. All right then—I say there will be no Capital; for New South Wales will never give way to such unfair demands.

Senator PEARCE.—Then there will be a Capital in another State.

Senator MILLEN.—Then New South Wales will not be in the Union.

Senator Lt.-Col. NEILD.—That is very much more like it. I should be recreant to my trust if I came here and supported such propositions as are now submitted.

Senator DOBSON.—I rise to a point of order. My honorable friend says he has been listening all the morning to arguments which show that unless a policy of grab is successful there will be no Federal Capital. I have heard no arguments in favour of such a policy, and I call attention to the fact that my amendment is moved to avoid such a state of things.

The CHAIRMAN.—I can hardly sustain the honorable senator's point of order.

Senator DOBSON.—But Senator Neild has made a statement which is not correct.

Senator Lt.-Col. NEILD.—If what I have stated was not said to-day, it was said last night. If I have erred in allowing my recollection of last night's debate—which is part and parcel of the present one—to conflict with what I have heard to-day I regret it. But certainly such sentiments as I have described have been uttered. As one of those who endeavours to do his duty in representing the interests of New South Wales—as well as his duty to the Commonwealth—because I do not think any honorable senator will accuse me of being merely a local senator; I have given evidence of an interest in other States as well

as in my own—I say that I should not be discharging my obligations if I did not voice a sincere deprecation of the demands that are now being made. Practically they mean that the Commonwealth should acquire territory from Kosciusko to the sea. I do not believe that New South Wales will concede the port of Eden. As honorable senators know, I am a comparatively old member of the New South Wales Legislature. I know something of the feelings and ideas that actuate the majority of that Legislature. I know something of the opinions of the inhabitants of the State in which I have lived for over forty years.

Senator FINDLEY.—I thought the Federal spirit animated the people of New South Wales?

Senator MILLEN.—It did until the honorable senator's party killed it.

Senator Lt.-Col. NEILD.—The "Federal spirit" was one of the wretched catch cries used by deluded enthusiasts to mislead the rest of Australia. I do not say they used it with the intention of misleading. But I certainly say that a great number of very honorable men were misled and self-deluded as to what would happen if this Federal bond were cemented. My honorable friend Senator Walker was one of the most deluded of the number. He keeps up a fine evidence of his strong belief in the advantages that have accrued from Federation, but I think that if I challenged him he would find it rather difficult to point to what the particular advantages are. The demand now made is out of all proportion to the necessities of the case, and out of all proportion to the proposition submitted to the people of Australia. The clause is so framed that the boundaries of the Federal area can be zig-zagged through New South Wales territory here, there, and everywhere, and so that the best of the country can be "peacocked." I suppose there is a sufficient number of Australians present to know what the term "peacocking" means in connexion with picking out the eyes of the country. I intend to move an amendment upon Senator Dobson's amendment. I propose to omit the words—

"as will give access from the Seat of Government when the same is determined to the port of Twofold Bay and."

If my amendment is not agreed to, and Senator Dobson's is carried, what will be the result? We shall be passing a clause that will enable the selection of a large area of land in some part of Southern Monaro, with

a strip for a railway line to the port of Twofold Bay, and then we shall be able to grab in the immediate vicinity just as much more territory as is necessary — for what? For a port that will never be likely to be of any value without very great expenditure. I put it to the advocates of restricted expenditure in this matter: What in the world would be the use of Twofold Bay without the expenditure of a million of money on a breakwater? Those are the official figures. Another million of money would be required for a railway.

Senator MCGREGOR.—Those are considerations for the future.

Senator Lt.-Col. NEILD.—Do what we like in the Federal territory, we shall never be able to create a manufacturing centre there. There is no coal.

Senator PEARCE.—What about water-power?

Senator Lt.-Col. NEILD.—Water-power will take the place of coal to a certain extent. But what could we manufacture there? We might grind wheat; but are manufacturers and merchants such imbeciles that they would carry good to such a place? Is it certain that there is sufficient water-power for private use in addition to what would be required for public purposes?

Senator STYLES.—We had plenty of factories in Victoria before coal was discovered here.

Senator Lt.-Col. NEILD.—But not fifty miles from a port, and in a place only to be reached over a mountain range.

Senator PEARCE.—There were manufacturers at Ballarat.

Senator Lt.-Col. NEILD.—There were a few little things that would not have lived a week without a Government subsidy. But even in Ballarat the manufactures were in the vicinity of a large population. The Federal Capital would not have a population equal to that of Ballarat for the next fifty years. I cannot see that we should be acting wisely in carrying Senator Dobson's amendment in its present form. My amendment will not necessarily preclude Twofold Bay if we can get it. But to insist on Twofold Bay as a *sine qua non* shows a lack of appreciation of the difficulties that lie in the way. To lay it down that we require nine times the area originally proposed, that we want a port, that we want to take in the roof of Australia—as Kosciuszko has been described—and then that we must have a frontage to a river, and a border adjoining another State, is to prescribe con-

ditions that cannot be fulfilled. Nothing could be devised by the ingenuity of man more effectually retard the establishment of the Capital than multifarious amendments. I was almost going to describe them as notorious amendments. It is just as well for honorable senators to know that in crying for the moon they are not going to get it.

Senator DOBSON.—I will accept Senator Neild's proposal. I ask the leave of the Senate to leave out all the words of the amendment after "nine hundred miles."

Senator TRENWITH.—I object to the request for a port being withdrawn from the amendment.

The CHAIRMAN.—If Senator Trenwith objects to the amendment being amended, it cannot be done.

Senator MILLEN (New South Wales).—I must say that I have got a little bit "boxed," and shall be glad to know exactly how we stand. Senator Neild's proposal amendment appeared to meet my views except that I might have suggested one or two minor alterations. But, as Senator Dobson has not amended his amendment, I do not understand the position.

The CHAIRMAN.—The position is this: Senator Walker has moved an amendment to insert the words "one hundred square miles." Senator Dobson proposes to add certain other words; Senator Neild desires to move the omission from the amendment of the amendment of certain words, and his proposal Senator Dobson was prepared to accept, but Senator Trenwith objected to Senator Dobson's amendment being amended.

Senator MILLEN.—I understand that the latter words are withdrawn.

The CHAIRMAN.—No words have been withdrawn, that course having been objected to.

Senator Lt.-Col. NEILD (New South Wales).—Then I move—

That the amendment of the amendment be amended by leaving out the words "as will give access from the Seat of Government, when the same is determined, to the port of Twofold Bay and."

Senator MILLEN (New South Wales).—I understand that the objection raised by Senator Trenwith to Senator Dobson's request for leave to withdraw the words in question, arose from a desire to have affirmed the wish of the Senate to include Twofold Bay. I would point out that the Bill, as originally drafted, made no stipulation in this respect.

Senator TRENWITH.—I am under no obligation to support the Bill as originally framed.

Senator MILLEN.—If there had not been so much talk indulged in last night for which I hold honorable senators the other side responsible—there would have been a strong probability of this portion of the Bill being passed without any question of a seaport being raised.

Senator TRENWITH.—We are older now.

Senator MILLEN.—And I have been indulging in the hope that we were a little wiser. I am not at all certain, however, that we are wiser if we adopt the amendment in its present form.

Senator MCGREGOR.—Reject all the amendments.

Senator MILLEN.—I am quite willing to strike out these words. I rose for the purpose of pointing out that to insist on the retention of the words would really carry the proposal very much beyond that made in the Bill itself.

Question.—That the amendment of the amendment be amended by leaving out the words, "as will give access from the Seat of Government, when the same is determined, to the port of Twofold Bay, and" put. The Committee divided.

Ayes	...	...	8
Noes	...	...	19
Majority	...	...	11

AYES.

Neild, S.	Pulsford, E.
Neild, A. J.	Walker, J. T.
Macfarlane, J.	
Millem, E. D.	Teller:
McCarthy, E.	Neild, J. C.

NOES.

Walker, Sir R. C.	McGregor, G.
Lawson, A.	Pearce, G. F.
MacLargie, H.	Playford, T.
McDonson, H.	Smith, M. S. C.
MacKee, J. G.	Story, W. H.
MacIndley, E.	Styles, J.
MacLuthrie, R. S.	Trenwith, W. A.
MacAnderson, G.	Turley, H.
MacGigs, W. G.	Teller:
MacKeating, J. H.	O'Keefe, D. J.

Question so resolved in the negative.

Amendment of the amendment (Senator Dobson's) negatived.

Senator PEARCE (Western Australia).—I intend to vote against Senator Dobson's amendment, but I want it to be distinctly understood that I am not doing so because I am opposed to having a seaport within the Federal Territory. On the contrary, I

am in favour of a seaport. I vote against the amendment on the ground that it is not right to tie the hands of the Government in the negotiations.

Senator Lt-Col. NEILD (New South Wales).—I congratulate Senator Pearce in what he has just said; and I oppose the amendment for the same reason. The amendment will undoubtedly tie the hands of the Government, and unduly restrict the possibility of useful negotiation.

Senator Lt.-Col. GOULD.—And will probably offend New South Wales.

Senator Lt.-Col. NEILD.—Very likely; indeed, it goes without saying that the proposal, as it stands at the present moment, will be offensive to New South Wales.

Senator DOBSON.—Then we are all offensive, because we voted for Bombala for the reason that there was a seaport in close proximity to it.

Senator Lt.-Col. NEILD.—When I say "offensive," I hope that my remarks will not be regarded as offensive by any member of this Chamber. I do not use the word in any such sense; but New South Wales may probably take offence at the proposal in its present form.

Senator DOBSON.—Even if we say "subject to the consent of New South Wales"?

Senator Lt.-Col. NEILD.—That, of course, would make the position a little better.

Senator DOBSON (Tasmania).—If this question is to be settled by argument, what are we to say to the argument advanced by Senator Neild? Nine-tenths of the members of the Senate are prepared to vote for Bombala because that site has a seaport in its immediate neighbourhood, and when the matter was discussed previously we all insisted on a larger area, in order that it might include the seaport. I do not see how we can give offence to New South Wales by honestly showing on the face of the Bill what we desire.

Senator MILLEN.—But some honorable senators want a larger area for the purposes of land nationalization.

Senator DOBSON.—I agree that such a project is outside our constitutional rights, and for that reason I insert the words "subject to the consent of the Government of New South Wales."

Senator MILLEN (New South Wales).—I understand that the amendment before us provides for a second minimum of not less than 900 square miles.

Senator MULCAHY.—Subject to the consent of the Government of New South Wales.

Senator MILLEN.—I quite understand that.

Senator DOBSON.—The amendment states what the Senator desires, and leaves the matter to the New South Wales Government.

Senator MILLEN.—At present I do not know that the Senate does desire a minimum of 900 square miles. Instead of providing for a second minimum, I should like to revert to the terms of Senator Dobson's original amendment, which made 900 square miles the maximum. I find, however, that in my desire to expedite business I have overlooked the opportunity to move in that direction, and I must accept the inevitable.

Question.—That the amendment be amended by adding the words, "and subject to the consent of the Government of New South Wales, such larger area, not less than, with the one hundred square miles, nine hundred square miles, as will give access from the Seat of Government, when the same is determined, to the port of Twofold Bay, and as will include the area necessary to protect the watershed which is to supply the Seat of Government with water"—put. The Committee divided.

Ayes	...	...	13
Noes	...	...	14

Majority	...	...	1
----------	-----	-----	---

## AYES.

Dawson, A.  
Dobson, H.  
Findley, E.  
Guthrie, R. S.  
Henderson, G.  
Higgs, W. G.  
McGregor, G.

O'Keefe, D. J.  
Smith, M. S. C.  
Story, W. H.  
Trenwith, W. A.  
Turley, H.  
Teller:  
Keating, J. H.

## NOES.

Baker, Sir R. C.  
de Largie, H.  
Drake, J. G.  
Fraser, S.  
Gould, A. J.  
Macfarlane, J.  
Millen, E. D.  
Mulcahy, E.

Neild, J. C.  
Pearce, G. F.  
Playford, T.  
Pulsford, E.  
Styles, J.

Teller:  
Walker, J. T.

Question so resolved in the negative.

Amendment of the amendment negatived.

Question.—That after the word "than" the words "one hundred square miles" be inserted—put. The Committee divided.

Ayes	...	...	7
Noes	...	...	20

Majority	...	...	13
----------	-----	-----	----

## AYES.

Fraser, S.  
Gould, A. J.  
Macfarlane, J.  
Millen, E. D.

Pulsford, E.  
Walker, J. T.  
Teller:  
Neild, J. C.

## NOES.

Baker, Sir R. C.  
Dawson, A.  
de Largie, H.  
Dobson, H.  
Drake, J. G.  
Findley, E.  
Guthrie, R. S.  
Henderson, G.  
Higgs, W. G.  
McGregor, G.  
Mulcahy, E.

O'Keefe, D. J.  
Pearce, G. F.  
Playford, T.  
Smith, M. S. C.  
Story, W. H.  
Styles, J.  
Trenwith, W. A.  
Turley, H.

Teller:  
Keating, J. H.

Question so resolved in the negative.

Amendment negatived.

Senator MILLEN (New South Wales).—I propose to move an amendment which will describe the area which honorable senators desire to obtain in terms different to those used in the clause. By the recent vote the Committee has affirmed that we should require a minimum of 900 square miles. The clause speaks of—

an area not less than the area contained in a square whose side is thirty miles in length.

I submit to honorable senators that we are not called upon to express what we desire in any such crude way as that. I move—

That after the word "than," the words "and not less than 900 square miles," be inserted.

Senator FINDLEY (Victoria).—I propose to move a further amendment, that the word "thirty" be left out, with a view to insert in lieu thereof the word "seventy-five."

Senator MILLEN.—Why does not the honorable senator state definitely the area he desires?

Senator FINDLEY.—The amendment I propose would provide for an area of 562 square miles.

Senator MILLEN.—Why not make that the direct proposition.

Senator Lt.-Col. GOULD.—Is there that area within the Southern Monaro district?

Senator MILLEN.—I am willing to withdraw my amendment, by permission of the Committee, to enable Senator Findley to move his.

The CHAIRMAN.—Senator Millen proposes to insert the words "900 square miles" after the word "than." Senator Findley desires that the area secured should be larger, and he may give effect to his desire by moving his amendment upon that proposed by Senator Millen.

Senator FINDLEY (Victoria).—I accept suggestion. I move—

That the amendment be amended by leaving the words "nine hundred," with a view to insert in lieu thereof the words "five thousand."

me honorable senators may not view this matter as seriously as I do. Since Federation is accomplished, many people have been seeing what advantages the people of the various States have derived from it. I am sanguine that if the Committee will accept the amendment I propose, and to which I believe the people of New South Wales would agree, we should be able to demonstrate to the people of the various States the concrete advantages of Federation. I would like to see a big national area acquired. I want to see the Federal city made a model city, free from the mistakes and imperfections of other cities; and I desire that the Commonwealth of Australia shall demonstrate to the people of the various States, and to the people of the world, the advantages of the collective ownership of land, and the collective ownership of industry, as against the private ownership of land and industry.

Senator FRASER.—We cannot do that without amending the Constitution.

Senator FINDLEY.—We can amend the Constitution should that be necessary. I believe that the Commonwealth has power, with the concurrence of New South Wales, to acquire a very large area. When honorable senators say that if we carry out an experiment in the national area which would attract population from the various States we should not increase the wealth of the Commonwealth, I consider the argument fallacious. If within a certain period we should attract 100,000 people from the various States to the Federal Territory that must create vacancies in those States. If it does not it must be clear that the 100,000 must be people who have been out of employment in the States. When they go to the Federal Territory employment will I hope be found for them. In every State of the Commonwealth Governments are beginning to recognise that it has been a mistake to part with Crown lands. In New Zealand they have passed the experimental stage in land nationalization. In Western Australia we find that the Premier of the State desires to acquire land which is not to be sold, but to be leased in perpetuity. Even here in Victoria the Government recognise that it has been a mistaken policy to part with the lands of the

State, and they now propose to re-purchase lands that people may be settled upon them.

Senator MILLEN.—In New South Wales they have had to do the same thing.

Senator FINDLEY. — That is so. If we acquire a larger area for the national territory we shall be able to demonstrate to the world that it is possible to carry on the Government of the Commonwealth, and meet its expenditure out of the revenue derived from the rent of lands in the national area.

Senator MILLEN.—Is that an argument for a large area?

Senator FINDLEY.—Yes, it is. Some people to-day complain of the cost of Federation. They oppose the construction of the buildings that would be required at the Capital site, because of the expenditure necessarily involved in their construction; and I am pointing out that if we acquired a large territory we should be able within a very short space of time to derive a revenue from it which would be of material advantage to the Commonwealth authorities, and also to the citizens of the various States. I feel strongly in regard to this matter. Whether it will be carried or not time will determine, but that it would be advantageous to the Commonwealth, and even to New South Wales, is beyond contradiction.

Senator O'KEEFE (Tasmania).—In one respect I think that the amendment moved by Senator Millen must meet with the acceptance of the majority of honorable senators. The form of words used in the clause—  
an area not less than the area contained in a square whose side shall be thirty miles in length—

is somewhat confusing. I desire to remind honorable senators that it has been laid down by the Chief Justice of the High Court of Australia, in dealing with an election dispute quite recently, that a square is not necessarily an area every side of which is equal. The general impression conveyed to the mind of every one by the words of the Chief Justice was that, in his judgment, a piece of land twenty miles long by ten miles broad might be considered a square. The judgment of the Chief Justice apart, it must be patent to honorable senators that it would be much simpler in this clause to describe the area we wish to secure as "nine hundred square miles" or "five thousand square miles." I approve of the form suggested by Senator Millen, and, though I do not believe it is likely to be carried, I shall support Senator Findley's amendment.



Senator PULSFORD (New South Wales).—I am inclined to congratulate the Committee upon having this amendment submitted to it, because it shows the possibilities which exist in the Senate, and it is just as well that they should be faced by the people of the Commonwealth at once. We have had a straight-out and thoroughly honest proposal made, that the Commonwealth shall embark on a great scheme of land nationalization.

Senator MILLEN.—And of collective ownership of industry as well.

Senator PULSFORD.—There has been no beating about the bush, and no one can say that the proposal has not been honestly made. All Australia can now see that there is before the Commonwealth a proposal for the destruction, more or less, of private industry. The condition of affairs in Australia to-day is such as demands the attention of every thinker, and after all we have heard about the future of Australia, we are asked, with regard to a section of New South Wales, to adopt a proposal which means the taking out of that section the greatest motive power which can exist in any community—that is individual effort. When we begin to decry individual effort, we shall stop national progress.

Senator MCGREGOR.—There is nothing about individual effort in this.

Senator PULSFORD.—Senator McGreggor is apparently not aware of the reasons which Senator Findley has given for moving that the area of the Federal territory shall be 5,000 square miles.

Senator MCGREGOR.—I heard what the honorable senator said.

Senator PULSFORD.—Then, perhaps, I should have allowed a member of the Ministry to express his views on the amendment. I shall resume my seat, so that a member of the Government may at once have an opportunity of stating his views on the amendment.

Senator MCGREGOR.—Senator Pulsford knows very well that the members of the Ministry have agreed to what they have inserted in this Bill, and we shall do all we possibly can to carry it.

Senator FRASER.—But the honorable senator wants more.

Senator MCGREGOR.—Individually, I should prefer more; but that is different to what has been placed in the Bill, and has received Ministerial sanction. What I objected to in Senator Pulsford's statements was that we were curtailing individual effort.

We are not here proposing to legislate with respect to individual or collective effort.

Senator PULSFORD.—Will the honorable senator kindly say how he intends to vote upon Senator Findley's amendment?

Senator MCGREGOR.—I am going to vote for the Bill as introduced by the Government.

Senator MILLEN (New South Wales).—Senator McGreggor has spoken in ignorance of the statement which was made by Senator Findley.

Senator MCGREGOR.—No; I have not.

Senator MILLEN.—If so, the honorable senator's reply to Senator Pulsford is unintelligible. Senator Findley made it quite clear that what he desired was not only the collective ownership of land, but the collective ownership of industry.

Senator FINDLEY.—Within the Federal territory.

Senator MCGREGOR.—That has nothing to do with individual effort.

Senator MILLEN.—How we are to have collective ownership of industries and individual effort at the same time, I do not know.

Senator MCGREGOR.—We are not discussing that point.

Senator MILLEN.—That is just what we are discussing. Hitherto the discussion has been one in which I have taken part as a New South Welshman, as it dealt with the location proposed for the Federal Territory; but now, when we come to deal with the purposes to which Senator Findley desires that the Federal territory shall be devoted, the question becomes, not merely a State, but a national one. With all the emphasis of which I am capable, I draw the attention of people outside these walls to the objective which honorable senators opposite have in view. They desire that there shall be within the Federal Territory a purely communistic State. Senator Findley did not beat about the bush in any way.

Senator PEARCE.—Collectivism is not communism.

Senator MCGREGOR.—The honorable senator does not know the difference.

Senator MILLEN.—The honorable senator probably knows as much about the matter as does the Vice-President of the Executive Council, and if he did not know more he would probably know very little. Senator Pearce tells us that collectivism is not communism. Collectivism I take to be the carrying on by the State of certain industries.

Senator MCGREGOR.—As a point of order, ask whether Senator Millen is in order in discussing collectivism, individualism, or anything else of the kind, on the amendment now before the Committee?

The CHAIRMAN.—Senator Findley, I understand, has advanced as a reason why we should have a larger area certain arguments; and I do not see that I can rule Senator Millen out of order, in replying to them.

Senator MILLEN.—I want to make it quite clear, not merely to this Committee and the people of my own State, but to the whole of Australia, what is one of the objects of those who ask for a large area. I am not finding fault with the Socialists. But, as one who is opposed to their doctrines, I want to make it clear to every elector in the Commonwealth that certain reasons are animating honorable senators in their demand for a larger area. One of those reasons is that it will afford an opportunity for the creation of a Socialistic State. Senator Findley said that he wanted to have a large national area. That is a very audacious ambition. But, as a New South Wales representative, I rather object to the gratification of that ambition at the expense of my State. Federation has not destroyed the sovereignty of the States. We already have a national area in our State. We have no reason to create a second national area within our own national area. New South Wales is not a small municipality, but, like all the other States, possesses sovereign powers. Our patriotism is just as keenly allied to the interests of our State as it will ever be to our Commonwealth citizenship. The desire for a large national area is one that I can appreciate, but I am not called upon to sacrifice my proper regard for New South Wales and her interests in order to create a large national area for the Federation. Senator Findley also said that a large area was necessary in order to pay the cost of the creation of the Federal Capital. In other words, New South Wales is to pay the cost of the Federal Capital. Honorable senators are asking New South Wales to give up a greater area than the Constitution contemplated, in order that the Commonwealth shall be relieved of the expense attendant on the creation of the Capital.

Senator MCGREGOR.—New South Wales will pay her share.

Senator MILLEN.—We do not mind paying our share, but Senator Findley

argues that this larger area will be sufficient to pay for the whole cost of the creation of the Capital. If the cost of the creation of the Capital would be defrayed out of the larger area which New South Wales is asked to give up, I say that we should be asking New South Wales to pay the whole cost of establishing the Federal Capital. In other words, we should be asking New South Wales to grant to the Commonwealth something equivalent to the cost of the Federal Capital.

Senator DE LARGIE.—Much of the territory is of no value at present.

Senator MILLEN.—Why, then, ask for it?

Senator DE LARGIE.—The Commonwealth will put value into it.

Senator MILLEN.—If the honorable senator means that it has no value as compared with Collins-street or Pitt-street, there is in that sense very little land in Australia that has any value. The only other point I desire to allude to is one to which Senator Pulsford also referred. He wished to know what action the Government proposed to take in this matter. If the Government have arrived at the conclusion that an area of 900 square miles is requisite, we might reasonably expect them to oppose the amendment.

Senator TRENWITH (Victoria).—The amendment before the Committee claims to give the Commonwealth an advantage in the matter of revenue which a lesser area would not give. Senator Millen says that if that be so, it amounts to a claim upon New South Wales to provide this larger revenue. That does not follow. At present the area desired has for the most part been correctly described as valueless to New South Wales. That is to say, at present, instead of being an asset to New South Wales it is a liability. Settlement is extremely sparse, and the expenses entered into by New South Wales, with the idea of a prospective development, have been such that the expenditure must be greater than the revenue derived. In New South Wales there is no complete system of local government such as we have here. Many of the roads and other appurtenances of civilization in the district selected are provided by the taxpayers of the whole State. It is obvious that the revenue from the area must be very small indeed. When it becomes Federal territory, it will not be New South Wales that will put the added value into the land, but the whole Commonwealth. The land will be worth no more intrin-

Senator PULSFORD (New South Wales).—I am inclined to congratulate the Committee upon having this amendment submitted to it, because it shows the possibilities which exist in the Senate, and it is just as well that they should be faced by the people of the Commonwealth at once. We have had a straight-out and thoroughly honest proposal made, that the Commonwealth shall embark on a great scheme of land nationalization.

Senator MILLEN.—And of collective ownership of industry as well.

Senator PULSFORD.—There has been no beating about the bush, and no one can say that the proposal has not been honestly made. All Australia can now see that there is before the Commonwealth a proposal for the destruction, more or less, of private industry. The condition of affairs in Australia to-day is such as demands the attention of every thinker, and after all we have heard about the future of Australia, we are asked, with regard to a section of New South Wales, to adopt a proposal which means the taking out of that section the greatest motive power which can exist in any community—that is individual effort. When we begin to decry individual effort, we shall stop national progress.

Senator MCGREGOR.—There is nothing about individual effort in this.

Senator PULSFORD.—Senator McGreggor is apparently not aware of the reasons which Senator Findley has given for moving that the area of the Federal territory shall be 5,000 square miles.

Senator MCGREGOR.—I heard what the honorable senator said.

Senator PULSFORD.—Then, perhaps, I should have allowed a member of the Ministry to express his views on the amendment. I shall resume my seat, so that a member of the Government may at once have an opportunity of stating his views on the amendment.

Senator MCGREGOR.—Senator Pulsford knows very well that the members of the Ministry have agreed to what they have inserted in this Bill, and we shall do all we possibly can to carry it.

Senator FRASER.—But the honorable senator wants more.

Senator MCGREGOR.—Individually, I should prefer more; but that is different to what has been placed in the Bill, and has received Ministerial sanction. What I objected to in Senator Pulsford's statements was that we were curtailing individual effort.

We are not here proposing to legislate with respect to individual or collective effort.

Senator PULSFORD.—Will the honorable senator kindly say how he intends to vote upon Senator Findley's amendment?

Senator MCGREGOR.—I am going to vote for the Bill as introduced by the Government.

Senator MILLEN (New South Wales).—Senator McGreggor has spoken in ignorance of the statement which was made by Senator Findley.

Senator MCGREGOR.—No; I have not.

Senator MILLEN.—If so, the honorable senator's reply to Senator Pulsford is unintelligible. Senator Findley made it quite clear that what he desired was not only the collective ownership of land, but the collective ownership of industry.

Senator FINDLEY.—Within the Federal territory.

Senator MCGREGOR.—That has nothing to do with individual effort.

Senator MILLEN.—How we are to have collective ownership of industries and individual effort at the same time, I do not know.

Senator MCGREGOR.—We are not discussing that point.

Senator MILLEN.—That is just what we are discussing. Hitherto the discussion has been one in which I have taken part as a New South Welshman, as it dealt with the location proposed for the Federal Territory; but now, when we come to deal with the purposes to which Senator Findley desires that the Federal territory shall be devoted, the question becomes, not merely a State, but a national one. With all the emphasis of which I am capable, I draw the attention of people outside these walls to the objective which honorable senators opposite have in view. They desire that there shall be within the Federal Territory a purely communistic State. Senator Findley did not beat about the bush in any way.

Senator PEARCE.—Collectivism is not communism.

Senator MCGREGOR.—The honorable senator does not know the difference.

Senator MILLEN.—The honorable senator probably knows as much about the matter as does the Vice-President of the Executive Council, and if he did not know more he would probably know very little. Senator Pearce tells us that collectivism is not communism. Collectivism I take to be the carrying on by the State of certain industries.

Senator MCGREGOR.—As a point of order, ask whether Senator Millen is in order in discussing collectivism, individualism, or anything else of the kind, on the amendment now before the Committee?

The CHAIRMAN.—Senator Findley, I understand, has advanced as a reason why he should have a larger area certain arguments; and I do not see that I can rule Senator Millen out of order, in replying to them.

Senator MILLEN.—I want to make it quite clear, not merely to this Committee and the people of my own State, but to the whole of Australia, what is one of the objects of those who ask for a large area. I am not finding fault with the Socialists. But, as one who is opposed to their doctrines, I want to make it clear to every elector in the Commonwealth that certain reasons are animating honorable senators in their demand for a larger area. One of those reasons is that it will afford an opportunity for the creation of a Socialistic State. Senator Findley said that he wanted to have a large national area. That is a very audacious ambition. But, as a New South Wales representative, I rather object to the gratification of that ambition at the expense of my State. Federation has not destroyed the sovereignty of the States. We already have a national area in our State. We have no reason to create a second national area within our own national area. New South Wales is not a small municipality, but, like all the other States, possesses sovereign powers. Our patriotism is just as keenly allied to the interests of our State as it will ever be to our Commonwealth citizenship. The desire for a large national area is one that I can appreciate, but I am not called upon to sacrifice my proper regard for New South Wales and her interests in order to create a large national area for the Federation. Senator Findley also said that a large area was necessary in order to pay the cost of the creation of the Federal Capital. In other words, New South Wales is to pay the cost of the Federal Capital. Honorable senators are asking New South Wales to give up a greater area than the Constitution contemplated, in order that the Commonwealth shall be relieved of the expense attendant on the creation of the Capital.

Senator MCGREGOR.—New South Wales will pay her share.

Senator MILLEN.—We do not mind paying our share, but Senator Findley

argues that this larger area will be sufficient to pay for the whole cost of the creation of the Capital. If the cost of the creation of the Capital would be defrayed out of the larger area which New South Wales is asked to give up, I say that we should be asking New South Wales to pay the whole cost of establishing the Federal Capital. In other words, we should be asking New South Wales to grant to the Commonwealth something equivalent to the cost of the Federal Capital.

Senator DE LARGIE.—Much of the territory is of no value at present.

Senator MILLEN.—Why, then, ask for it?

Senator DE LARGIE.—The Commonwealth will put value into it.

Senator MILLEN.—If the honorable senator means that it has no value as compared with Collins-street or Pitt-street, there is in that sense very little land in Australia that has any value. The only other point I desire to allude to is one to which Senator Pulsford also referred. He wished to know what action the Government proposed to take in this matter. If the Government have arrived at the conclusion that an area of 900 square miles is requisite, we might reasonably expect them to oppose the amendment.

Senator TRENWITH (Victoria).—The amendment before the Committee claims to give the Commonwealth an advantage in the matter of revenue which a lesser area would not give. Senator Millen says that if that be so, it amounts to a claim upon New South Wales to provide this larger revenue. That does not follow. At present the area desired has for the most part been correctly described as valueless to New South Wales. That is to say, at present, instead of being an asset to New South Wales it is a liability. Settlement is extremely sparse, and the expenses entered into by New South Wales, with the idea of a prospective development, have been such that the expenditure must be greater than the revenue derived. In New South Wales there is no complete system of local government such as we have here. Many of the roads and other appurtenances of civilization in the district selected are provided by the taxpayers of the whole State. It is obvious that the revenue from the area must be very small indeed. When it becomes Federal territory, it will not be New South Wales that will put the added value into the land, but the whole Commonwealth. The land will be worth no more intrinsically

Senator PULSFORD (New South Wales).—I am inclined to congratulate the Committee upon having this amendment submitted to it, because it shows the possibilities which exist in the Senate, and it is just as well that they should be faced by the people of the Commonwealth at once. We have had a straight-out and thoroughly honest proposal made, that the Commonwealth shall embark on a great scheme of land nationalization.

Senator MILLEN.—And of collective ownership of industry as well.

Senator PULSFORD.—There has been no beating about the bush, and no one can say that the proposal has not been honestly made. All Australia can now see that there is before the Commonwealth a proposal for the destruction, more or less, of private industry. The condition of affairs in Australia to-day is such as demands the attention of every thinker, and after all we have heard about the future of Australia, we are asked, with regard to a section of New South Wales, to adopt a proposal which means the taking out of that section the greatest motive power which can exist in any community—that is individual effort. When we begin to decry individual effort, we shall stop national progress.

Senator MCGREGOR.—There is nothing about individual effort in this.

Senator PULSFORD.—Senator McGreggor is apparently not aware of the reasons which Senator Findley has given for moving that the area of the Federal territory shall be 5,000 square miles.

Senator MCGREGOR.—I heard what the honorable senator said.

Senator PULSFORD.—Then, perhaps, I should have allowed a member of the Ministry to express his views on the amendment. I shall resume my seat, so that a member of the Government may at once have an opportunity of stating his views on the amendment.

Senator MCGREGOR.—Senator Pulsford knows very well that the members of the Ministry have agreed to what they have inserted in this Bill, and we shall do all we possibly can to carry it.

Senator FRASER.—But the honorable senator wants more.

Senator MCGREGOR.—Individually, I should prefer more; but that is different to what has been placed in the Bill, and has received Ministerial sanction. What I objected to in Senator Pulsford's statements was that we were curtailing individual effort.

We are not here proposing to legislate with respect to individual or collective effort.

Senator PULSFORD.—Will the honorable senator kindly say how he intends to vote upon Senator Findley's amendment?

Senator MCGREGOR.—I am going to vote for the Bill as introduced by the Government.

Senator MILLEN (New South Wales).—Senator McGreggor has spoken in ignorance of the statement which was made by Senator Findley.

Senator MCGREGOR.—No; I have not.

Senator MILLEN.—If so, the honorable senator's reply to Senator Pulsford is unintelligible. Senator Findley made it quite clear that what he desired was not only the collective ownership of land, but the collective ownership of industry.

Senator FINDLEY.—Within the Federal territory.

Senator MCGREGOR.—That has nothing to do with individual effort.

Senator MILLEN.—How we are to have collective ownership of industries and individual effort at the same time, I do not know.

Senator MCGREGOR.—We are not discussing that point.

Senator MILLEN.—That is just what we are discussing. Hitherto the discussion has been one in which I have taken part as a New South Welshman, as it dealt with the location proposed for the Federal Territory; but now, when we come to deal with the purposes to which Senator Findley desires that the Federal territory shall be devoted, the question becomes, not merely a State, but a national one. With all the emphasis of which I am capable, I draw the attention of people outside these walls to the objective which honorable senators opposite have in view. They desire that there shall be within the Federal Territory a purely communistic State. Senator Findley did not beat about the bush in any way.

Senator PEARCE.—Collectivism is not communism.

Senator MCGREGOR.—The honorable senator does not know the difference.

Senator MILLEN.—The honorable senator probably knows as much about the matter as does the Vice-President of the Executive Council, and if he did not know more he would probably know very little. Senator Pearce tells us that collectivism is not communism. Collectivism I take to be the carrying on by the State of certain industries.

Senator TRENWITH.—I am under no obligation to support the Bill as originally drafted.

Senator MILLEN.—If there had not been so much talk indulged in last night—talk for which I hold honorable senators on the other side responsible—there would have been a strong probability of this portion of the Bill being passed without any question of a seaport being raised.

Senator TRENWITH.—We are older now.

Senator MILLEN.—And I have been indulging in the hope that we were a little wiser. I am not at all certain, however, that we are wiser if we adopt the amendment in its present form.

Senator MCGREGOR.—Reject all the amendments.

Senator MILLEN.—I am quite willing to strike out these words. I rose for the purpose of pointing out that to insist on the retention of the words would really carry our proposal very much beyond that made by the Bill itself.

Question.—That the amendment of the amendment be amended by leaving out the words, "as will give access from the Seat of Government, when the same is determined, to the port of Twofold Bay, and"—put. The Committee divided.

Ayes	...	...	8
Noes	...	...	19
<hr/>			
Majority	...	...	11

AYES.

Fraser, S.	Pulsford, E.
Gould, A. J.	Walker, J. T.
Macfarlane, J.	
Millen, E. D.	<i>Teller:</i>
Mulcahy, E.	Neild, J. C.

NOES.

Baker, Sir R. C.	McGregor, G.
Dawson, A.	Pearce, G. F.
de Largie, H.	Playford, T.
Dobson, H.	Smith, M. S. C.
Drake, J. G.	Story, W. H.
Findley, E.	Styles, J.
Guthrie, R. S.	Trenwith, W. A.
Henderson, G.	Turley, H.
Higgs, W. G.	<i>Teller:</i>
Keating, J. H.	O'Keefe, D. J.

Question so resolved in the negative.

Amendment of the amendment (Senator Dobson's) negatived.

Senator PEARCE (Western Australia).—I intend to vote against Senator Dobson's amendment, but I want it to be distinctly understood that I am not doing so because I am opposed to having a seaport within the Federal Territory. On the contrary, I

am in favour of a seaport. I vote against the amendment on the ground that it is not right to tie the hands of the Government in the negotiations.

Senator Lt-Col. NEILD (New South Wales).—I congratulate Senator Pearce in what he has just said; and I oppose the amendment for the same reason. The amendment will undoubtedly tie the hands of the Government, and unduly restrict the possibility of useful negotiation.

Senator Lt-Col. GOULD.—And will probably offend New South Wales.

Senator Lt.-Col. NEILD.—Very likely; indeed, it goes without saying that the proposal, as it stands at the present moment, will be offensive to New South Wales.

Senator DOBSON.—Then we are all offensive, because we voted for Bombala for the reason that there was a seaport in close proximity to it.

Senator Lt.-Col. NEILD.—When I say "offensive," I hope that my remarks will not be regarded as offensive by any member of this Chamber. I do not use the word in any such sense; but New South Wales may probably take offence at the proposal in its present form.

Senator DOBSON.—Even if we say "subject to the consent of New South Wales"?

Senator Lt-Col. NEILD.—That, of course, would make the position a little better.

Senator DOBSON (Tasmania).—If this question is to be settled by argument, what are we to say to the argument advanced by Senator Neild? Nine-tenths of the members of the Senate are prepared to vote for Bombala because that site has a seaport in its immediate neighbourhood, and when the matter was discussed previously we all insisted on a larger area, in order that it might include the seaport. I do not see how we can give offence to New South Wales by honestly showing on the face of the Bill what we desire.

Senator MILLEN.—But some honorable senators want a larger area for the purposes of land nationalization.

Senator DOBSON.—I agree that such a project is outside our constitutional rights, and for that reason I insert the words "subject to the consent of the Government of New South Wales."

Senator MILLEN (New South Wales).—I understand that the amendment before us provides for a second minimum of not less than 900 square miles.

than it is worth now. But it will be more valuable on account of other factors. It will be more valuable because more people will desire to live upon it. The establishment of the Seat of Government there will necessarily lead to a considerable increase of population. The increase of population will necessarily lead to an increase in the revenue of the land, and in its rental value to somebody. In consequence of that increase of value, the surrounding land will also be improved. An increment will be created, whether that surrounding territory be granted to the Commonwealth or not. If that increment is created, and does not belong to the Commonwealth, a very large accession of wealth will be provided for a few private individuals. If, however, on the other hand, the larger area is granted to the Commonwealth, the increment will be the same; but, instead of going into the pockets of a few private individuals, it will go into the coffers of the Commonwealth, and will be distributed over the whole area of the Commonwealth. It is hard to conceive how New South Wales will thereby be injured. Another argument against the larger territory is that it is desired, in order to try an experiment in land nationalization. Whether we agree with land nationalization or not, there is a growing feeling throughout the world that the nationalization of the land would be wise.

Senator MILLEN.—The honorable senator will see the difference between affirming the principle of land nationalization within the Federal area and taking an undue area merely for the purpose of land nationalization.

Senator TRENWITH.—I am going to show that there is some justification for taking a larger area by way of experiment. First of all, bear in mind my first proposition, that this land at present has no revenue value. Therefore whatever revenue value is created will be created by the Commonwealth. It is wise to make an experiment in an idea that is very largely held all over the civilized world. It does not follow necessarily, because that idea is largely held, that it would be wise for any particular country to adopt it, unless there was a majority in favour of it. But it seems to me to be wise, even for a country in which there is not a majority in its favour, to make a comparatively small experiment in land nationalization, which is a principle that is rapidly gaining ground. Looking at it merely as an experiment, it is as well that it should be made.

Senator MACFARLANE.—We could not go back.

Senator TRENWITH.—If we could not go back that would be an evidence that the experiment was a success, because, where self-government prevails, it is possible to go in any direction where experience proves that it is expedient to go. If a country goes in one direction, and does not go back, it is because public opinion is in favour of the direction in which it has gone. There is nothing more conclusive than that proposition concerning a country where all people have in equal proportions a voice in the government. The people can go in whichever direction they desire, but once they have assured themselves as to the result, if they do not go back it is because they do not want to go back.

Senator Lt.-Col. GOULD.—The people are endeavouring to go back from land nationalization in New Zealand.

Senator TRENWITH.—That is where the honorable and learned senator makes a mistake. The people of New Zealand are not endeavouring to go back, but some people are endeavouring to go back. Those are the people who never wanted to go forward.

Senator Lt.-Col. GOULD.—They are largely the people who have the land.

Senator TRENWITH.—That is true in some measure. That is to say, the people of New Zealand who had no land felt that it was desirable that land should be made easily available for all people who wished to use it. Those who got land on reasonably easy terms, in order that they might use it, have in some cases developed the old land hunger. They desire to obtain the right to hold their land in fee simple, and to make somebody else use it for their advantage. That is exactly the cause of the effort amongst some perpetual lessees in New Zealand to become freeholders. It is not that the land will produce any more for them, not that they will use it more beneficially, but that somebody else may use it in their interests. Those who believe in land nationalization are anxious that no individual shall have the power to use his fellow individuals for his special advantage through the medium of the land. It seems to me to be wise, in the interests of the Commonwealth, that this experiment should be made within an area in which the whole Commonwealth will participate, in some measure, in the risk, if there is a risk. At the same time, the

Senator FINDLEY (Victoria).—I accept the suggestion. I move—

That the amendment be amended by leaving out the words "nine hundred," with a view to insert in lieu thereof the words "five thousand."

Some honorable senators may not view this matter as seriously as I do. Since Federation was accomplished, many people have been asking what advantages the people of the various States have derived from it. I am sanguine that if the Committee will accept the amendment I propose, and to which I believe the people of New South Wales would agree, we should be able to demonstrate to the people of the various States the concrete advantages of Federation. I should like to see a big national area acquired. I want to see the Federal city made a model city, free from the mistakes and imperfections of other cities; and I desire that the Commonwealth of Australia shall demonstrate to the people of the various States, and to the people of the world, the advantages of the collective ownership of land, and the collective ownership of industry, as against the private ownership of land and industry.

Senator FRASER.—We cannot do that without amending the Constitution.

Senator FINDLEY.—We can amend the Constitution should that be necessary. I believe that the Commonwealth has power, with the concurrence of New South Wales, to acquire a very large area. When honorable senators say that if we carry out an experiment in the national area which would attract population from the various States we should not increase the wealth of the Commonwealth, I consider the argument fallacious. If within a certain period we should attract 100,000 people from the various States to the Federal Territory that must create vacancies in those States. If it does not it must be clear that the 100,000 must be people who have been out of employment in the States. When they go to the Federal Territory employment will I hope be found for them. In every State of the Commonwealth Governments are beginning to recognise that it has been a mistake to part with Crown lands. In New Zealand they have passed the experimental stage in land nationalization. In Western Australia we find that the Premier of the State desires to acquire land which is not to be sold, but to be leased in perpetuity. Even here in Victoria the Government recognise that it has been a mistaken policy to part with the lands of the

State, and they now propose to re-purchase lands that people may be settled upon them.

Senator MILLEN.—In New South Wales they have had to do the same thing.

Senator FINDLEY.—That is so. If we acquire a larger area for the national territory we shall be able to demonstrate to the world that it is possible to carry on the Government of the Commonwealth, and meet its expenditure out of the revenue derived from the rent of lands in the national area.

Senator MILLEN.—Is that an argument for a large area?

Senator FINDLEY.—Yes, it is. Some people to-day complain of the cost of Federation. They oppose the construction of the buildings that would be required at the Capital site, because of the expenditure necessarily involved in their construction; and I am pointing out that if we acquired a large territory we should be able within a very short space of time to derive a revenue from it which would be of material advantage to the Commonwealth authorities, and also to the citizens of the various States. I feel strongly in regard to this matter. Whether it will be carried or not time will determine, but that it would be advantageous to the Commonwealth, and even to New South Wales, is beyond contradiction.

Senator O'KEEFE (Tasmania).—In one respect I think that the amendment moved by Senator Millen must meet with the acceptance of the majority of honorable senators. The form of words used in the clause—  
an area not less than the area contained in a square whose side shall be thirty miles in length—

is somewhat confusing. I desire to remind honorable senators that it has been laid down by the Chief Justice of the High Court of Australia, in dealing with an election dispute quite recently, that a square is not necessarily an area every side of which is equal. The general impression conveyed to the mind of every one by the words of the Chief Justice was that, in his judgment, a piece of land twenty miles long by ten miles broad might be considered a square. The judgment of the Chief Justice apart, it must be patent to honorable senators that it would be much simpler in this clause to describe the area we wish to secure as "nine hundred square miles" or "five thousand square miles." I approve of the form suggested by Senator Millen, and, though I do not believe it is likely to be carried, I shall support Senator Findley's amendment.



than it is worth now. But it will be more valuable on account of other factors. It will be more valuable because more people will desire to live upon it. The establishment of the Seat of Government there will necessarily lead to a considerable increase of population. The increase of population will necessarily lead to an increase in the revenue of the land, and in its rental value to somebody. In consequence of that increase of value, the surrounding land will also be improved. An increment will be created, whether that surrounding territory be granted to the Commonwealth or not. If that increment is created, and does not belong to the Commonwealth, a very large accession of wealth will be provided for a few private individuals. If, however, on the other hand, the larger area is granted to the Commonwealth, the increment will be the same; but, instead of going into the pockets of a few private individuals, it will go into the coffers of the Commonwealth, and will be distributed over the whole area of the Commonwealth. It is hard to conceive how New South Wales will thereby be injured. Another argument against the larger territory is that it is desired, in order to try an experiment in land nationalization. Whether we agree with land nationalization or not, there is a growing feeling throughout the world that the nationalization of the land would be wise.

Senator MILLEN.—The honorable senator will see the difference between affirming the principle of land nationalization within the Federal area and taking an undue area merely for the purpose of land nationalization.

Senator TRENWITH.—I am going to show that there is some justification for taking a larger area by way of experiment. First of all, bear in mind my first proposition, that this land at present has no revenue value. Therefore whatever revenue value is created will be created by the Commonwealth. It is wise to make an experiment in an idea that is very largely held all over the civilized world. It does not follow necessarily, because that idea is largely held, that it would be wise for any particular country to adopt it, unless there was a majority in favour of it. But it seems to me to be wise, even for a country in which there is not a majority in its favour, to make a comparatively small experiment in land nationalization, which is a principle that is rapidly gaining ground. Looking at it merely as an experiment, it is as well that it should be made.

Senator MACFARLANE.—We could not go back.

Senator TRENWITH.—If we could not go back that would be an evidence that the experiment was a success, because where self-government prevails, it is possible to go in any direction where experience proves that it is expedient to go. If a country goes in one direction, and does not go back, it is because public opinion is in favour of the direction in which it has gone. There is nothing more conclusive than that proposition concerning a country where all people have in equal proportions a voice in the government. The people can go in whichever direction they desire, but once they have assured themselves as to the result, if they do not go back it is because they do not want to go back.

Senator Lt.-Col. GOULD.—The people are endeavouring to go back from land nationalization in New Zealand.

Senator TRENWITH.—That is where the honorable and learned senator makes a mistake. The people of New Zealand are not endeavouring to go back, but some people are endeavouring to go back. These are the people who never wanted to go forward.

Senator Lt.-Col. GOULD.—They are largely the people who have the land.

Senator TRENWITH.—That is true in some measure. That is to say, the people of New Zealand who had no land felt that it was desirable that land should be made easily available for all people who wished to use it. Those who got land on reasonably easy terms, in order that they might use it, have in some cases developed the old land hunger. They desire to obtain the right to hold their land in fee simple, and to make somebody else use it for their advantage. That is exactly the cause of the effort amongst some perpetual lessees in New Zealand to become freeholders. It is not that the land will produce any more for them, not that they will use it more beneficially, but that somebody else may use it in their interests. Those who believe in land nationalization are anxious that no individual shall have the power to use his fellow individuals for his special advantage through the medium of the land. It seems to me to be wise, in the interests of the Commonwealth, that this experiment should be made within an area in which the whole Commonwealth will participate, in some measure, in the risk, if there is a risk. At the same time, the

Commonwealth will participate in the advantage, if there is an advantage. I think that is a good argument for securing a large area as will enable us to initiate an experiment in the principle of land nationalization. The great advantage would be that the system could be initiated without disturbing any existing arrangements. Supposing we were to arrive at the conclusion in Victoria that land nationalization was desirable—supposing that a two-thirds majority of the people were of that opinion—that would, according to democratic principles, warrant the whole country in adopting that policy. But one-third of the people would disapprove, and, in any case, there would be a disruption and disturbance of existing conditions, which in some instances would be sure to work hardships. Therefore it is very much better, when it is proposed to make a new start—and I think there is wisdom in making an experiment with an idea which has obtained such widespread approval—to make that start where there are no vested interests or rights to be violated. And if there is any place on God's earth where such an experiment could be tried without injury or hardship to anybody it is in a new State or area, where, so far as the land is concerned, there is a clean sheet. It would be possible for the people to make on that clean sheet any characters they chose, and those characters might be varied and altered at any time as experience suggested. Above all, contrary to what some honorable senators have said, the experiment could be discontinued if it were not found advantageous. In the Federal territory, whatever is done is done at the instance of people residing, not within that particular territory, but throughout the whole of Australia, so that, although the experiment would be carried on in a limited area, the influence on that area would be Australia-wide. Therefore, if the people looking on from the northernmost point of Queensland, or from the uttermost point of Western Australia, found that the experiment was working prejudicially, they could exercise their influence against its continuance at the first election. When honorable senators say that in this experiment we cannot go back, they must suffer from lack of consideration of this particular aspect of the subject, because it is clear that we can go back as easily as we can go forward, or we can go back halfway at any time. I do not propose just now to discuss the further possibilities suggested by the honorable senator who has

submitted the amendment with reference to the nationalization of all sources of production; I do not think there is any direct parallel between the two issues. An enormous number of persons believe that the land of the world is God's bequest to all, and not to some. An enormous number of people are of that opinion, who, however, do not go the length of holding that the result of individual effort should be nationalized. On the present occasion I shall be on safer ground if I do not go any further than assert that land is property like no other property. It is impossible for a Government anywhere to spend sixpence or direct the people's energies in improving any land without improving the value of land all over the country. Therefore the man who spends his energy and whose brow sweats at one place, is improving the value of land of a man who is asleep in another place. Very often it happens in connexion with land values that the man who sweats has none of the increment that is created in the land round about, while the man who sleeps reaps the benefit. Therefore I strongly indorse and support the amendment that has been submitted. I do not know whether that amendment will be carried, and it is possible that it may lead to delay, but I say to the representatives of New South Wales, who appear to be more directly interested in the settlement of this question, that it would be well for their State in its own interest—I am now dealing with the matter from the lowest point of view of the breeches-pocket—that a large area should be ceded to the Commonwealth. If the Commonwealth Government and Parliament devoted all the energy and money it could obtain to the profitable development of the area ceded, the mere existence of that large area would immediately give an immensely enhanced value to all the contiguous country. New South Wales would thus get within its borders an object-lesson for itself and all the other States, and also enjoy an accession of value which would immensely improve the condition of all its citizens. And such an area, while improving the condition of the New South Wales citizens, would increase the inducements for people from abroad to come into the neighbourhood. We should in this way attain what many claim is desirable, namely, an accession of population to New South Wales, which would, of course, be an accession to the population of all Australia. If we can by any means increase the attractiveness, prosperity, and comfort

of this country, we shall induce people from the congested and less comfortable parts of the world to seek within our borders the better conditions which are there offered.

Senator WALKER (New South Wales).—While I give Senator Findley every credit for honesty of purpose, I would remind him that the road to a certain place is paved with good intentions.

Senator TRENWITH.—Who ought to know that better than Senator Walker?

Senator WALKER.—I bow to the honorable senator's superior knowledge. It is proposed that there shall be a minimum of 64,000 acres; and I wonder if honorable senators have realised that 5,000 square miles mean 3,200,000 acres, or 3,136,000 acres above the minimum mentioned in the Constitution? If we take the minimum now proposed it will include Dalgety, Bombala, Delegate, and Mount Kosciusko, and also mean the possession by the Commonwealth of all the electric power capable of being generated by the Snowy River. Yet it is expected that New South Wales will hand over this valuable estate without any *quid pro quo*.

Senator TRENWITH.—New South Wales at the present times does not use that estate to any profitable purpose.

Senator WALKER.—I shall not argue the question of land nationalization, because I do not think it arises on the present occasion. As a representative of New South Wales, I think I am perfectly justified in taking every reasonable precaution to see that the interests of that State are not overlooked. I shall find it my duty to support Senator Millen's amendment, not with a view to insist on an alteration of the limit of 900 square miles—honorable senators have, apparently, made up their minds on that point—but merely to insist on making the Bill more intelligible than it is at present.

Senator MULCAHY (Tasmania).—We have listened to some very interesting arguments, with which to a very large extent I agree. But I should like to point out that, according to the spirit and the letter of the Constitution, we should be dealing simply with an area sufficient to enable us to provide for a Federal Capital, with all its necessary adjuncts. A distinct line is to be drawn between a grant to the Commonwealth Government for this purpose and the creation of a new State. We have an undoubted right to an area for the Federal Capital, but if we desire to create a new State, that can only be done with the concurrence of New South Wales.

Senator MILLEN.—And under a different section of the Constitution.

Senator MULCAHY.—That is so. I agree with a good many of the arguments advanced by Senator Trenwith, but I would point out that we can try the experiment of land nationalization just as effectively within an area of 100 square miles as within any larger area. The great increment in values occurs in the midst of closer settlement, and not in the outlying districts. Wherever we establish our Capital, we shall be able to try this most interesting experiment. I believe that would be to the benefit of the Commonwealth, and if so, it would be an object-lesson not only for the States of Australia, but for other parts of the world. At the present time, although we do not frankly and openly say so, we are trying to bring about the creation of a new State.

Senator TRENWITH.—Hear, hear!

Senator MILLEN.—The candid admission by Senator Trenwith is worth noting.

Senator MULCAHY.—If Senator Trenwith studies the Constitution he will see that there is no provision under this section for the creation of a new State.

Senator TRENWITH.—Under the Constitution we have some rights prescribed, and we have powers not directly prescribed, but which we can carry out if there is no objection.

Senator MULCAHY.—But the Committee is proceeding as if we had full rights under the Constitution.

Senator TRENWITH.—No.

Senator MULCAHY.—It would have been much better if the suggestion of Senator Symon had been adopted, and the Commonwealth Parliament had proceeded by way of resolution. What is the use of passing measures if we have no power to enforce them? It has been admitted by Senator McGregor that 900 square miles is only a suggestion which may, or may not, be accepted by the Government of New South Wales. If that be so, it seems to me most unwise to pass clause 4, because this is a matter entirely for negotiation between the Commonwealth and the mother State. We are entitled to take 100 square miles, and such reasonable excess as may be necessary; and if we cannot obtain an area which provides for a watershed and water conservation, with sufficient land for parks and other purposes, within an area of ten miles square, it seems to me that the New South Wales Government will be morally bound to give a larger grant. We have

Commonwealth will participate in the advantage, if there is an advantage. I think that is a good argument for securing as large an area as will enable us to initiate an experiment in the principle of land nationalization. The great advantage would be that the system could be initiated without disturbing any existing arrangements. Supposing we were to arrive at the conclusion in Victoria that land nationalization was desirable—supposing that a two-thirds majority of the people were of that opinion—that would, according to democratic principles, warrant the whole country in adopting that policy. But one-third of the people would disapprove, and, in any case, there would be a disruption and disturbance of existing conditions, which in some instances would be sure to work hardships. Therefore it is very much better, when it is proposed to make a new start—and I think there is wisdom in making an experiment with an idea which has obtained such widespread approval—to make that start where there are no vested interests or rights to be violated. And if there is any place on God's earth where such an experiment could be tried without injury or hardship to anybody it is in a new State or area, where, so far as the land is concerned, there is a clean sheet. It would be possible for the people to make on that clean sheet any characters they chose, and those characters might be varied and altered at any time as experience suggested. Above all, contrary to what some honorable senators have said, the experiment could be discontinued if it were not found advantageous. In the Federal territory, whatever is done is done at the instance of people residing, not within that particular territory, but throughout the whole of Australia, so that, although the experiment would be carried on in a limited area, the influence on that area would be Australia-wide. Therefore, if the people looking on from the northernmost point of Queensland, or from the uttermost point of Western Australia, found that the experiment was working prejudicially, they could exercise their influence against its continuance at the first election. When honorable senators say that in this experiment we cannot go back, they must suffer from lack of consideration of this particular aspect of the subject, because it is clear that we can go back as easily as we can go forward, or we can go back halfway at any time. I do not propose just now to discuss the further possibilities suggested by the honorable senator who has

submitted the amendment with reference to the nationalization of all sources of production; I do not think there is any direct parallel between the two issues. An enormous number of persons believe that the land of the world is God's bequest to all, and not to some. An enormous number of people are of that opinion, who, however, do not go the length of holding that the result of individual effort should be nationalized. On the present occasion I shall be on safer ground if I do not go any further than assert that land is property like no other property. It is impossible for a Government anywhere to spend sixpence or direct the people's energies in improving any land without improving the value of land all over the country. Therefore the man who spends his energy and whose brow sweats at one place, is improving the value of land of a man who is asleep in another place. Very often it happens in connexion with land values that the man who sweats has none of the increment that is created in the land round about, while the man who sleeps reaps the benefit. Therefore I strongly indorse and support the amendment that has been submitted. I do not know whether that amendment will be carried, and it is possible that it may lead to delay, but I say to the representatives of New South Wales, who appear to be more directly interested in the settlement of this question, that it would be well for their State in its own interest—I am now dealing with the matter from the lowest point of view of the breeches-pocket—that a large area should be ceded to the Commonwealth. If the Commonwealth Government and Parliament devoted all the energy and money it could obtain to the profitable development of the area ceded, the mere existence of that large area would immediately give an immensely enhanced value to all the contiguous country. New South Wales would thus get within its borders an object-lesson for itself and all the other States, and also enjoy an accession of value which would immensely improve the condition of all its citizens. And such an area, while improving the condition of the New South Wales citizens, would increase the inducements for people from abroad to come into the neighbourhood. We should in this way attain what many claim is desirable, namely, an accession of population to New South Wales, which would, of course, be an accession to the population of all Australia. If we can by any means increase the attractiveness, prosperity, and comfort

Government for the Commonwealth. I am pointing out, in contrast, the liberality shown in the State of Victoria in the endowment of her industries. I have shown that over 3,000 square miles have been set apart in Victoria for educational purposes. I hope that honorable senators realize that it is probable that in future the Seat of the Commonwealth Government will become one of the greatest seats of learning in Australia. We may expect to have established there universities and similar institutions, and they must be kept up in some way. Are they to be maintained by endowments of land, or by revenue derived by the rent of land? If we are to be confined to a paltry area of 100 square miles, 300 square miles, or even 500 square miles, how can there be any possibility of anything of that kind being done? I ask honorable senators to consider the matter from that point of view. I hope they will do something to settle the question. I had intended, with the consent of honorable senators, to agree to an adjournment over a reasonable length of time; but the action taken in connexion with this Bill has made it absolutely necessary that we should come back next week.

Senator MILLEN.—Will not the Government Supply Bill render that necessary?

Senator MCGREGOR.—Yes.

Senator MILLEN.—Then if we have to come back for the purposes of the Government, why should the honorable senator say that it is due to our action in connexion with this Bill?

Senator MCGREGOR.—We shall have to come back next Wednesday for the purpose of carrying the third reading of this Bill. We shall also have to come back to pass Supply, and I desire that this Bill shall be passed through Committee to-day, in order that we may take the third reading when at our next sitting. If I can get the support of a sufficient number of honorable senators, I shall be prepared to sit this evening, if necessary, because I have made up my mind that this Bill must go through Committee to-day. I hope honorable senators will assist in that. I know that honorable senators from New South Wales desire that the Bill shall be carried. I am aware that their resistance to certain proposals, which have been made, has been honest, but I hope that within a reasonable time they will realize that the majority of honorable senators are against them, and will be prepared to pay some respect to the wish of the majority.

Senator Lt.-Col. NEILD (New South Wales).—I sympathize with what the Vice-President of the Executive Council has said as to the necessity of getting on with business. I like to have my convenience studied when possible, and I desire, as far as in me lies, to study the convenience of my fellow members of the Senate. But I am not prepared to give a silent vote on a matter which I regard as being so totally outside the Federal Constitution that it cannot be my duty to vote for it. If a proposal had been made that the area should be 5,000 square miles, and we had stopped at that, there would not have been so much objection, but the proposal is submitted for a distinct purpose. I honour Senator Findlay for his absolute straightforwardness in submitting his amendment. I appreciate it, but I do not agree with him. Any proposition that the Commonwealth should traffic in real estate or leaseholds, or should try a Bellamyite or Bedlamite experiment in land nationalization is foreign to the objects of this Bill, which is to provide for the Seat of Government of the Commonwealth. The proposal is foreign to the Constitution, which does not confer upon the Commonwealth the function of doing anything of the kind. It would be just as legitimate to propose that we should acquire Federal territory in order to start national cabbage growing.

Senator TRENWITH.—As a matter of fact, they grow cabbages nationally now in New South Wales.

Senator Lt.-Col. NEILD.—I say that it is not a function of the Commonwealth as a Commonwealth. We might just as well take up any other industry or enterprise. I am sure this would be considered foreign to the Constitution by the High Court.

Senator MCGREGOR.—I should like the amendment to be submitted in some other form. The motion now before the Committee is that the words "nine hundred" be left out, with a view to insert the words "five thousand," and if after we had agreed to leave out the words "nine hundred," we did not insert the words "five thousand" we could not put the words "nine hundred" in again. It appears to me that if neither the proposal that the area should be 900 square miles, or that it should be 5,000 square miles are agreed to, we shall have got back to the terms of the Bill, and, of course, I am prepared to agree to that.

The CHAIRMAN.—If it is the wish of the Committee, I shall submit the larger area first.

no right to claim any much larger area, whatever our views may be on land nationalization; and that is why I do not like this particular proposal. I hope we shall proceed to a division, and that when the question arises in concrete form, we shall nationalize the land. I support that view, because I largely believe in land nationalization, and also because I believe it will be one of the most interesting object-lessons to the Australian States, and possibly to the world.

Senator Lt.-Col. GOULD (New South Wales).—I do not propose to detain honorable senators at great length by replying to the arguments in favour of land nationalization, or to the arguments in favour of the nationalization of industries generally. Both questions are foreign to the Bill now before us. The object of the measure is to provide for the Seat of Government for the Commonwealth. By the advocates of land nationalization there is much to be said which must carry weight with men who have considered the matter; but I cannot agree with those who contend for the nationalization of the general industries of the country. I feel perfectly sure that a country will go ahead much more rapidly by giving full scope to individualism, so that men, by their own energy and ability may better their position, rather than that all should be reduced to a dead level by the removal of any incentives to effort.

Senator WALKER.—The British Empire has been built up on individualism.

Senator Lt.-Col. GOULD.—And in every other country individualism has been the great cause of progress.

Senator TRENWITH.—British glory has been obtained by nationalization—by the British Navy and the British Army.

Senator Lt.-Col. GOULD.—The British Empire has never been kept down by the destruction of individual effort. Thank God, every individual in Great Britain is free to exercise his talents in the way he finds most conducive to his own interests.

Senator TRENWITH.—No.

Senator Lt.-Col. GOULD.—I am not going into any controversy on the question, but merely desire to state my own views and opinions. I do not desire that there should be a long debate, because I am sure honorable senators are anxious that we should arrive at some conclusion. The side issues which have been raised might be debated for days, but I hope we shall confine ourselves closely

to the matter before the Committee, and bring the debate to a close as speedily as possible.

Senator MCGREGOR.—I am glad to hear that Senator Gould is going to assist in bringing this matter to decision as speedily as possible.

Senator MILLEN.—We have been trying to do that all day.

Senator MCGREGOR.—I have failed to see any evidence of it. I desired that we should dispose of this Bill last night, and that could have been done.

Senator Lt.-Col. GOULD.—If we had not fought in the interest of our own State, and of the Commonwealth.

Senator MCGREGOR.—I wish to offer a few remarks with reference, not to Socialism, individualism, or anything of the kind, though I could say a great deal upon those subjects, but as to the necessity for a considerable area being set apart for Commonwealth purposes. If we consider the case of Victoria, the smallest State on the continent, with only one-fifth of the area of New South Wales, we shall find that there are nearly 2,500 square miles of land set apart in the shape of endowments for educational purposes. In that State there are also nearly 700 square miles set apart for educational purposes connected with agriculture and kindred industries, making over 3,000 square miles, and there is another area on Wilson's Promontory of about 160 square miles, which the authorities of Victoria are about to set aside for national purposes. Yet the whole of the Commonwealth of Australia, owing to the obstructiveness of the representatives of New South Wales—

Senator MILLEN.—That will help us to a conclusion.

Senator PULSFORD.—I rise to a point of order. Is the Vice-President of the Executive Council justified in speaking of the obstruction of honorable senators representing New South Wales?

The CHAIRMAN.—I do not think that the honorable senator is strictly in order in attributing obstruction to any honorable senator.

Senator MCGREGOR.—I hope that Senator Pulsford will not take it that I mean obstruction in the sense of blocking the business of the Committee. What I mean to convey is that New South Wales, judging by the action of her representatives in the Senate, is not prepared, in a fairly liberal manner, to provide an area for the Seat of

Government for the Commonwealth. I am pointing out, in contrast, the liberality shown in the State of Victoria in the endowment of her industries. I have shown that over 3,000 square miles have been set apart in Victoria for educational purposes. I hope that honorable senators realize that it is probable that in future the Seat of the Commonwealth Government will become one of the greatest seats of learning in Australia. We may expect to have established there universities and similar institutions, and they must be kept up in some way. Are they to be maintained by endowments of land, or by revenue derived by the rent of land? If we are to be confined to a paltry area of 100 square miles, 300 square miles, or even 500 square miles, how can there be any possibility of anything of that kind being done? I ask honorable senators to consider the matter from that point of view. I hope they will do something to settle the question. I had intended, with the consent of honorable senators, to agree to an adjournment over a reasonable length of time; but the action taken in connexion with this Bill has made it absolutely necessary that we should come back next week.

Senator MILLEN.—Will not the Government Supply Bill render that necessary?

Senator MCGREGOR.—Yes.

Senator MILLEN.—Then if we have to come back for the purposes of the Government, why should the honorable senator say that it is due to our action in connexion with this Bill?

Senator MCGREGOR.—We shall have to come back next Wednesday for the purpose of carrying the third reading of this Bill. We shall also have to come back to pass Supply, and I desire that this Bill shall be passed through Committee to-day, in order that we may take the third reading when at our next sitting. If I can get the support of a sufficient number of honorable senators, I shall be prepared to sit this evening, if necessary, because I have made up my mind that this Bill must go through Committee to-day. I hope honorable senators will assist in that. I know that honorable senators from New South Wales desire that the Bill shall be carried. I am aware that their resistance to certain proposals, which have been made, has been honest, but I hope that within a reasonable time they will realize that the majority of honorable senators are against them, and will be prepared to pay some respect to the wish of the majority.

Senator Lt.-Col. NEILD (New South Wales).—I sympathize with what the Vice-President of the Executive Council has said as to the necessity of getting on with business. I like to have my convenience studied when possible, and I desire, as far as in me lies, to study the convenience of my fellow members of the Senate. But I am not prepared to give a silent vote on a matter which I regard as being so totally outside the Federal Constitution that it cannot be my duty to vote for it. If a proposal had been made that the area should be 5,000 square miles, and we had stopped at that, there would not have been so much objection, but the proposal is submitted for a distinct purpose. I honour Senator Findler for his absolute straightforwardness in submitting his amendment. I appreciate it, but I do not agree with him. Any proposition that the Commonwealth should traffic in real estate or leaseholds, or should try a Bellamyite or Bedlamite experiment in land nationalization is foreign to the objects of this Bill, which is to provide for the Seat of Government of the Commonwealth. The proposal is foreign to the Constitution, which does not confer upon the Commonwealth the function of doing anything of the kind. It would be just as legitimate to propose that we should acquire Federal territory in order to start national cabbage growing.

Senator TRENWITH.—As a matter of fact, they grow cabbages nationally now in New South Wales.

Senator Lt.-Col. NEILD.—I say that it is not a function of the Commonwealth as a Commonwealth. We might just as well take up any other industry or enterprise. I am sure this would be considered foreign to the Constitution by the High Court.

Senator MCGREGOR.—I should like the amendment to be submitted in some other form. The motion now before the Committee is that the words "nine hundred" be left out, with a view to insert the words "five thousand," and if after we had agreed to leave out the words "nine hundred," we did not insert the words "five thousand," we could not put the words "nine hundred" in again. It appears to me that if neither the proposal that the area should be 900 square miles, or that it should be 5,000 square miles are agreed to, we shall have got back to the terms of the Bill, and, of course, I am prepared to agree to that.

The CHAIRMAN.—If it is the wish of the Committee, I shall submit the larger area first.

HONORABLE SENATORS.—Hear, hear.

Question—That the words “five thousand” be inserted after the word “than”—put. The Committee divided.

Ayes	...	...	...	10
Noes	...	...	...	14
				—
Majority	...	...	...	4

AYES.

Findley, E.	Styles, J.
Guthrie, R. S.	Trenwith, W. A.
Henderson, G.	Turley, H.
Higgs, W. G.	
Pearce, G. F.	Teller:
Story, W. H.	O'Keefe, D. J.

NOES.

Baker, Sir R. C.	Millen, E. D.
Dawson, A.	Mulcahy, E.
Dobson, H.	Neild, J. C.
Drake, J. G.	Pulsford, E.
Gould, A. J.	Walker, J. T.
Keating, J. H.	
Macfarlane, J.	Teller:
McGregor, G.	Smith, M. S. C.

Question so resolved in the negative.

Amendment of the amendment negatived.

Amendment agreed to.

Amendment (by Senator MILLEN) agreed to—

That the words “the area contained by a square whose side is thirty miles in length” be left out.

Senator FINDLEY (Victoria).—I propose to add to the clause as amended the words—“The land so granted and acquired shall not be held or alienated by any estate other than a leasehold estate.”

Senator Lt.-Col. GOULD.—Is that within the scope of the Bill?

Senator FINDLEY.—I think that when we have decided to acquire a certain territory we should say what we think should be done with it.

Senator Lt.-Col. GOULD.—We have not acquired it yet.

Senator PULSFORD.—This is a Bill to determine the Seat of Government.

Senator FINDLEY.—In deference to the wishes of honorable senators, I shall not press the amendment at this stage.

Question—That the clause, as amended, be agreed to—put. The Committee divided.

Ayes	...	...	...	18
Noes	...	...	...	6
				—
Majority	...	...	...	12

AYES.

Baker, Sir R. C.	O'Keefe, D. J.
Dawson, A.	Pearce, G. F.
Dobson, H.	Smith, M. S. C.
Drake, J. G.	Story, W. H.
Findley, E.	Styles, J.
Guthrie, R. S.	Trenwith, W. A.
Henderson, G.	Turley, H.
Higgs, W. G.	
Macfarlane, J.	Teller:
McGregor, G.	Keating, J. H.

NOES.

Gould, A. J.	Walker, J. T.
Mulcahy, E.	
Neild, J. C.	Teller:
Pulsford, E.	Millen, E. D.

Question so resolved in the affirmative.

Clause, as amended, agreed to.

Clause 4—

The amount of the compensation to be paid by the Commonwealth for any land to be acquired by the Commonwealth within the Seat of Government or the surrounding territory shall not exceed the value of the land on the first day of January One thousand nine hundred and three, but in other respects the provisions of the Property for Public Purposes Acquisition Act 1901 shall apply to the acquisition of such land.

Senator MILLEN (New South Wales).—I wish to call attention to the necessity for an amendment of this clause. The clause fixes the date on which the value of the land resumed is to be ascertained. The date given is the 1st January of last year. I admit at once that it is extremely right and proper that we should safeguard the Commonwealth from having to pay for the value created by the mere announcement that we intend to resume certain territory. But I wish to put before the Committee the alternative danger, if the clause remains as it stands. Although we fix the 1st January of last year as the date from which the values are to be ascertained, it may be ten or twenty years before we resume the properties. There are other factors at work which tend to add to the value of land. By means of this Bill we may lock up a considerable area of country. In ten or twenty years time we may proceed to resume the property within that area, and under this Bill we should immediately claim that property at its value on the 1st January, 1903. That would not be quite fair. The clause goes further than we desire to go. All that we desire to do, is to prevent the land-owners from getting any additional value by reason of the fact that we select the territory within which their land is situated. By leaving the Bill as it stands we may do a great injustice to persons whose land may increase in value



from quite other causes than the proposed acquisition of territory by the Commonwealth. Assume that a railway from Cooma to Bombala is constructed. Will not that add to the value of the land?

Senator PEARCE.—Who should get that added value?

Senator MILLEN.—Not the Commonwealth.

Senator PEARCE.—The people should.

Senator MILLEN.—The people of the Commonwealth would not construct that railway, but that section of the people who live in New South Wales. Suppose that somebody, as the result of special knowledge of what is being done in New Zealand or elsewhere, commences a new enterprise in this district. Suppose that he puts land in the selected area to uses to which nobody thought of putting it previously, and in consequence of so doing doubles the value of his land. That would be the result of his private enterprise, special knowledge and skill. Does the Federation want to take that added value which it has not created? Just as we do not want the individual to take from the Commonwealth the value which the Commonwealth creates, so the Commonwealth does not want to take a value which it has not created. I see a difficulty in altering the clause so as to express adequately what I desire. We do not know the actual date of resumption. If we intended to resume immediately, a simple amendment, altering the word "three" to "four," would be sufficient. It will be remembered that on the 13th October last year a similar Bill came up to this Chamber. That Bill proposed that the date from which the land values were to be assessed should be the 1st January, 1903. But this Bill, which was introduced many months later, still retains that date. Is that fair? If it were a reasonable thing last October to fix the previous January, it cannot be a reasonable thing now to fix the same date. What I should like would be to fix a certain number of months or years prior to the actual date of resumption. But I can see that that would be very inconvenient. I intend to content myself with moving the alteration of the word "three" to "four," in the full belief that if there is a serious delay in resumption a future Parliament will see the iniquity of resuming, we will say ten years hence, at a value obtaining to-day.

Senator DOBSON.—Would it not be better to avail ourselves of the terms of the Property Acquisition Act, which says that

the date at which the value shall be assessed shall be the first day of January last preceding the date of acquisition?

Senator MILLEN.—Without more time at our disposal than we now have, it seems to me to be better to limit ourselves to the simple amendment which I have suggested; and if it is necessary, at a later date, to devise other machinery it can be done.

Senator STANFORTH SMITH.—Does not the honorable senator think that there has been a prospective increase in the value of the land in consequence of the possibility of its being chosen for the Federal area?

Senator MILLEN.—No; and if the honorable senator likes to come to my office I will prove to him that it is not so, from figures concerning properties actually in the market. But whether that be so or not, nobody wants to deprive private individuals of the fair value of their land, nor do we wish private individuals to take the value created by the act of resumption. I move—

That the word "three," line 6, be left out, with a view to insert in lieu thereof the word "four."

Senator DOBSON (Tasmania).—If we had more time at our disposal it would be worth while discussing whether clause 4 should be retained at all. I draw attention to the provisions of the Property for Public Purposes Acquisition Act. When the measure was under discussion by the Senate, I tried to effect certain alterations in it. I instanced the injustice that might be done when we came to take a large area for Federal Capital purposes. Mr. Justice O'Connor—then Vice-President of the Executive Council—said that when we took land for the Federal Capital, there would have to be a separate Bill to deal with the acquisition. I believe that such is the case. I draw Senator MilLEN's attention to one or two sections of the Property Acquisition Act. He will recollect that the moment a notification that we require certain property is published in the *Gazette*, the property becomes vested in the Commonwealth, and from that date the owner is entitled to 3 per cent. on the value of his property. It was at my instance that 3 per cent. was fixed, instead of 2½. The owner knows that his land, from the moment the *Gazette* notice appears, is vested in the Commonwealth. When we are about to resume, we shall have to pass a special Bill, with a map attached to it, and the whole territory will have to be thoroughly surveyed. I think that Mr. Justice O'Connor's idea was to give one notice in the *Gazette* concerning the whole of the area, whether it be 100 or 1000 square

miles. On the publication of the *Gazette* notice, the whole of that property would vest in the Commonwealth. The machinery provided in the Property Acquisition Act is not sufficient, nor is it applicable, for taking the enormous area that we shall require for the Seat of Government; but the principle laid down in that Act is that when land is acquired by the Commonwealth its value must be decided without reference to any alteration in such value arising from the proposal to carry out the public work. I do not know that we can have any better guide than that principle.

Senator TRENWITH.—It is better to insert in the Bill the actual date, or the matter will be left open for endless disputes.

Senator DOBSON.—I do not think we have time to discuss the subject properly, but certainly I should prefer to see clause 4 omitted.

Senator O'KEEFE (Tasmania).—I trust that the Government will insist on retaining the clause as it stands. Instances were brought under the notice of several honorable senators showing that in the Tumut district the very fact that a site there was likely to be selected, had resulted in a large increase in the value of property. What harm can be done by leaving the clause? The Senate last year decided that Bombala should be the Federal territory. Is it not reasonable to assume that there has been an increase in the value of the land in the Bombala district in consequence of that decision?

Senator MILLEN.—The land-tax returns do not show it.

Senator O'KEEFE.—It is only a reasonable assumption. Some harm might be done by altering the date to 1904, but no harm can be done by leaving it at 1903.

Senator TRENWITH (Victoria).—I support the amendment. Wherever any reason is shown for a possibility of unfairness being created, we should always, if we can, remove the suspicion of anything of the kind unless, of course, some grave injury is likely to result. There are times when a plausible case may be presented for a suspicion of unfairness, but where it might not be wise to do what is asked. But this Bill arises in some degree out of the preceding Bill. That Bill embodied a principle which I consider to be fair. It provided that advantage should not be taken of the circumstance of its passing to increase the value of properties within the area selected. A doubt has since prevailed as to where the Federal area is to be. What we wish to guard

against is the increment created by the establishment of the Federal Capital going into private pockets. But we need to be careful that we do not take anything out of the pockets of private individuals. As I understand that the Vice-President of the Executive Council agrees to the amendment, we need not discuss it any further.

Senator MCGREGOR.—I always like to show that the Government are as reasonable as possible with those opposed to them, in regard to measures introduced in the Senate; and I raise no objection to the proposal by Senator Millen. We must recognise that when the time comes for the acquisition of territory, the value of that territory will, to a very large extent, be based on the assessment for taxation and other purposes. I am certain no one here imagines that the Government of New South Wales have raised the assessment of any part of this territory, or that they have been asked to do so.

Senator Lt.-Col. GOULD.—That has not been done, I can assure the honorable senator.

Senator MCGREGOR.—Senator Gould agrees that there is nothing unreasonable in the proposal now made, and, therefore, the Government are losing nothing in accepting it.

Senator STANFORTH SMITH (Western Australia).—What I think we desire is to pay the full and just value for land as agricultural or pastoral property, or whatever it may be, irrespective of the enhanced value given by reason of its selection as a site for the Federal Capital. By interjection we have elicited from Senator Millen that there has been no prospective increase in the value of land at Bombala in the last twelve months.

Senator MILLEN.—I did not say there would be no increase of value between now and the time when the land is resumed.

Senator STANFORTH SMITH.—If there has been no increase in value, where is the reason for altering the date from the January before last to last January.

Senator MILLEN.—If the honorable senator will guarantee to resume the land at once I shall withdraw my amendment.

Senator STANFORTH SMITH.—I do not see why there should be any prospective increase in value, unless by reason of our deciding that the site of the Federal Capital shall be there.

Senator MILLEN.—But that may be six years, and not six months, hence.

Senator STANIFORTH SMITH.—When I was in Tumut, the residents who drove me around said that in the week in which the House of Representatives decided on Tumut, the land there increased in value by 30s. an acre.

Senator MILLEN.—They must have taken the honorable senator to be very green. Does the honorable senator believe all he was told?

Senator STANIFORTH SMITH.—I must believe what I was then told, because I judged my informants by the veracity of their representatives in this Chamber. If we decided, for instance, that Bombala should be the Capital site, do honorable senators mean to say that the value of allotments around the port would not immediately increase?

Senator MCGREGOR.—That does not affect the question.

Senator STANIFORTH SMITH.—I say that the value of land in the locality has already increased.

Senator Lt.-Col. GOULD.—In any case, the Property for Public Purposes Acquisition Act comes in.

Senator STANIFORTH SMITH.—No doubt this land has gone up in value, because of the prospects of Bombala being selected as the site. Though I do not think the matter is of much importance, we should, in my opinion, have to pay a higher price if we changed the date, that higher price being wholly and solely on account of the selection of the Capital site.

Amendment agreed to.

Clause, as amended, agreed to.

Resolved—That clause 2 be reconsidered.

Clause 2 (as amended)—

It is hereby determined that the Seat of Government of the Commonwealth shall be within the territory bounded on the north by a line running parallel with, and twelve miles south of, the thirty-sixth parallel of south latitude, and within twenty-five miles of \_\_\_\_\_ in the State of New South Wales.

Senator PEARCE (Western Australia).—I move—

That after the word "within," line 2, the following words be inserted—"the whole of that portion of New South Wales bounded on the north by a direct line running from the town of Pambula to the town of Cooma, thence due west to the border of the State of Victoria."

Senator MILLEN.—Shall we not have to strike out the original amendment?

Senator PEARCE.—If the present amendment be carried, the former amendment can then be struck out. This amend-

ment is proposed to omit Bega and district, so as to meet the objection raised by Senator Millen and others.

Amendment agreed to.

Amendment (by Senator MCGREGOR) agreed to—

That the following words be left out—"the territory bounded on the north by a line running parallel with, and twelve miles south of, the thirty-sixth parallel of south latitude."

Senator DOBSON.—What is the meaning of the words "within the whole?"

Senator MCGREGOR.—It means within the whole of that area.

Senator DOBSON.—Then we ought to say "within the area."

The CHAIRMAN.—I cannot take Senator Dobson's objection at this stage.

Senator TRENWITH (Victoria).—I desire to call attention to a difficulty which I saw last evening. If we make the radius twenty-five miles from Dalgety, we shall now really fix upon Dalgety; and I don't think we want to do that. All we want to do is to sufficiently define an area to create a basis for negotiation.

The CHAIRMAN.—I have no motion before me.

Senator TRENWITH.—I beg to move—

That the word "twenty-five" be left out, with a view to insert in lieu thereof "fifty."

In my opinion a radius of forty-five miles would be sufficient.

Senator Lt.-Col. GOULD.—I would suggest that all the words be struck out, and the matter be left in the hands of the Government.

Senator TRENWITH.—The Government seem to desire greater definiteness.

Senator MILLEN.—I do not think the amendment makes the matter any more definite.

Senator TRENWITH.—I do not think it does, myself.

Senator MCGREGOR.—My desire is to avoid the necessity of altering the title of the Bill, and also to prevent people in the future, if we leave the area indefinite, from proposing that the Capital shall be at Eden or on top of Mount Kosciusko. To prevent absurd proposals of that description, the area should be so limited as to give a reasonable possibility of a successful Capital city being established.

Senator MULCAHY.—This area is 100 miles in diameter.

Senator MCGREGOR.—That is a very little square, and it might allow one to go fifty or sixty miles in one direction and not twenty miles in another direction. The pur-

pose of the Bill is to define the locality within which shall be the Seat of the Commonwealth Government. I do not care whether Senator Trenwith leaves a radius of twenty-five miles or increases the radius to forty or fifty miles. I believe that a radius of forty miles would really accomplish all he desires, but it will not matter if the radius be made fifty miles. The possibility is that we could fix the Seat of Government at Dalgety, Bombala, Delegate, or any intervening place.

Senator TRENWITH (Victoria).—The Government may be satisfied that there is sufficient definiteness in the clause as it has been amended; but I feel sure it would be a calamity to fix the radius at the limit provided in the Bill. That would entail on us the selecting of a definite site, and that we are not in a position to undertake at this stage. Some persons may see a danger in a radius of fifty miles, but I have been informed by Senator Millen, who knows the district, that no one will suffer any injury.

Senator MULCAHY (Tasmania).—I am sure that the Senate will not be asked to do anything that is ridiculous. What we have defined is a certain area bounded on the north by a geographical line, on the south by the Victorian border, and on the east by the ocean; and now it is proposed that there shall be another boundary, which will practically include the whole of the area already defined.

Senator TRENWITH.—No.

Senator MULCAHY.—We are supposed to be defining a narrower and a smaller area, and thus relieving the Government from a responsibility they are unwilling to accept.

Senator O'KEEFE.—Not a smaller area of territory.

Senator MULCAHY.—The Government are desirous of placing on the Senate the task of as nearly as possible fixing a site. We are now trying to fix a smaller locality, by prescribing an area of 100 miles diameter, which will cover the area previously defined within which the site shall be selected. We ought either to fix a radius of twenty-five miles from Dalgety, or leave it to the Government to do their best; and even twenty-five miles would give us a considerable amount of territory.

Senator TRENWITH.—It would not enable us to go where we want to go.

Senator MULCAHY.—That may or may not be so. The effect of the proposition, if carried, would be to deprive us of any

future opportunity of getting the very best site. Sufficient restriction has already been imposed.

Senator STANFORTH SMITH (Western Australia).—Up to the present we have decided that the Federal Territory shall be within a certain area of New South Wales, and that the Federal Capital city shall be within an area delimited by Senator Pearce's amendment. We ought to go no further; and I hope we shall refuse to carry the proposal before us. We have fixed an area of 5,020 square miles, and in that we have gone quite far enough. We should get the consent of another place to that proposition, and we should have contour surveys made before we decide the actual site of the Capital. Twofold Bay is from eighty to ninety miles from Dalgety; and if this amendment were carried it would be impossible for us to secure a site for the Capital within thirty or forty miles of Twofold Bay. Many honorable senators believe that it would be better to have a site which would include Twofold Bay as a part of the Federal territory; but that would be impossible if Senator Trenwith's amendment is carried.

Senator WALKER.—Does the honorable senator wish to acquire Twofold Bay also?

Senator STANFORTH SMITH.—It might be advisable.

Senator TRENWITH.—I have no hesitation in saying it would not be advisable.

Senator STANFORTH SMITH.—The honorable senator is entitled to his opinion; but I am not at present prepared to say that the site of the Capital should, or should not, be within thirty miles of Twofold Bay.

Senator MCGREGOR.—We have cut out the district in which it would have been possible to have selected a site within thirty or forty miles of Twofold Bay, which would have had any chance of success, that is the Bega district.

Senator STANFORTH SMITH.—The reason given by the Vice-President of the Executive Council for what he suggests is that we should keep within the title of the Bill. Surely it is better that we should alter the title of the Bill, and make it a Bill to decide the Federal Territory; and when that is decided we can subsequently consider where the Capital site shall be in that territory.

Senator MILLEN.—Does the honorable senator think that it is possible to have the site within a short distance of Twofold Bay?

Senator STANFORTH SMITH.—I do. If we are to have an area of 900 square miles the advisability of having Twofold Bay as a Federal port might be held to overrule the advantages of other sites, and make it advisable to select a site within thirty or forty miles of the Federal port.

Senator MCGREGOR.—What we have done up to the present time precludes us from doing anything of the sort.

Senator STANFORTH SMITH.—It does not preclude us from having the Federal Capital to the east, north-east, or south of Twofold Bay. What is now proposed will not advance the matter in the slightest degree, and I hope the Committee will not stultify itself by carrying such an amendment.

Senator MCGREGOR.—Senator Smith, and honorable senators who agree with him, should before now have moved that the words "and within" should be left out. Unless that were done the clause would conclude with the words "and within," and would be without sense. I hope that honorable senators, in order to save time, to keep within the title of the Bill, and to give a direction which will be of some use to those who will have the selection of the Capital site, will agree to the distance mentioned in the clause, or else accept Senator Trenwith's amendment.

Question—That the words "twenty-five" be left out—resolved in the affirmative.

Question—That the word "fifty" be inserted—put. The Committee divided.

Ayes	...	...	14
Noes	...	...	11
<hr/>			
Majority	...	...	3

#### AYES.

Baker, Sir R. C.  
Dawson, A.  
Drake, J. G.  
Gould, A. J.  
Higgs, W. G.  
Macfarlane, J.  
McGregor, G.  
Mulcahy, E.

Neild, J. C.  
O'Keefe, D. J.  
Pulsford, E.  
Trenwith, W. A.  
Walker, J. T.

*Teller.*

Millen, E. D.

#### NOES.

Dobson, H.  
Findley, E.  
Guthrie, R. S.  
Henderson, G.  
Keating, J. H.  
Pearce, G. F.

Playford, T.  
Story, W. H.  
Styles, J.  
Turley, H.  
*Teller.*  
Smith, M. S. C.

Question so resolved in the affirmative.

Amendment agreed to.

Senator MCGREGOR.—I am not wedded to either Bombala, Dalgety, or Delegate, but, for the purposes of the Bill, and to fix a site as central as possible, I move—

That the blank be filled by the insertion of the word "Dalgety."

Senator TURLEY (Queensland).—I am against this amendment. I recognise that a number of honorable senators have voted for the selection of the Southern Monaro district with the idea that, by so doing, we might be able to include within the Federal area a port of our own.

Senator MILLEN.—We shall be able to do so under this amendment.

Senator TURLEY.—I do not think so. The proposal is that the Capital site shall be within fifty miles of Dalgety, and, according to the report submitted by Sir John Forrest, Dalgety is 100 miles from Twofold Bay. We might as well select Dalgety at once as the site of the future Federal Capital. If honorable senators believe that a port should be included within the Federal territory, in view of the fifty-mile limit to which we have agreed, the blank should be filled up by the word "Bombala." Dalgety is forty-five miles north of Bombala, and what I suggest would not prevent the Capital site being ultimately located there, if on further consideration, and in view of the information which I suppose the Government would secure before definite action were taken, that seemed desirable. If the site indicated by the Bill should be Dalgety, a fairly large area around that site would be required for the Capital, and to include the port it would be necessary to have a long narrow strip of territory running to the sea coast.

Senator DAWSON.—What is the honorable senator's definition of a port?

Senator TURLEY.—I believe that the Federal Government would require for their own use a considerable area surrounding the port, in order to establish dockyards, arsenals, and so on.

Senator DAWSON.—Does the honorable senator call Twofold Bay a port?

Senator TURLEY.—On the evidence with which we have been supplied by experts, there is no doubt that it could be made a port. Has the Minister of Defence in mind any other place within the area suggested which would provide a suitable port for Federal purposes?

Senator DAWSON.—I do not think that a port is necessary.

Senator TURLEY.—I remind the honorable senator that the majority of the mem-

bers of the Senate have voted for this Southern Monaro district because they have realized the necessity of having a Federal port. I can of course understand the action of the Vice-President of the Executive Council in proposing to fill the blank with the word "Dalgety," if the Government believe that dock-yards and works connected with naval armament should be provided in other ports of the Commonwealth—Melbourne, Sydney, Adelaide, or Brisbane. It is clear, however, that it is the intention of the majority of honorable senators that the Federal territory shall include navigable waters, and that this contention cannot be given affect to if the present amendment is carried. I am prepared to move that the blank be filled by the insertion of the word "Bombala."

The CHAIRMAN.—I think it would be better that the honorable senator should refrain from moving that amendment until the Committee has decided whether the blank shall be filled by the word "Dalgety."

Senator MILLEN.—That is to say that honorable senators who want Bombala will vote against Dalgety?

Senator DOBSON (Tasmania).—After the years of discussion which we have had on the question of the Federal Capital, it would be a very great shame if we were now to proceed with this business in a hurried fashion. There are two bangles on the face of the Bill as it is. I am not prepared, as I have said over and over again, to vote at this stage for selecting a particular site. It is a mistake to bind us down to a particular locality. The Vice-President of the Executive Council has pointed out that if Dalgety is selected we may have the Capital at Bombala, or nearer to the Victorian border, and at the same time our territory might include the port of Twofold Bay. Some of us are in doubt on that point, and there should not be a doubt about anything on which we are called to vote. I have already reminded honorable senators of the point raised by the President that it is desirable that the territory should be on the border between the two States. That question has not been discussed. We have not time to discuss it properly now, and I think that the Vice-President of the Executive Council should withdraw this proposal. What is the use of fixing a large area in a locality of which a majority of us approve, and then undoing the work by saying that the territory must be within fifty

miles of a particular spot? By so doing, we may find ourselves just one mile beyond the particular place where we want to go.

Senator MACFARLANE (Tasmania).—I think we must all recognise that our duty is to come to a settlement of this question.

Senator DAWSON.—It will cost more money to print the speeches in *Hansard* than to build the Federal Capital.

Senator MACFARLANE.—All I can say is that the few short speeches I deliver will not cost the Commonwealth much. I have it on very good authority that another place is more likely to accept Dalgety than Bombala. I believe there is a majority in the Senate for Dalgety, and, as we wish to have a settlement, and can still have Bombala ultimately, the proposal of the Vice-President of the Executive Council ought to be accepted. I think there is a very strong reason for adopting the proposal of the Government.

Senator TRENWITH (Victoria).—We are not dealing now with the site, but with a position within fifty miles of where the site must be. The difficulty that some honorable members see is that a place within fifty miles of Dalgety may not include Twofold Bay. If there is any ground for that fear, it is serious. Therefore, it might be wise to fix some limitation that would avoid that danger, but at the same time include all the possible sites. I would suggest that to attain that object we should vote against Dalgety. Then there will be a blank to be filled up, and it will be competent to any honorable senator to move the insertion of some other point that seems less dangerous than Dalgety.

Senator STANFORTH SMITH (West Australia).—I hope that the Committee will vote against fixing Dalgety as the point from which the fifty-mile radius shall be measured. The object of fixing the site within a certain area seems to be the quixotic one of making the Bill conform to the title, instead of making the title conform to the Bill in a business-like fashion. Let us take some central point rather than Dalgety, so that all the best sites within the area mentioned in Senator Pearce's proposal may be included. We shall do no injury if we take Bombala as the centre of the radius. I find that it is forty-three miles from Twofold Bay, thirty-five miles from Dalgety, and forty miles from Coolangdon.

Senator MCGREGOR.—If there is a consensus of opinion in favour of Bombala I

will withdraw the proposal to insert the word Dalgety.

Senator MILLEN.—I object to the withdrawal of the amendment.

Senator MULCAHY (Tasmania).—It seems to me that we have already done an absurd thing, and that honorable senators are beginning to realize it. Senator Turley has suggested that we should take a central point which would embrace all the good sites within a radius of fifty miles. That suggestion seems to me to be as though the site to be selected were in Tasmania, and we said that it should be some place within a radius of 150 miles from some township in the centre of the island. I wish to leave the widest possible choice. From that point of view, it would be wiser to insert Bombala than Dalgety. A radius of fifty miles from Bombala will include some good sites, but might exclude some places that it might be desirable to have.

Question—That the blank be filled by the insertion of the word "Dalgety"—put.

The Committee divided.

Ayes	...	...	12
Noes	...	...	13

Majority	...	...	1
----------	-----	-----	---

#### AYES.

Baker, Sir R. C.  
Dawson, A.  
Drake, J. G.  
Gould, A. J.  
Higgs, W. G.  
McGregor, G.  
Millen, E. D.

Neild, J. C.  
O'Keefe, D. J.  
Pulsford, E.  
Walker, J. T.

Teller:  
Macfarlane, J.

#### NOES.

Dobson, H.  
Findley, E.  
Guthrie, R. S.  
Keating, J. H.  
Mulcahy, E.  
Pearce, G. F.  
Playford, T.

Smith, M. S. C.  
Story, W. H.  
Styles, J.  
Trenwith, W. A.  
Turley, H.

Teller:  
Henderson, G.

Question so resolved in the negative.

Amendment negatived.

Amendment (by Senator TURLEY) agreed to—

That the blank be filled by the insertion of the word "Bombala."

Senator DOBSON (Tasmania).—There are two blots upon the Bill which ought to be remedied before it leaves our hands. The words "the whole of" ought to be omitted, so as to make the Bill read "in that portion," instead of "in the whole of that portion." Then, Senator Baker has pointed out to me that there is nothing on the face of the Bill to show that the terri-

tory which we are choosing is to be within the area mentioned in clause 2. In order to remedy that, we should say in clause 3—

The territory to be granted to or acquired by the Commonwealth within which the Seat of Government shall be, shall be within the area mentioned in section 2.

Senator MCGREGOR.—Senator Dobson may be quite right in his view, but I would point out that Senator Pearce's amendment was drafted on legal advice. I understand that the phraseology is legal, but I do not profess to know anything about it myself. If what Senator Dobson says be true, he should move that clauses 2 and 3 be reconsidered.

Clause, as further amended, agreed to.

Motion (by Senator DOBSON) proposed—

That clauses 2 and 3 be reconsidered.

Question put. The Committee divided.

Ayes	...	...	12
Noes	...	...	10

Majority	...	...	2
----------	-----	-----	---

#### AYES.

Findley, E.  
Gould, A. J.  
Henderson, G.  
Keating, J. H.  
Millen, E. D.  
Mulcahy, E.  
Neild, J. C.

Pearce, G. F.  
Smith, M. S. C.  
Trenwith, W. A.  
Walker, J. T.

Teller:  
Dobson, H.

#### NOES.

Baker, Sir R. C.  
Dawson, A.  
Guthrie, R. S.  
Higgs, W. G.  
McGregor, G.  
O'Keefe, D. J.

Pulsford, E.  
Styles, J.  
Turley, H.

Teller:  
Macfarlane, J.

Question so resolved in the affirmative.

Clause 2 (*vide* page 1978).

Amendment (by Senator DOBSON) agreed to—

That the words "the whole of," be left out.

Clause, as further amended, agreed to.

Clause 3 (*vide* page 1953).

Senator DOBSON (Tasmania).—I move—

That after the word "shall," second line, the words "be within the area mentioned in section 2 and shall," be inserted.

This amendment is proposed in order to make sure that the site selected shall be within the territory mentioned in clause 2.

Senator TRENWITH (Victoria).—We have decided the area within which the Seat of Government shall be, but we do not wish to decide definitely as to the area of the Seat of Government. It might be desired to have territory extending beyond the limit indicated.

Senator MILLEN.—But that was the arrangement on which Senator Pearce's amendment was passed.

Senator TRENWITH.—That was as to the degree of parallel, and not as to the radius. There are two limitations in the case, one of which is much more extensive than the other. When we made the radius a limitation of fifty miles it was in order to make more definite the Seat of Government within the larger area first decided.

If we create a further limitation, we shall be confined to an area within a radius of fifty miles from Bombala. We might decide to go sixty miles beyond Bombala on one side, and not one inch beyond on the other side. I do not know the extent of the area from point to point within the limit defined by a geographical parallel, but I know the limit intended, of which Bombala is made the centre; and I do not want it to be impossible to have any point of the territory outside of that radius.

Senator MCGREGOR.—This question has nothing to do with territory.

Senator TRENWITH.—We have created no limits. Senator Dobson desires to pre-empt that not a portion but the whole of the territory shall be within the limit referred to in clause 2. One of the limits is a limit of fifty miles from Bombala.

Senator MILLEN.—If the first limitation was not intended to be a limitation of the territory, what was the good of it?

Senator TRENWITH.—I do not object to the first limitation, although I do not think it was what Senator Millen says.

Senator MILLEN.—Then what was the purpose?

Senator TRENWITH.—It was a limitation of the area in which the Seat of Government might be.

Senator MILLEN.—The radius of fifty miles did that.

Senator TRENWITH.—The radius of fifty miles subsequently made the matter a little more definite. Our whole effort has been to fix the Seat of Government; and in order to have a sufficiently wide area, we adopted Senator Pearce's amendment. Having decided on that sufficiently wide area, we desire to have a more precise area on a basis of negotiation.

Senator DOBSON.—Only as to the Seat of Government, and not as to the territory.

Senator TRENWITH.—But it is now sought to bring the territory within the radius prescribed for the Seat of Government.

Senator Lt.-Col. GOULD.—The idea of keeping out Bega is gone.

Senator TRENWITH.—We might subsequently have to take Bega or some other places, but that is not contemplated in the meantime. Senator Millen, I take it, does not object to our taking any lands if we definitely decide to do so, but if we do not intend to take the land, the people who are settled thereon ought to be assured of the fact.

Senator MILLEN.—Do I understand that the honorable senator suggests that, even after that, the land may be required?

Senator TRENWITH.—That is not so, because there are both of the limitations to which I have referred. We have not shut Bega out of the possibility of being taken, but we have prevented the possibility of the prospect of our acquiring that place when there is little hope of our acquiring it. We should be doing a dangerous thing if we provide that all the territory taken shall be within a radius of fifty miles from Bombala; and, therefore, I hope that Senator Dobson's amendment will not be carried.

Question.—That after the word "shall," line 2, the words "be within the area mentioned in section 2 and shall," be inserted—put. The Committee divided.

Ayes	...	...	...	11
Noes	...	...	...	9

Majority	...	...	2
----------	-----	-----	---

AYES.

Dawson, A.	Mulcahy, E.
Gould, A. J.	Neild, J. C.
Higgs, W. G.	O'Keefe, D. J.
Macfarlane, J.	Walker, J. T.
McGregor, G.	Teller:
Millen, E. D.	Dobson, H.

NOES.

Baker, Sir R. C.	Styles, J.
Findley, E.	Trenwith, W. A.
Guthrie, R. S.	Turley, H.
Henderson, G.	Teller:
Smith, M. S. C.	Keating, J. H.

Question so resolved in the affirmative.

Amendment agreed to.

Clause, as amended, agreed to.

Bill reported with amendments.

Senator MCGREGOR.—Seeing that we have taken so long over this Bill, and that a large number of senators are present, I move—

That the Standing Orders be suspended to enable the Bill to pass through its remaining stages without delay.

Senator DOBSON.—If ever there was a Bill which honorable senators ought to



in print, and have the opportunity of carefully considering, it is the Bill before the Senate.

The PRESIDENT.—If a motion of the kind be submitted without notice, it must be carried by an absolute majority of the Senate.

Senator MCGREGOR.—I believe that the necessary majority of honorable senators are within the precincts of the Senate.

Senator TRENWITH (Victoria).—I submit that it is extremely undesirable to adopt this course. There are times when it is excusable to suspend the Standing Orders, which are the safeguards which the representatives of the people have to prevent business being rushed through Parliament. We must meet again next Wednesday. We shall then have the Bill printed, and we shall not have violated one of the safeguards which through centuries Parliament has gone on building up in the interests of the security of the people, and to preserve them from hasty, inconsiderate, or, it may be, improperly devised, legislation.

Senator WALKER.—An absolute majority of the whole Senate is required.

Senator TRENWITH.—I hope honorable senators will not carry the motion even though there should be an absolute majority of the whole Senate in favour of it, for the reason that such a motion is only excusable where there is very great urgency. In this instance, there does not appear to be any extreme urgency. We are aware that honorable senators have left, probably relying upon the Standing Orders being adhered to. I feel that the security of the Standing Orders should not be lightly tampered with.

Senator MCGREGOR.—I wish to give my reasons for moving the motion. At the beginning of the week a number of honorable senators expressed a desire, if we could get through the business, to have a long adjournment. I was prepared to give effect to that desire if the Senate would allow me, and, if not, I was prepared to go on with business. We must come here next Wednesday for the purpose of passing a Supply Bill, but I point out to Senator Trenwith that if we simply report the Bill now, the consideration of the report will be taken next Wednesday, and then the third reading will have to be put off until another day, unless the Standing Orders are suspended next Wednesday. As the only business on Wednesday will be the Supply

Bill, and probably the introduction of the Fraudulent Trade Marks Bill, I do not anticipate that honorable senators representing New South Wales will come down here simply for that purpose. A number of other honorable senators may not attend. These are the reasons for the motion, and if honorable senators do not think them sufficient the fault is not mine. I have stated the position, and if honorable senators desire that we should merely report the Bill now, I shall be satisfied, and shall say no more.

Question put. The Senate divided.

Ayes ... .. 14

Noes ... .. 5

Majority ... .. 9

#### AYES.

Dawson, A.  
Findley, E.  
Gould, A. J.  
Guthrie, R. S.  
Henderson, G.  
Higgs, W. G.  
Keating, J. H.  
Macfarlane, J.

McGregor, G.  
Millen, E. D.  
Smith, M. S. C.  
Turley, H.  
Walker, J. T.

Teller:  
O'Keefe, D. J.

#### NOES.

Baker, Sir R. C.  
Dobson, H.  
Styles, J.

Trenwith, W. A.  
Teller:  
Mulcahy, E.

The PRESIDENT.—As there is not an absolute majority in favour of the motion, it passes in the negative.

Senate adjourned at 4.40 p.m.

## House of Representatives.

Friday, 3 June, 1904.

Mr. SPEAKER took the chair at 10 a.m., and read prayers.

### MILITARY TITLES.

Sir JOHN FORREST.—Has the Prime Minister noticed the statement in this morning's newspaper that the Postmaster-General has written a minute in regard to the use of military titles by officials of his Department. The newspaper statement is this—

The Postmaster-General wrote a minute in which he pointed out that "The functions of the

Department being purely civil, no recognition of any kind can be given to military titles." He ordered instructions to be issued at once to this effect to the Deputy Postmaster-General. Mr. Mahon added to his minutes an intimation that he had noted Mr. Buttrick's supposition that "officers can claim to use their titles at all times"; but pointed out that the issue was not a "claim to use" their titles themselves, but their right to require other officers to recognise and use such titles in conversation and written communications. "Of course," wrote the Postmaster-General, "the men had no such right."

Is the action of the Postmaster-General to be taken as the action of the Government? If so, by what right or authority do the Government interfere with the use of military designations to which officers are entitled by law?

Mr. WATSON.—I have only seen the statement which the honorable member has read; I have not had any communication with my colleague on the subject. Speaking without further information, I think that the action he has taken is quite justifiable. I am not informed as to the legal right of officials to be addressed by their military titles, but I shall consult the Attorney-General upon the subject.

Sir JOHN FORREST.—I will give notice of the question. I take my stand on the law.

Mr. WATSON.—It would be better if the right honorable member would give notice. According to the newspaper account, the decision of the Postmaster-General is reinforced by the opinions of his permanent officials.

#### TRAVELLING EXPENSES OF THE GENERAL OFFICER COMMANDING AND STAFF.

Mr. HUME COOK asked the Minister representing the Minister of Defence, *upon notice*—

1. What sum, in addition to salary, has been paid to General Hutton during the tenure of his office, for travelling expenses and personal allowances?
2. What sum, in addition to salaries, has been paid to officers of staff in attendance upon General Hutton during the tenure of his office, for travelling expenses and personal allowances?
3. What have been the total salaries of the staff?

Mr. WATSON.—I have been supplied by the Minister of Defence with the following replies:—

1. £546 14s. 9d.
2. £468 9s. 8d.
3. £17,903 13s. 5d.

#### CONCILIATION AND ARBITRATION BILL.

*In Committee* (Consideration resumed from 2nd June, *vide* page 1951):

Clause 4, as amended—

In this Act, except where otherwise clearly intended—

"Industrial dispute" means a dispute in relation to industrial matters—

- (a) arising between an employer or an organization of employers on the one part and an organization of employees on the other part, or
- (b) certified by the Registrar as proper in the public interest to be dealt with by the Court, and extending beyond the limits of any one State, including disputes in relation to employment upon State railways, or to employment in industries carried on by or under the control of the Commonwealth, or a State, or any public authority constituted under the Commonwealth or a State.

Upon which Mr. ROBINSON had moved, by way of amendment—

That the following words be added to paragraph b:—"But it does not include a dispute relating to employment in any agricultural, viticultural, horticultural, or dairying pursuit."

Mr. McCOLL (Echuca).—Of all the important matters which may be considered in connexion with the Bill, none is more important than that which engaged the attention of the Committee yesterday, and will engage its attention again to-day. We are dealing now with the most important section of the community. In an extremity we could, perhaps, do without other sections, but we could not do without the body of men who are settled upon the land, and whose interests we are now considering. I think that the Prime Minister is unwise in opposing the amendment, and if he persists in his opposition to it he will find himself in danger of wrecking the Bill.

Mr. BATCHELOR.—We cannot go back upon the provisions drafted by the late Government.

Mr. McCOLL.—It is useless to say that the Bill is that of the late Government.

Mr. WATSON.—We take full responsibility for it.

Mr. McCOLL.—During the second reading debate the honorable member for Gippsland and others took strong objection to the application of its provisions to farmers and dairymen, and indicated that they would oppose it to the bitter end. In my opinion, if the Deakin Administration had continued in charge of the measure, they would not have maintained the extreme attitude

which is now being maintained by the honorable member for Bland.

Sir JOHN FORREST.—Hear, hear.

Mr. BATCHELOR.—Why, the provision was in the Bill as introduced by the Government of which the right honorable member was a Minister!

Mr. McCOLL.—My contention is borne out by the interjection of the right honorable member for Swan, and the statements made by the honorable member for Hume last night. I think that the Prime Minister will find that on this occasion he has struck a snag.

Mr. McLEAN.—The Bill was made applicable to farmers only that there might be something to give away.

Mr. McCOLL.—Yes. For years past the farmers have had one restriction after another placed upon them. Government inspectors have been appointed to supervise the destruction of noxious weeds and of vermin, and to see that dairying and other industries are carried on strictly in accordance with the law. I do not say that the appointment of such inspectors was not necessary in the interests, not only of the community at large, but of the farmers and dairymen themselves, but many of the inspectors carry out their duties in such a way as to considerably harass the farming and dairying industries. Now that it is proposed to bring those industries within the provisions of this measure, the cup of bitterness will be filled to the brim, and our farming population will be prepared to take the strongest measures to oppose it. Did the members of the Labour Party, when before their constituents last December, inform the farmers of their intention to apply its provisions to them? I venture to say that no labour member who represents a farming community did so.

Mr. WATSON.—I told the farmers of my constituency that I would make the provisions of the measure apply all round.

Mr. BATCHELOR.—So did I.

Mr. McCOLL.—When a general statement of this kind is made to a large meeting the people do not grasp it as they would if they were told that the Bill would apply to them. Honorable members did not tell their farming constituents that. But the farmers should know what is intended, and how their interests will be affected. Under the measure all conditions of labour on a farm may be regulated by the Court. No matter what the exigencies of the situation, or what the season, the Court may interfere

with the management of the farmer's business in every detail. He will not be at liberty to make such arrangements as he chooses with those who wish to work for him on the share system, or to pay such wages as those who are ready to leave his employes are willing to accept. Then the hours of labour will be fixed by law, and the farmer's control of the work done on his farm will be taken entirely out of his hands. He will not be able even to select his own employes. He may find that instead of being able to employ a man in whom he has confidence, because he knows he will do his work well, he will have to take some other man merely because the latter happens to be a member of a union. All matters between himself and his man will be regulated for him, and he will have to carry on his business as the Court may determine. If I have not stated the case correctly, I shall be very glad to be set right. So far as I can understand the Bill, that is what it means.

Mr. POYNTON.—The Bill was introduced by the leader of the party to which the honorable member belongs.

Mr. McCOLL.—The attitude which I took up with regard to this Bill at the elections was that, whilst recognising that within certain limits it might be made a very beneficent measure, it could not in fairness be applied to the rural industries. I specially brought this matter before every meeting I addressed, and told the electors that, subject to certain qualifications, I intended to support the Bill. The fact that I favoured the Bill at all was not very well received; but I preferred to be perfectly candid with my constituents. The exemptions I proposed were—State servants of all classes and those engaged in rural industries. Now, this Bill can be applied with benefit only to industries in which there is something like regularity of employment, and in which the conditions are to a certain extent settled. I know the conditions cannot always be of a settled character in any industry; but at the same time there is a vast difference between industries such as we have in the cities or in the mining centres, or those connected with the shipping trade, and those which are proposed to be exempted under the amendment. In order that the Bill may be applied with benefit to industries there must be regular methods of working which will afford the Court a basis for its decisions.

no other essential condition is—something like certainty of return.

Mr. McLEAN.—The honorable member means industries in which large bodies of men are employed.

Mr. McCOLL.—Exactly; and those in which investors have some certainty of obtaining a return for their outlay. Absolute certainty cannot be looked for in any case; but those who conduct the manufacturing industries of the cities always have assets in the form of the raw material or the finished product, and get some return, whatever the price may be realized for their goods. I ask honorable members whether the farming industry is carried on under the conditions I have named. If not, would it be fair to bring it within the scope of the Bill? We know that in rural life employment is intermittent. Men cannot be employed throughout the year, in the same way as in a factory, or in a mine, or on a ship. The conditions of employment are also varied. They are subject to the most extreme changes, and there are also continual changes in the markets. Another great factor with which we have to reckon in the farming industry, especially in such a country as this, is the uncertainty as to the returns. The Prime Minister admitted last night that farming was a sort of gamble, and it seems to me that to bring such an occupation as that within the scope of this Bill would be absurd. We know that north of the Dividing Range in this State, and in South Australia, New South Wales, and Queensland, it is a mere chance whether the farmers obtain any return from their crops. As the honorable member for Ballarat once said, it is simply "betting on the clouds." The farmer in the north is at all times the sport of the seasons, and, therefore, ought to be left free and unhampered. We cannot lay down hard and fast rules as to the manner in which he shall carry on his industry. The Labour Party have posed as the friends of the farmer. They want to tell him how he shall carry on his business, and what will prove of benefit to him. I do not think, however, that one farmer in a hundred would agree to be included within the provisions of this Bill. I said, not long ago, in this chamber, that nothing would please me better than to arrive at a common ground of agreement between the farmers and the Labour Party. If that could be brought about, we should lay the foundation of the prosperity of this country. It is not likely, however, that any such result will be achieved whilst the

Labour Party desire to impose upon the agricultural community such conditions as are embraced in this Bill.

Mr. WATSON.—Similar provisions are in the New South Wales Arbitration Act, and they have not resulted in the divorce of the two parties.

Mr. McCOLL.—That is no reason why we should bring the agricultural industry under this Bill. If we had a Conciliation and Arbitration Act in Victoria we might consider whether we should bring the agricultural industry within its scope, since it could be locally controlled. As a matter of fact, however, upon every occasion on which the Factories Act has been under discussion, the Victorian Parliament has strenuously insisted upon the agricultural industry being absolutely excluded from its operation. What is the position of the farmers to-day? We all speak of the farmers as we know them. The honorable member for Gippsland had in his mind the farmers in the wet districts, with whose conditions of life and employment he is thoroughly familiar. The Prime Minister, when he spoke, was thinking of the farmers in his constituency, where, according to his statement, the tenants appear to be very numerous, and the landlords especially harsh. I speak of the farmers in my own district, and I ask what is the condition of the agriculturists of the north? How many of these men have made a living during the last eight or nine years? They have had to combat an eight years' drought, and they have cropped their land year after year, looking for some return, and have obtained little or none. Almost all of them are very heavily in debt, in consequence of the bad seasons. It is a rare thing to find in the northern districts any man who has his farm unencumbered, and who is out of debt. The settlers have been battling against adverse seasons for years, and they now find themselves with their stock destroyed, with heavy debit balances at the bank, and heavy mortgages on their land. They have had one good season, and if they have one or two more, perhaps they will be able to recover. But I ask: is this the time—when they are struggling with their heads just above water—to impose upon them any additional burdens? Farming work comes in rushes. It was not until a fortnight ago that many of our farmers were able to plough. The ground was hard and caked through want of moisture, and they could not turn up the soil. Since the rain came, they have had to rush their teams

out, and work from early morning till late at night in order to get their crops in. Then again, the farmer has to send his produce oversea. The desire of all those who are of the same fiscal faith as myself is to give the farmer a home market. That is why we advocate the imposition of duties for the encouragement of local industry, in the hope that we shall thus be able to provide customers for our primary producers. In America, where the population is rapidly increasing on account of the encouragement given to industry, public men are seriously debating the question whether they shall allow foodstuffs to be sent out of the country. It is calculated that if the population goes on increasing as at present, America will have to cease exporting foodstuffs, because she will not be able to do more than feed her own people. That is the condition of affairs which we desire to bring about here. The farmer would then be able to get a reasonable price for his produce; and the people would be supplied with good food at cheap rates. At present we produce much more than we require to feed our own people. The competitors of our farmers are scattered all over the world. If we go to India, we find the Indian ryot working for a few pence a day, and growing wheat which competes with our own. In Russia the moujik works early and late in the wheat-fields at a very low wage. The Chinese coolie, who lives under the most miserable conditions, grows wheat and other grain, which competes with our produce. The peon on the farms in the Argentine Republic works under the very hardest of conditions, and at very low rates of pay. In all these great wheat-growing countries the working hours are long, the wages are small, and the very best machinery is employed. The agriculturists are not dependent upon old-fashioned implements, such as the sickle, of which we heard yesterday. They have the best machinery in the world, which they can use just as well as we can. I object to this provision, because if there is any section of the community which abhors litigation and law courts it is the farming class. They desire to hold themselves aloof from legal tribunals by every means in their power. They have no time to devote to attendance at law courts. They wish to be allowed to work their farms in their own way, and strongly object to conform to conditions which may be prescribed by an Arbitration Court. Last night the Prime Minister debated the proposal of the honor-

*Mr. McColl.*

able and learned member for Wannon with very considerable heat. He has such a cool and equable temperament that I was exceedingly surprised to see him exhibit so much warmth. He declared that the amendment was one which the Government could accept under no circumstances whatever. He spoke of the condition of the farm labourers, and of the dairying employees. Several times during the course of his remarks he safeguarded them by saying that he was not acquainted with the conditions which obtained in other parts of the country, but was referring to those which prevailed in his own constituency. The honorable gentleman spoke very severely of the treatment which farmers extend to their employés, and of the conditions under which they compel them to live. So indignant did he wax upon this question, that the honorable member for Gippsland chided him with being unable to discuss it without slandering the farmers of Australia. But I would point out that the Prime Minister was referring only to the farmers of his own district. If the condition of affairs there is as wretched and ghastly as he affirms, he was not slandering these men. When they read his remarks—which they will do with very great interest—they will no doubt offer a vigorous protest if his statements are unwarranted. If, on the other hand, the honorable gentleman intended his remarks to apply to other parts of Australia, I unhesitatingly say that they are not correct, and that he is slandering a body of men—

*Sir WILLIAM LYNE.*—Misrepresenting, not slandering.

*Mr. McCOLL.*—No; the term "misrepresentation" is too mild a one to apply to the Prime Minister's remarks of last evening. Personally, I mix very freely with the farmers of my own district, and I know that their employés are treated well—that they receive a fair remuneration for their labour, that they are well housed, and that, in almost every case, they sit at the farmer's table, and have their meals with the farmer himself. In short, they receive practically the same treatment as the farmer and his family.

*Mr. McLEAN.*—And in most cases the men are just as faithful to their employers as if they were members of his family.

*Mr. SKENE.*—And he does not ask them to do work which he has not done himself.

*Mr. McCOLL.*—The reason why the farm labourers are not receiving all that we should like them to get is because their

employers cannot afford to give more. When, however, they receive the same treatment as the farmer himself, it is unfair to level against the latter the charges that were made last night. It has been said during the course of this debate that the conditions of employment in the dairying industry, are destined to exercise an evil influence on this country. No attempt, however, was made to substantiate that statement. It is true that we did hear a story about some person driving along a country road and finding a boy who was very soundly asleep. I did think that the Prime Minister was a little above these "penny dreadful" tales. Surely he did not expect us to accept that story as an argument in favour of bringing the farmers under the operation of this Bill. Instead of the dairying industry exercising a baneful influence upon this country, I hold that, by its development, Australia will be placed upon the high road to prosperity. In the speeches that were delivered last evening no attempt was made by honorable members opposite to discuss this question fairly. They contented themselves with dealing with all sorts of side issues. The Minister of External Affairs gave the Committee a dissertation upon early rising, which was entirely foreign to the subject. We were told by the Prime Minister that in New South Wales the wages paid to dairying employes ranged from 7s. to 12s. per week. That may be true of the district which he represents, but it is certainly not true of Victoria. As the honorable member for Moira pointed out, it is impossible to obtain the services of a boy upon a farm for 7s. a week. They always receive more than that. Honorable members were also informed that statements made at the Teachers' Conference confirmed the remarks of the Prime Minister, and condemned the conditions under which the dairying industry is carried on. From what I can gather, that allegation does not place the position in a proper light. The facts are that recently the teachers of our State schools in the country have had imposed upon them a new system of lessons which requires a great deal of attention on the part alike of teachers and pupils. It involves considerable additional work, much of which, in my opinion, is unnecessary. The teachers discussed the question, and decided that in the country, where children were employed upon farms, it was quite impossible to give effect to this system. The

Prime Minister also pointed out that the dairying employes have to work 365 days a year. Personally, I fail to see how that industry can be successfully conducted without a certain amount of work being performed on Sunday. Until we get cows which will give us a double supply of milk on Saturday, we cannot dispense with a certain amount of Sunday work.

Mr. HUTCHISON.—Who asked the dairy farmers to dispense with a certain amount of Sunday work?

Mr. MCCOLL.—Will the honorable member be quiet? I know that in my own district there is no work done upon Sunday which is not absolutely necessary. The cream is not sent to the creamery upon that day. The cows are milked, and the milk is allowed to stand until the Monday, when the cream is forwarded to the factory. Another question which has been dragged into this debate has reference to landlords and their tenants. We have been told that if we impose these conditions upon the farmer the loss which will be sustained will not come out of his pocket, because the rents will be reduced, and the landlord will have to pay.

Mr. WILSON.—More bird-lime.

Mr. MCCOLL.—As a matter of fact, the number of tenant farmers in Victoria is not anything like that of those who are farming their own land. I am aware that tenant farming is carried on in the western district of this State, and that it is very successful there. There is no attempt made by the large land-owners to grind down the men who lease farms from them. As a matter of fact, in many cases those who went in for dairy farming there a few years ago now drive better horses, are possessed of more finished buggies, and dress better than do their landlords. I desire—as does the honorable member for Gippsland—that men should farm their own land. I wish to see every man settled upon his own holding, and not paying rent. But I would point out that the genuine farm labourer does not intend to remain in employment for the rest of his days. He is always actuated by a desire to get a piece of land of his own, to settle upon it with his family, and to finally work up to a position of independence. It is the men who are labouring under these conditions who will feel the scourge of this provision, if it be adopted. The Prime Minister told us that in many cases tenants who are engaged in dairying upon the share system receive

only one-fifth of the results of their labour. I take the liberty to question that assertion. When these statements, which are damaging to the reputation of our farmers, are broadcasted through the public press of this country, it is only fair that specific instances should be given. I know of cases in which dairying is carried on under the share system, and in which the owner provides the land, stock, house, and implements, whilst the tenant supplies only the labour. The profits in these cases are divided equally.

Mr. BATCHELOR.—What is this debate upon?

Mr. McCOLL.—The Minister of Home Affairs had better ask his own colleagues. The Prime Minister declared last night that though the farmers are not getting fat or making fortunes, they can offer better conditions than they are doing to their employés. I hold that the way to assist the farmer to offer improved conditions to his employés is to make him prosperous. The case of New Zealand was quoted in this connexion, but the conditions which obtain there are entirely different from those that prevail here. A comparison cannot fairly be made between a country in which there is an average annual rainfall of 40 inches, and one in which the rainfall amounts to only 10 inches or 15 inches per annum. In New Zealand the farmers can rely on some regularity of seasons; they have a reasonable certainty of good crops, and of steady employment in farming operations. There, farming is not the mere gamble that it is in many parts of Australia. The Minister of External Affairs attacked the closer settlement policy adopted by the honorable member for Gippsland as Premier of this State, and denied that any real step had been taken in that direction. I hoped to have had the statistics bearing on the matter, but they are not to hand. The action of the Government of the honorable member for Gippsland was the first, and remains almost the only step taken towards closer settlement in Victoria. The Government of which he was the head endeavoured not only to settle farmers on the land, but to establish village settlements. It acquired 96 acres of land within three miles of the General Post Office, Melbourne, and there to-day sixty families are settled on blocks ranging from one acre to an acre and a half, and form, I am told, an almost ideal village settlement. They were given an opportunity to purchase the land

on remarkably easy terms, the payments extending over thirty years, and I think these facts must demonstrate to the Committee that my honorable friend was sincere in his efforts to settle the people on urban as well as country lands. The Minister of External Affairs also holds some remarkable views as to the position of the farmers of Victoria. His habitat has apparently been the Sydney wharfs or Sussex-street; but if he were to travel the farming districts of Victoria his present conclusions would quickly undergo a change. The honorable and learned gentleman said that no one should be exempt from the operation of this Bill unless good reason could be shown for it. I hold that many honorable members who spoke last night advanced good reasons for the exemption of those engaged in farming industries, and I trust that I have also adduced some grounds in support of that contention. Another question put by the Minister of External Affairs was, "Why do men desert the country districts?" and he vouchsafed the reply that the passing of this measure would solve the present difficulty. In what way, I would ask, is this Bill likely to keep the people on the land? It seems to me that it will really have an opposite effect. Men desert farm life because of bad seasons, which render it impossible for them to carry on. We know that the work is laborious, and a man who goes on the land must not expect to have an easy time. So far as agricultural pursuits are concerned, there is no royal road to fortune. I should be pleased if we could give all our honorable friends of the Labour Party 200 acres each, and thus afford them an opportunity to endeavour to make a living out of the land. They would very quickly find that the life of the farmer is far different from that of men who go from place to place gulling the people with nonsensical stories of the way in which to secure prosperity for the country. Every honorable member admits that this clause, so far as the farming industries are concerned, would be inoperative.

Mr. SPENCE.—I do not.

Mr. McCOLL.—Nearly every member of the Government has admitted that it would be inoperative, and that being so, why should we seek to pass it into law? Why should we add to the unrest which, as the honorable member for Moira said last night, has been created in the minds of the farming classes by this proposal? It is admitted that it would apply only in the case

a contingency which is exceedingly remote, and that possibly it might never be required. I remember once witnessing a day in which the head of a household was instantly bringing home something that was not required. When his wife remonstrated with him his answer invariably was, "It will be so handy to have it in the house." And it seems to me that honorable members opposite think that it will be very handy to have this provision in the Bill to meet an unlikely contingency. I hold that we should not "meet the devil half-way." Sufficient unto the day is the evil thereof. Let us deal with existing conditions rather than legislate for all sorts of unlikely contingencies. We should not look too far ahead. The honorable member for Gippsland told the Committee last night that if it could be demonstrated that the conditions portrayed by the Prime Minister actually existed in the country districts of the Commonwealth—if it could be shown that farm labourers were actually being ground down as the honorable member suggested—he would be one of the first to urge that such a provision as this should be passed into law. That is the attitude which many honorable members take up. The honorable member for Darling professed to be extremely solicitous for the welfare of the farmers. He asserted that those who supported the amendment were prepared to take from those employed in pastoral pursuits the power to strike, while at the same time they were ready to leave the farmers and dairymen open to the consequences of a strike among their employés. He said that at a time when a man wished to have his land ploughed or his crop harvested a strike might occur, with the result that farmers would lose the return of all their industry. I would remind the honorable member that the farmer has always been able to have his work carried out without State interference. He has never had any trouble in this direction, and will always take care to avoid it; but should any difficulty occur, he would be able to overcome it. If we pass this provision, however, farmers will be afraid to launch out, many of them will be slow to put any large area under cultivation lest they should be unable in the event of a dispute amongst farm labourers to gather in their crops with the assistance of members of their own families. A provision such as this, even though it might be inoperative, would restrict operations in every direction. The honorable member for Darling has also referred to the way in

which land was acquired many years ago in the western district of Victoria. We know that much of the land in that district was obtained by means that were not very creditable; but we are not responsible for that fact. No one deplores more deeply than I do the tactics that were resorted to in order to secure much of this land; no one is more ashamed than I am of the land legislation which existed in Victoria in days gone by. I deeply regret the fact that a large area of land was taken up in the way described by the honorable member, and passed into the hands of comparatively few men. I do not hold, however, that the remedy suggested by him would be effective. He asserts that those who support the amendment are not prepared to assist settlement by imposing a land tax that would cause the price of land to be reduced. I, for one, am not prepared to assist in the imposition of a tax designed to rob a man of the result of his industry. If a tax such as the honorable member suggested were imposed with the object of striking at those who obtained their property in an illegal manner, it would also be applicable to others who had perhaps spent a lifetime in acquiring and improving their small properties.

Mr. SPENCE.—It would not touch improvements.

Mr. McCOLL.—The honorable member said that the present Victorian land tax was on improvements. That is not so. It is imposed merely in respect of the natural grazing value of the land, and is practically an unimproved land tax. I am aware that the proposal made by the honorable member is very dear to the Labour Party. It is the one proposal left to them to conjure with on every public platform, and naturally they do not care to see the bubble pricked. It can be pricked, however, and little time need be occupied in showing that the contention that their pet tax would prove the salvation of the country is an utterly absurd one. It would not by any means have the results that its advocates claim for it. The honorable member for Darling made another statement last night which appeared to me to be a very remarkable one. He asserted that the question of whether wages were to depend upon profits must go entirely by the board. His contention is true in so far as it relates to the fact that everyone who labours should be paid a fair living wage; but when he asserts that there is absolutely no relation between profits and wages he makes a grave mistake.



The man who is doing well can afford to pay his employes better wages than can the individual who is simply keeping his head above water.

Mr. SPENCE.—I said that, although that was so, experience showed that the man who could best afford to pay high wages very often paid the lowest.

Mr. McCOLL.—I feel satisfied that honorable members opposite are honestly anxious to improve the condition of the farming community. That being so, they should endeavour to make farming more lucrative, for the workers themselves must participate in increased prosperity. It is idle to say to the farmers, "Allow us to tax you, and prosperity will come." The farmer who accepts that gospel is making a rod for his own back. If we wish to widen the avenues of employment in rural districts, and to better the condition of the farmers themselves, we must afford them the means to improve the land. We must help the farmers by carrying out water supply and conservation schemes, and assisting the States in a policy of closer settlement. I would even go a step further, and say that those who wish to take up land for the purposes of closer settlement should have an opportunity to settle on some of the large estates of the Riverina, some of which comprise from 100,000 to 500,000 acres. I am sure that they would readily take up the land if there were a reasonable probability of a suitable water scheme being carried out. The farmers, however, will never believe that increased taxation will make them prosperous. The advantages that will accrue from the passing of this measure are very largely overstated. The Bill is regarded by many as a kind of Joss, or fetish, that all should worship; but the farmers themselves view it with much alarm. If the Prime Minister and his colleagues desire that this Bill should speedily become law I trust that they will agree to the amendment. If they do they will probably succeed in passing the Bill within a reasonable time. If they do not accept the amendment it will be the duty of representatives of country districts to oppose the measure at every stage. I believe that the amendment will be carried. If the Government find that the solid body of honorable members who intend to vote for it are prepared to block the Bill at every stage unless it be accepted, they will regret very much that they did not yield to our solicitations.

Mr. FRAZER (Kalgoorlie).—The debate to which we have listened during the last few days has done much to demonstrate to the Committee at least one reason why the late Prime Minister should have been anxious to relinquish the duties of his office. In the course of a speech one honorable member of the late Government disclaimed responsibility for the provisions in the Bill as framed by his Ministry, while another honorable member of it has, by way of interjection, also disclaimed all responsibility. We have likewise heard three honorable members who supported the late Administration speak in opposition to this provision, and it appears to me that, in view of this dissension in the ranks of their supporters, the late Prime Minister must have recognised that the only course open to him was to hand over the reins of government to another party. An attitude which is little short of remarkable has been taken up by certain honorable members opposite. We heard them on Wednesday last accusing the Government of not being prepared to bring within the scope of the Bill those to whom it should legitimately be extended, while to-day a number of them assert that we are going too far, and are seeking to extend it to many to whom it should not apply.

Mr. WILSON.—I rise to a point of order. Is the honorable member for Hindmarsh in order in reading a newspaper, whilst another honorable member is addressing the Committee?

The CHAIRMAN.—The honorable member for Kalgoorlie will proceed.

Mr. FRAZER.—It would be to the advantage of the House if more honorable members would read newspapers and refrain from holding conversations in the Opposition corner. I was endeavouring to point out, when the honorable member for Corangamite interrupted me, that the present attitude of honorable members opposite was wholly inconsistent with the position taken up by them a day or two ago. I recognise that the honorable and learned member for Warrnambool has been consistent. He opposed the Bill on the second reading, and, not being able to defeat it, his policy is now, no doubt, to cripple it, if possible. I would point out that his amendment may have a wider effect than would at first appear. He proposes to exclude from the operation of the measure disputes relating to employment in the viticultural, agricultural, horticultural, and dairying industries, and has omitted pastoral pursuits. Now, it has been my experience in Victoria,

and, to a small extent, in New South Wales, that there are very few stations devoted entirely to pastoral pursuits.

Mr. DAVID THOMSON.—Seven hundred cows are milked on one station in my electorate.

Mr. FRAZER.—On most of the stations you will find persons engaged in nearly all the pursuits mentioned in the amendment, and consequently the provision, if adopted, may be interpreted by the Court to mean the exclusion of persons whom all wish to bring under the Bill. For instance, a station might shear 10,000 sheep, have 5,000 or 6,000 acres under oats or barley, and be milking a large number of cows—

Mr. McCOLL. — The honorable member knows that the intention is not to exclude shearers.

Mr. FRAZER.—We have nothing to do with intentions; though during the last few weeks we have heard a great deal about the intentions of one and another, from those of the members of the Federal Convention, down to those of honorable gentlemen sitting in this chamber. What we are concerned with is, not the intentions of honorable members, but the meaning which the words we adopt will convey to the Judge who is engaged in interpreting them. I believe it is possible that an interpretation may be placed upon the amendment, if adopted, which would exclude from the operation of the Bill persons engaged in pastoral pursuits, though not exclusively so engaged.

Mr. McLEAN.—Shearers could not be taken to be dealt with in the amendment.

Mr. FRAZER.—The honorable member is not competent to determine the point. On many stations men are employed all the year round, ploughing during the ploughing season, harvesting at harvest time, and shearing at shearing time. Would a Judge say, if this provision were adopted, that they were engaged in pastoral pursuits when shearing, and in agricultural pursuits when ploughing or stripping? I do not think that he would, because such persons could not be taken as engaged wholly in either agricultural or pastoral pursuits. Consequently, I think the amendment as worded is dangerous.

Mr. SKENE.—Then why not add the words "except shearers and shed hands"? I have asked the mover of the amendment to do that.

Mr. FRAZER.—So that the honorable member admits that the interpretation which I speak of might be put upon the amendment?

Mr. SKENE.—I admit that there may be a difficulty where hands are employed continuously all the year round. I would exclude them; but I think that shearers and shed hands should be included.

Mr. FRAZER.—During the debate considerable attention has been given to the position of the poor farmers. I agree with the honorable member for Echuca that the farmers are a very important section of the community, and I should be one of the last to try to place upon the statute-book any measure likely to seriously interfere with their undertakings, so long as they are carried out under reasonable conditions. But it is not the poor farmer who is chiefly aimed at. It will be found, as a rule, that the smaller farmers treat their employes better than do the larger farmers. Many small farmers have but one employé, and they share with him the conditions which they are willing to accept for themselves. But on a big farm, where a number of men are employed, a distinction is made, and I think that the Bill will apply to the larger farmers with a little more severity than to the smaller farmers. There are occasions, however, when interference with the farming industry is not seriously objected to, even by honorable members opposite. Now and again, owing to the occurrence of droughts, the Parliaments of the States have voted money to purchase seed wheat at the expense of the community, to supply deserving farmers who were not in a position to buy it for themselves. Those who represent the farming districts do not complain of interference of that kind. But when we propose to compel the farmers to treat their employes fairly and justly, we get addresses like those of the honorable member for Echuca—good electioneering speeches, but not worthy contributions to a debate of this kind.

Mr. CHAPMAN.—Surely the honorable member does not assume that the speech of the honorable member for Echuca was made for electioneering purposes?

Mr. FRAZER.—I do not know what the honorable member's intention was, but that is the impression conveyed to my mind.

Mr. McCOLL.—I should like to see an election on this point to-morrow.

Mr. FRAZER.—Honorable members on this side are as anxious as any others to have the present position settled by an appeal to the people. Those who represent farming constituencies seem to think that they are the only members competent to say what are fair and reasonable conditions for

the carrying on of farming operations. Apparently they are not prepared to let farmers go before an impartial tribunal, and have their cases dealt with on their merits. If they have nothing to fear, why do they act differently from the representatives of other sections of the community? As a mining representative, I am not afraid to have disputes in which miners are concerned submitted to a fair and impartial court. If the evidence produced substantiates the claim for an increase of wages or better conditions, I am prepared to believe that the Court will grant it, and that if the Court decides against the claim, those interested will accept the decision. Why should the farmers object to this? Will not the Court be competent to deal with their cases? I have not heard honorable members say that the Court will act unfairly. Still, they object to bringing cases before it. We are told also that it is too early to bring forward provisions of this kind. But the policy of the present Government is, not to wait until disputes have arisen and then try to legislate to deal with them, but to make provision beforehand for the settling by an impartial tribunal of the disputes of every citizen or body of citizens in Australia. To wait until trouble occurs is in keeping with the policy which has been adopted by some honorable gentlemen opposite throughout their political careers. Again, we are told that there is no organization of farming employes which could submit a case to the Court. But apparently honorable members fear that when the Bill is passed organizations will spring into existence.

Mr. LEE.—There is no such organization in New South Wales, although an Arbitration Act is in force there.

Mr. SPENCE.—They are moving in the direction of organizing.

Mr. FRAZER.—I believe that it is only a matter of time when the farm labourers will be organized, and if the necessity arises, they will avail themselves of measures of this kind. Last night the honorable and learned member for Corinella placed a very wrong construction upon a remark of the Minister of External Affairs. He stated that the Minister had made it appear that people are leaving Victoria because there is no Arbitration Act in force here. I do not think that the Minister made any such statement, or intended to convey such an impression. The cause of the exodus of farmers from Victoria has been ex-

plained by the honorable member for Gippsland, and the honorable member for Echunga, who have stated that they have had to struggle hard in order to make a reasonable good living upon the land. I admit that, but I ask why? Is not the explanation to be found in the fact that the State Government has been putting settlers upon the wrong land? Large sums of money have been spent upon irrigation works in the dry districts of Victoria, whilst the most fertile lands have been used for the purpose of grazing sheep. The figures quoted by the honorable member for Darling, according to which 3,000,000 acres of crown land in the western districts of Victoria are held by three companies, comprising only 125 individuals, are alone sufficient to condemn the policy pursued by the Victorian Government. If the farmers of Victoria were settled in those districts where the natural advantages are the greatest, they would be much more prosperous, and the community would derive greater benefit from their exertions. Only after having closely settled the most fertile districts did the Victorian Government fittingly engage in expensive irrigation enterprises with a view to settling the more arid tracts of the country. An entirely wrong impression is being conveyed to the farmers of Victoria with regard to the intentions of the Government. It is being represented to them that it is proposed that their farm hands shall be allowed to work only from 8 o'clock in the morning till 4 o'clock in the afternoon—that the eight hours system will be immediately applied to their occupation. Those who have had experience of Arbitration Courts know that it is generally recognised to be impossible to bring about uniform conditions in all classes of industry. When the hotel and restaurant employes in Western Australia were brought under the control of the Arbitration Court, many people said that the Court would impose conditions that would prevent them from getting their breakfast before 8 o'clock in the morning. Now, however, that the Court has given its decision, those who desire their breakfast at 6 o'clock can get it at that hour just as they did before the Court was brought into existence. All that the Court decreed was that the employes should work only a certain number of hours per day, and should receive a certain rate of pay. If the Court proposed to be created were called upon to give a decision in regard to the conditions which should prevail in the farming industry

they would take into account all the surroundings, and the necessities of the case. If it were necessary, for instance, for dairying employes to start milking at 5 o'clock in the morning, provision could easily be made for such a case. I believe that the farmers would derive benefit from having the conditions of their industry controlled to a certain extent by a thoroughly impartial tribunal, and I trust that they will not be misled by statements which are now being made with regard to the probable effect of the measure.

Mr. SKENE (Grampians).—I join with the honorable member for Gippsland, and the honorable member for Echuca, in expressing my surprise that the Prime Minister should have been almost fierce in his denunciations of a class which I have always regarded as a highly reputable one. Although I do not, wholly and solely, belong to that class, I have been connected with the farming community by business and friendly relations during the greater part of my life. I have been in their houses, I have met them on their farms, on show grounds, and under almost all circumstances, and I have never seen any of the conditions described so forcibly by the Prime Minister.

Mr. O'MALLEY.—He was speaking of New South Wales.

Mr. SKENE.—We have heard a great deal about the virtues of New South Wales, and I think that I shall be able to show the honorable member that, so far as wages are concerned, New South Wales is not very far behind the other States. The Prime Minister said that he knew of farm hands receiving wages as low as 7s. per week. I have never known of such a case myself. The lowest wages paid to any one about my own place are given to a lad of about fifteen, who looks after the stable and goes for the mail. He never gets less than 8s. a week. It must be remembered that a boy coming upon a place such as that has opportunities of learning, and that the employer has to run the risk of his damaging implements through want of familiarity with his work. I cannot conceive of a farming hand worthy of the name being paid such a low rate as 7s. per week, and I am inclined to regard the statement of the Prime Minister with some doubt. There must have been some special reason why the man referred to was not able to earn more money. Eight years ago a friend of mine, in the Murrumbidgee district, further out than the electorate represented by the

Prime Minister, asked me to procure for him two farm hands. I sent him two men, one being a young man, who, as a leading hand, was to receive £100 per annum, with keep. The other man, who went with his wife and family, was to receive £70 per annum, it being arranged that his wife should do the cooking for her husband and another man. One of the men afterwards left the place, and is now managing a property in that modern paradise of which we have heard so much—Eden-Monaro. I believe that the other man is still in the place to which I sent him. I want to know how it is that these men could retain their positions at such rates of pay, whilst others were being paid only 7s. per week.

Mr. DAVID THOMSON.—Perhaps they were not ordinary farm labourers?

Mr. SKENE.—They were farm hands, but, certainly, they were good men, who thoroughly understood their work. The one who received the highest salary acted as first ploughman. He was a capable man, who, in the old days before drills came into general use, could sow his eighty or ninety acres a day broadcast. The other man was probably just as good, but the leading man happened to be the senior among my hands, and he received the preference. I have never seen labourers under the conditions to which the Prime Minister has referred. I may tell him, however, that during my election tour, in December last, I saw in the back yards of the public houses many harvest hands who were drunk or suffering a recovery. I have seen as many as four of these men, at one time, under such conditions. One man begged a shilling for the purpose of getting a meal. I offered to arrange with the landlady to give him a meal, but he would not take it, and he then confessed that he wanted the money to buy drink. The wages paid throughout that district to harvest hands was 30s. per week, and this was the way in which many of these casual hands spent their money. These are the men whom the Prime Minister champions, whom the Minister of External Affairs extols, and whom the honorable member for Darling would organize into unions, so that they might protect themselves against the inhumanity and greed of the farmers.

Mr. SPENCE.—Of some farmers only.

Mr. SKENE.—It is all very well to say that. I know a great many farmers, and I venture to say that the position occupied by farm labourers has been altogether exaggerated. The honorable member for

Kaloorlie said the hands employed on the smaller farms were better off than those engaged on the larger ones, but that is quite a mistaken view. I know many cases in my own district in which the sons of large farmers work with the employés, have their meals with them, go into the towns with them at holiday times, and live under practically the same conditions. I generally farm from 500 to 1,000 acres myself, but I do not wish to speak as a member of the farming community. My employés have the same food as we do ourselves. Their food is prepared for them by the same cook, and they have practically the run of the food supplies on the place.

Mr. MAUGER.—The honorable member is an exceptionally good employer.

Mr. SKENE.—I do not pretend that for one moment. I claim that my case is no exception. There are hundreds of other cases to which the same remarks would apply.

Mr. MAUGER.—Other farmers treat their men very badly.

Mr. SKENE.—I have not come across them.

Mr. MAUGER.—They are to be found within twenty-five miles of Melbourne.

Mr. SKENE.—I am speaking of the farms in the country up towards the Mallee. The honorable member for Darling last night said that if the farmers had to pay a few shillings more a week to their employés they would not be very greatly injured. That is quite right. That is a matter of no concern. The honorable member also said that no one benefited more than did the producers from the effects of high wages. I admit that, with this reservation, that it is necessary that the high wages shall be associated with permanence and expansion of industry. Temporary high prices, followed by a shrinkage, confer no advantage upon the producers. During the boom time in Melbourne the stock breeders sent in to the markets fully 100 per cent. more sheep than they do now. The workmen of the city were then earning good wages, and, being meat eaters, they did not stint themselves of that food. I have not had time to closely examine the returns, but I believe that it would be found that there has been a shrinkage in the meat supply of Melbourne since the time of which I have spoken representing fully 100 per cent. That is to say that if 40,000 sheep were sent into the markets weekly during the boom, not more than 20,000 sheep are sent there now.

Mr. SPENCE.—That boom was the result of an unhealthy land gamble.

Mr. SKENE.—No doubt, but that does not affect my argument. I contend that only when high wages can be made permanent does the producer reap any great benefit. Under such conditions it would not enter two straws to the farmers if they had to pay a few shillings more to their employés. It is not, however, only a question of increased wages. What I fear is the disturbing influence which this Bill will have upon the minds of the men.

How oft the sight of means to do ill deeds  
Makes ill deeds done.

If this provision be retained in the Bill the men will naturally think that they can make some use of it to improve their condition. Honorable members generally will admit that the distribution of the rural workers over Australia does not lend itself to the best methods of organization. Nevertheless, I hold that if farm labourers once become imbued with the idea that their condition will be improved by the operation of this measure, it will exercise a disturbing influence upon them. That will result in loss of confidence on the part of the farmer. He will begin to reflect whether he cannot invest his capital in some other enterprise in which he will not be confronted with labour troubles. In my own district there is not a very great distinction between growing wheat and fattening lambs. I grow wheat simply because I do not care to carry all my eggs in one basket. If the farmer has to face the prospect of industrial troubles he will naturally embark upon those forms of enterprise which require the least labour. There is no doubt that up to the present time the expansion of the farming industry has been largely due to the adoption of labour-saving appliances. Personally, I have nothing to say against improvements in machinery. All labour-saving appliances are good, if their effect is merely to divert labour into other channels. But if, on the contrary, they displace a large number of men without effecting any saving in the cost of production, I doubt whether any benefit is conferred by them. I may be pardoned for quoting my own case to illustrate my point. The year before last I experienced some little trouble with the men in my employ. Although I had two strippers and a winnower, rather than risk a recurrence of the trouble, I bought two harvesters, which merely require the services of

a driver. This question does not hinge upon the wages that are paid. I never grumble at the wages which I pay, provided that I get value for my money. The farmer will hesitate for some time before engaging in agricultural enterprise if he has to add to the uncertainty of the seasons, and the low value of produce, the prospect of labour troubles. Whilst the honorable member for Darling was addressing the Committee last evening, I asked him how—assuming that an organization of farm labourers existed, and that a dispute arose whilst farming operations were in full swing—the attendance of necessary witnesses at Court could be secured.

Mr. DAVID THOMSON.—A dispute would require to extend beyond the limits of any one State before it could come before the Commonwealth Arbitration Court.

Mr. SKENE.—That is one of the defects of the Bill. Personally I should much prefer a uniform Act throughout Australia. I do not believe in the principle that if a man's house is on fire in one corner he should wait until another corner is in flames before endeavouring to extinguish it. But, assuming that a dispute occurs whilst farming operations are in full swing, how are the individuals concerned to be brought before the Court? When farm labourers have finished their engagement with one employer they go elsewhere.

Mr. SPENCE.—It would be unnecessary for a number of witnesses to attend the Court, as in the case of the shearers.

Mr. SKENE.—The case of shearers is to my mind altogether different. As a body they are more capable of organization and of acting in unison. There is another aspect of this matter to which I desire to refer. If the members of these unions depended for employment upon their superior skill, I should have no fault to find with them. I have frequently heard my father, who hailed from the north of Scotland, speak of the porters of Aberdeen, who were required to carry about 5 cwt. up a flight of stairs before they could qualify for that position. They depended upon their superior skill, whereas the trades unions of Australia rely upon legislative enactments. Only the other day I saw the report of a case which came before the Arbitration Court at Broken Hill, and in which Mr. Justice Cohen presided. The evidence showed that with the exception of the Proprietary mine, which had distributed some £6,000,000 in dividends—

The CHAIRMAN.—Does the honorable member think that his remarks are germane to the amendment?

Mr. SKENE.—I desire to show that the members of these unions depend upon an award of the Arbitration Court, and not upon their superior skill as tradesmen. In the case in question the men were defeated upon both points upon which they appealed to the Court.

Mr. SPENCE.—And they loyally abided by the decision.

Mr. SKENE.—Out of 8,000 miners who are working at Broken Hill, only 2,000 are unionists. Yet—perhaps because the men failed in their appeal—the Judge in his award gave a preference to unionists, not as against men on the spot, but as against any others who might come there.

Mr. SPENCE.—The door is open for all to join the union.

Mr. SKENE.—If the unions were dependent upon the superior skill of their members, they would be most useful organizations, but it is wrong that they should be given a preference over others by legislative enactment. The honorable member for Echuca commented upon the fact that the honorable member for Darling had said that profits would have to go by the board as against wages.

Mr. SPENCE.—I said that wages should not depend upon profits.

Mr. SKENE.—I have taken the trouble to look up an authority upon this matter, whom I regard as a very good one. Indeed, I think that he offers a better definition of a wage fund than any other economist with whom I am familiar.

Mr. MAUGER. — Surely the honorable member is not going to argue from a wage fund standpoint at this time of the day?

Mr. SKENE.—I shall do so only in direct relation to what was said by the honorable member for Darling. Professor Walker combats the theory that "wages are paid out of capital, the saved results of the industry of the past." He holds that—

Wages are paid out of the product of present industry, and production furnishes the true measure of wages. So long as additional profits are to be made by the employment of additional labour, so long a sufficient reason for production exists. When profit is no longer expected, the reason for production ceases. It is production—not capital—which furnishes the motive for employment, and the measure of wages. Wages are to a considerable extent advanced out of capital, but it is the prospect of a profit in production which determines the employer to hire labourers; it is the anticipated value of the product which determines how much he can pay them.

Mr. SPENCE.—That value depends upon production.

Mr. SKENE.—Quite so; but if this economist be correct, it is actually dependent upon the future profits. He declares that the possibility of future profits determines the employment of the hired labourer.

Mr. G. B. EDWARDS. — Henry George was the first to advance that theory.

Mr. SKENE.—As Professor Walker does not quote the passages I have read, I assume that they are his own. I think his view of the matter is a fair and reasonable one. In discussing this question, honorable members have been invited again and again to look at what has been done by the Arbitration Courts of New South Wales and New Zealand; but I contend that experiments in this direction have not been long enough in operation in either New South Wales or New Zealand to enable us to accept them for our guidance. There are many other considerations to which attention must be given. The prosperity of New Zealand was largely increased by the impetus given to its export trade by the war in South Africa; and I would remind the Committee that if any decay is to take place, it is unreasonable to expect any rapid sign of it. To use a homely illustration, I would point out that when a man rings a tree, he does not examine it on the following morning in the expectation of finding it dead. The process of decay is gradual, and although I hope that there will be no falling away in the prosperity of New Zealand, this may possibly be the experience of industrial legislation of this kind in that country. I have no desire to raise false alarms in regard to the operation of this Bill. I wish simply to advance what I believe to be reasonable arguments against the passing of experimental legislation, such as this, at an inopportune time. The Minister of External Affairs asked again and again, "Why do people flock to the towns?" and several excellent answers have been given to the question. I can supply the Committee with another concrete answer: Some two or three years ago the Government of New South Wales decided to expend a large sum of money in carrying out relief works in Sydney. Some time after this decision was arrived at, I had a conversation with a fellow traveller in a railway train, who informed me that when the relief works were started he had a number of men in his employ in a district beyond Bourke. They were engaged in scrub-cutting, and received

25s. a week and their board; but one day three or four of them informed him that they wished to leave his employ, and that they proposed to go to Sydney. When the land-owner remarked, "You have not made more money than you will require to take you to Sydney; what will you do when you get there?" they answered, "We shall obtain employment at 7s. a day on the relief works." This policy has been pursued in Victoria as well as in New South Wales, and it is one of the reasons why many men leave the rural districts for the cities.

Mr. SPENCE.—They have never received 7s. a day on relief works.

Mr. SKENE.—I believe that that was the rate of pay for a time; but that it was subsequently reduced.

Mr. SPENCE.—Seven shillings a day was paid only on reproductive works.

Mr. SKENE.—It may be that these men obtained employment on the reproductive works. I have listened with pleasure to the debate, for the subject is one in which I take a very great interest. When speaking on the Address-in-Reply, I pointed out that, although, in the opinion of some of the legal members—and notably the Attorney-General—we had not the power to deal with the question of settling the people on the land, there was ample room for us to take action in that direction, without infringing States rights. If a man has money, he can obtain practically anything; and on the occasion in question I endeavoured to show the House that there was within reach of the Commonwealth Government a very simple means of settling the people on the land. The whole question depends upon whether we are prepared to borrow £1,000,000 or £2,000,000, to enable us to acquire land for closer settlement purposes. As against the indebtedness so incurred, we should have the security of the land, and it could not be said that we were borrowing for any wild-cat scheme.

The CHAIRMAN.—I would point out to the honorable member that the matter with which he is now dealing is not within the scope of the amendment.

Mr. SKENE.—I bow, sir, to your ruling; but it is necessary for me to refer briefly to this matter if I am to follow the line of argument adopted by the honorable member for Gippsland, the honorable member for Echuca, and others.

The CHAIRMAN. — Those honorable members simply made statements of fact for the purpose of illustrating their arguments; but the honorable member is proceeding to

scuss the method of settling the people on the land.

Mr. SKENE.—I recognise, Mr. Chairman, the distinction which you wish to draw, and shall not further pursue that phase of the question. Let me return for a moment to the consideration of the question "why men rush from the rural districts to the city." There is a strong inclination on the part of young men and women to obtain employment that will afford them the means of subsistence, and at the same time enable them to obtain a certain degree of pleasure. I was very much struck by a short speech made some years ago by a railway official in Victoria, whose rank in the service I cannot at the moment recall. In speaking at one of the railway banquets, he displayed a degree of level-headedness of which one could like to see more. He pointed out that it was a great mistake for any young man of brains to enter the railway service; that it was a mistake for a young man to accept any employment that would not afford him an opportunity to improve his position, and ultimately to become his own master.

Mr. MAUGER.—The difficulty is to secure billets in which a man will have an opportunity to rise.

Mr. SKENE.—It appears to me that settlement on the land affords this opportunity. If it is enacted that farmers shall pay a minimum wage, we shall not have many young men devoting themselves to farming pursuits. We should rather allow a young man to make his own arrangements. Let it be open to him to say to a farmer, "I have come to you, because I desire to acquire a knowledge of farming; pay me what you like"; and more good will result to our youths than is likely to accrue from the passing of a minimum wage. The Minister of External Affairs referred to the training to be acquired at agricultural colleges. These, I admit, are very useful institutions; but it is not every man who can afford to send his son to one of them.

Mr. WATSON.—In New South Wales short courses of instruction are given, and are found to be of great advantage.

Mr. SYDNEY SMITH.—A youth may obtain free education at the New South Wales College of Agriculture; if he is poor, he has not even to pay for his board and lodging.

Mr. SKENE.—That is all very well, but it would still be impossible for many young fellows to avail themselves of the

opportunity to acquire an education under such terms. Many lads have not an opportunity to earn something for themselves while attending schools of this description; but if a young man is prepared to go on a farm and accept what may be considered at the outset a low wage, he will soon acquire a thoroughly practical knowledge of agricultural work. Some of the best agriculturists I have met have received their technical education in this way. I have known several large farmers in my district who employed young fellows on these terms. They gave them about £30 a year to commence with, and allowed them periodical increases. It is in this way that many opportunities are given young men to become their own masters; but if we insist upon the application of the common rule to the farming industry, the payment of a certain prescribed wage, and other like conditions, these opportunities will be lost. I do not at present propose to move an amendment of the amendment; but if the honorable member for Kalgoorlie is prepared to give effect to his suggestion, and make it clear that the amendment is not to apply to shearers and shed hands, I shall be pleased to support him. I am certainly of opinion that, with the exception of maritime troubles, this Bill is more likely to be applied to disputes amongst shearers than to difficulties amongst those engaged in any other employment. I was originally opposed to the principle of compulsory arbitration, but as we have gone so far, I am anxious that the Bill shall be made as effective as possible. If a compromise of the kind I suggest were accepted, so as to make it clear that the amendment is not intended to affect Shearers and Shed Hands Unions, I think it would be satisfactory.

Mr. FRAZER.—I support the Government proposal, believing that all should be included.

Mr. SKENE.—I thought that the point made by the honorable member was that if the amendment were carried it might give rise to difficulty in regard to shearers and shed hands.

Mr. FRAZER.—I believe that it would; but it is not my desire that the amendment should be carried.

Mr. SKENE.—If it is to be carried, would not the honorable member prefer to see it amended in the way suggested?

Mr. FRAZER.—That is a matter for further consideration.



of the community except the farmers. I would ask, of what use would the farmers be if there were no consumers? As a matter of fact, all classes of the community are interdependent, and I know of no reason why any exception should be made in favour of the farmers. I do not suppose that the provisions of the Bill would ever be availed of by those engaged in the agricultural industry, because it is extremely unlikely that any disputes between farmers and their employes will extend beyond any one State. At the same time, I shall never support any proposal that savours of class legislation. If it is right that the manufacturers should be brought under control by means of a measure of this kind, the farmer should also be included within its scope.

Mr. McLEAN.—Has the honorable member ever known of a strike among farm hands?

Mr. STORRER.—I have known of small troubles only. The Government have been accused of overloading the Bill, but it seems to me that the amendment will have that effect.

Mr. McCAY.—Would it not have the effect of unloading rather than of overloading?

Mr. STORRER.—I think not.

Mr. McCAY.—But it proposes to take something off—to narrow the scope of the measure.

Mr. STORRER.—I fully understand that; but, at the same time, it is overloading the measure by introducing complications. In legislation of this kind, we should not consider the case of the farmer of Victoria or of New South Wales, but the people of Australia, and if it be necessary to pass a law of this description for the people of Australia, all classes should be brought under its operation. I am sorry that the debate has occupied so much time, because I believe that every honorable member has made up his mind as to the way in which he will vote. I entirely deprecate the remarks which have been made by some honorable members by way of minimizing the importance of the manufacturing industries. Whilst I have a high appreciation of the position occupied by the agriculturists, I contend that they are no more necessary than are the tanners, boot manufacturers, or others, who make use of the raw material produced on farms. In my own district there are many people who make their living by dairying, but they do not work such extraordinarily long hours as have been mentioned during this debate. It is true that they start work

early in the day, but they have periods of rest which compensate them. I do not think many farmers inflict great hardships upon their children. Some farmers are fair and honest in their dealings, whilst others impose upon their employes. In the same way, some manufacturers are fair and reasonable, whilst others oppress their workmen. I see no reason why any exception should be made in favour of the farmers, and therefore I shall vote against the amendment.

Mr. LEE (Cowper).—I shall support the amendment, because I think it would be almost impossible to establish a common rule that could be applied to the farming industry. The conditions under which farming is carried on vary very widely in different parts of the Commonwealth, and I do not see how the Bill could be applied to it. The honorable member for Darling spoke about disputes which might arise between farmers and their harvesters as to wages. But it seems to me that it would be impossible for the Court to intervene in such cases because the harvest would be over before any decision could be arrived at. If our experience of the Arbitration Court of New South Wales is any criterion, it would probably take two or three years before a decision would be given. Harvest work has to be performed quickly, and, generally speaking, the labourers have all the best of the deal, because the farmer, in order to get his crop in, must pay whatever wages are demanded. The dairy farmer is in a somewhat different position. The dairying industry has proved to be a veritable gold mine for the Victorian farmers during the last few years, and those who take an interest in the development of our resources must be highly pleased with the marvellous change for the better that has taken place. This result has been brought about at the cost of a great deal of time and labour on the part of our farmers, and is partly attributable to the fact that the industry lends itself to the employment of all the members of the farmer's family. I am familiar with the conditions which prevail throughout the dairying districts along the coast of New South Wales, and I know that the dairymen could not carry on their business if they did not rise early. They have entered into co-operative associations, and have laid down certain regulations, with which they have to comply, in order to make the best use of the perishable product they have to handle. No Arbitration Act in the world could reasonably set

side the rules which these men have laid down for themselves. They have to get their cream and milk to the factories early in the morning, and late in the afternoon, so that they may not be subjected to too much heat, but kept sweet until it can be converted into butter. It is necessary for them to work early and late. The farmer's work is never done, but it can justly be said that the farmer does not ask his labourer to do what he is not prepared to do himself. The less we interfere with the producers the better. The dairy farmers of Victoria have been assisted to a large extent by the State, but those in New South Wales have had to carve out their own path to success. They have had no Government assistance whatever, but have cultivated a spirit of sturdy independence and self-reliance; they require no coddling or assistance. The honorable member for Darling said that we were beginning at the wrong end. I think that the Government are beginning at the wrong end when they propose to include farmers within the scope of the Bill. They might with more advantage direct their energies to securing cheap freights for our farmers, in order to enable them to compete successfully in the markets of the world. We are producing more than we require to meet our own needs, and we have to face the competition of the world in open markets. There has been no demand on the part of the agricultural community for legislation of this kind. I have never heard a farm labourer express dissatisfaction with his lot. If the pay he receives is not sufficient, he can easily find other employment. The Prime Minister is generally very fair and candid, but I do not think that he was altogether justified in mentioning the case of the boy who was asleep near his milk cans. Why, we find honorable members sleeping even in this chamber. Surely no significance is to be attached to that fact. The life of the farmer or the farm labourer is necessarily a hard one, and no doubt the children of the farmers have to help. Otherwise many farmers could not make a living. Dairying is one of those industries—natural industries, I admit—in which work has to go on from the early hours of the morning until late in the evening, but the children of the farmers do not suffer to the extent that has been represented. They can milk and they can ride, and can perform all the work of the farm, but their education is not neglected. The girls can play the piano as well as those who are brought up in the cities, and the

boys make good citizens. The life they lead may be a hard one, but it is healthy.

Mr. SPENCE.—No one insinuated anything to the contrary.

Mr. LEE.—It was contended that their education was being neglected, but that is not true. Even if they were being hardly used the Bill would not afford any relief. The farmers confer many benefits upon the State. They are not only producers, but they take into their service neglected boys from the public institutions, where they are a charge upon the State. They bring them up to farm work and make men of them.

Mr. STORRER.—Do not other people do that?

Mr. LEE.—Not to the same extent as the farmers. Last evening the Committee were treated to an excellent speech upon this amendment by the honorable member for Gippsland, who is possessed of a practical knowledge of the subject. To my mind, he conclusively showed that any interference between the farmers and their employés must result in injury to the agricultural industry. He answered very fully the arguments of the Prime Minister, and, although the Minister of External Affairs took up the running, he signally failed to show that a good case had not been made out in favour of exempting the farmers from the operation of this Bill. It has been said that people are forsaking agricultural pursuits and flocking into the cities. In the district which I have the honour to represent I am happy to say that such a condition of affairs does not exist. On the contrary, population there is increasing very rapidly. Most of the land in that district was taken up some years ago, the settlers being chiefly engaged in timber getting. Recently, however, they have turned their attention to the dairying industry, and as a result the prosperity of the district is increasing by leaps and bounds. I claim that we should be exceedingly chary about interfering with the agriculturist or the dairy farmers and their employés. The farmer has already to contend with sufficient disabilities. He has to face the prospect of drought and floods, and has frequently almost to hope against hope. Consequently we should be very careful not to engender on the part of the farming community suspicion of our legislation. The Prime Minister has declared that the probability is that this provision in the Bill will never become operative. If so, where is the necessity for incorporating it in the measure? The honorable member

of the community except the farmers. I would ask, of what use would the farmers be if there were no consumers? As a matter of fact, all classes of the community are interdependent, and I know of no reason why any exception should be made in favour of the farmers. I do not suppose that the provisions of the Bill would ever be availed of by those engaged in the agricultural industry, because it is extremely unlikely that any disputes between farmers and their employes will extend beyond any one State. At the same time, I shall never support any proposal that savours of class legislation. If it is right that the manufacturers should be brought under control by means of a measure of this kind, the farmer should also be included within its scope.

Mr. McLEAN.—Has the honorable member ever known of a strike among farm hands?

Mr. STORRER.—I have known of small troubles only. The Government have been accused of overloading the Bill, but it seems to me that the amendment will have that effect.

Mr. McCAY.—Would it not have the effect of unloading rather than of overloading?

Mr. STORRER.—I think not.

Mr. McCAY.—But it proposes to take something off—to narrow the scope of the measure.

Mr. STORRER.—I fully understand that; but, at the same time, it is overloading the measure by introducing complications. In legislation of this kind, we should not consider the case of the farmer of Victoria or of New South Wales, but the people of Australia, and if it be necessary to pass a law of this description for the people of Australia, all classes should be brought under its operation. I am sorry that the debate has occupied so much time, because I believe that every honorable member has made up his mind as to the way in which he will vote. I entirely deprecate the remarks which have been made by some honorable members by way of minimizing the importance of the manufacturing industries. Whilst I have a high appreciation of the position occupied by the agriculturists, I contend that they are no more necessary than are the tanners, boot manufacturers, or others, who make use of the raw material produced on farms. In my own district there are many people who make their living by dairying, but they do not work such extraordinarily long hours as have been mentioned during this debate. It is true that they start work

early in the day, but they have periods of rest which compensate them. I do not think many farmers inflict great hardships upon their children. Some farmers are fair and honest in their dealings, whilst others impose upon their employes. In the same way, some manufacturers are fair and reasonable, whilst others oppress their workmen. I see no reason why any exception should be made in favour of the farmers, and therefore I shall vote against the amendment.

Mr. LEE (Cowper).—I shall support the amendment, because I think it would be almost impossible to establish a common rule that could be applied to the farming industry. The conditions under which farming is carried on vary very widely in different parts of the Commonwealth, and I do not see how the Bill could be applied to it. The honorable member for Darling spoke about disputes which might arise between farmers and their harvesters as to wages. But it seems to me that it would be impossible for the Court to intervene in such cases because the harvest would be over before any decision could be arrived at. If our experience of the Arbitration Court of New South Wales is any criterion, it would probably take two or three years before a decision would be given. Harvest work has to be performed quickly, and, generally speaking, the labourers have got the best of the deal, because the farmer, in order to get his crop in, must pay whatever wages are demanded. The dairy farmer is in a somewhat different position. The dairying industry has proved to be a veritable gold mine for the Victorian farmers during the last few years, and those who take an interest in the development of our resources must be highly pleased with the marvellous change for the better that has taken place. This result has been brought about at the cost of a great deal of time and labour on the part of our farmers, and is partly attributable to the fact that the industry lends itself to the employment of all the members of the farmer's family. I am familiar with the conditions which prevail throughout the dairying districts along the coast of New South Wales, and I know that the dairymen could not carry on their business if they did not rise early. They have entered into co-operative associations, and have laid down certain regulations, with which they have to comply, in order to make the best use of the perishable product they have to handle. No Arbitration Act in the world could reasonably set

side the rules which these men have laid down for themselves. They have to get their cream and milk to the factories early in the morning, and late in the afternoon, so that it may not be subjected to too much heat, but kept sweet until it can be converted into butter. It is necessary for them to work early and late. The farmer's work is never done, but it can justly be said that the farmer does not ask his labourer to do what he is not prepared to do himself. The less we interfere with the producers the better. The dairy farmers of Victoria have been assisted to a large extent by the State, but those in New South Wales have had to carve out their own path to success. They have had no Government assistance whatever, but have cultivated a spirit of sturdy independence and self-reliance; they require no coddling or assistance. The honorable member for Darling said that we were beginning at the wrong end. I think that the Government are beginning at the wrong end when they propose to include farmers within the scope of the Bill. They might with more advantage direct their energies to securing cheap freights for our farmers, in order to enable them to compete successfully in the markets of the world. We are producing more than we require to meet our own needs, and we have to face the competition of the world in open markets. There has been no demand on the part of the agricultural community for legislation of this kind. I have never heard a farm labourer express dissatisfaction with his lot. If the pay he receives is not sufficient, he can easily find other employment. The Prime Minister is generally very fair and candid, but I do not think that he was altogether justified in mentioning the case of the boy who was asleep near his milk cans. Why, we find honorable members sleeping even in this chamber. Surely no significance is to be attached to that fact. The life of the farmer or the farm labourer is necessarily a hard one, and no doubt the children of the farmers have to help. Otherwise many farmers could not make a living. Dairying is one of those industries—natural industries, I admit—in which work has to go on from the early hours of the morning until late in the evening, but the children of the farmers do not suffer to the extent that has been represented. They can milk and they can ride, and can perform all the work of the farm, but their education is not neglected. The girls can play the piano as well as those who are brought up in the cities, and the

boys make good citizens. The life they lead may be a hard one, but it is healthy.

Mr. SPENCE.—No one insinuated anything to the contrary.

Mr. LEE.—It was contended that their education was being neglected, but that is not true. Even if they were being hardly used the Bill would not afford any relief. The farmers confer many benefits upon the State. They are not only producers, but they take into their service neglected boys from the public institutions, where they are a charge upon the State. They bring them up to farm work and make men of them.

Mr. STORRER.—Do not other people do that?

Mr. LEE.—Not to the same extent as the farmers. Last evening the Committee were treated to an excellent speech upon this amendment by the honorable member for Gippsland, who is possessed of a practical knowledge of the subject. To my mind, he conclusively showed that any interference between the farmers and their employes must result in injury to the agricultural industry. He answered very fully the arguments of the Prime Minister, and, although the Minister of External Affairs took up the running, he signally failed to show that a good case had not been made out in favour of exempting the farmers from the operation of this Bill. It has been said that people are forsaking agricultural pursuits and flocking into the cities. In the district which I have the honour to represent I am happy to say that such a condition of affairs does not exist. On the contrary, population there is increasing very rapidly. Most of the land in that district was taken up some years ago, the settlers being chiefly engaged in timber getting. Recently, however, they have turned their attention to the dairying industry, and as a result the prosperity of the district is increasing by leaps and bounds. I claim that we should be exceedingly chary about interfering with the agriculturist or the dairy farmers and their employes. The farmer has already to contend with sufficient disabilities. He has to face the prospect of drought and floods, and has frequently almost to hope against hope. Consequently we should be very careful not to engender on the part of the farming community suspicion of our legislation. The Prime Minister has declared that the probability is that this provision in the Bill will never become operative. If so, where is the necessity for incorporating it in the measure? The honorable member

for Southern Melbourne said that it was wise to retain it, in order that it might be applied to unscrupulous employers. Personally, I do not believe in meeting trouble half-way. The proposal of the Government reminds me of the story of a girl who set out for a certain village. On the way there, she came to a well, by the side of which she sat down and commenced crying. A little later some friends came along, and inquired, "Molly, what in the wide world are you crying about?" Her reply was, "I was crossing to the village yonder, and I resolved to take a short cut. In doing so I came to this well. Then it occurred to me that some day I might get married and have a little girl, and she might fall into this well, and then whatever would become of me?" She was meeting trouble half-way, which is precisely what the Ministry are doing in connexion with this Bill. I hold that no legislation can prevent strikes. We may make it illegal to strike, but that will not prevent men from doing so. I claim that legislation of this character simply engenders disputes. Let honorable members reflect upon the number of cases which await the attention of the Arbitration Court in Sydney. In many instances legitimate grievances do not exist, but the men appeal to the Court upon the off chance of getting an increase in their wages.

Mr. HUGHES.—That is an unfair statement.

Mr. LEE.—Why, then, do they appeal to that tribunal?

Mr. HUGHES.—Because it is the tribunal from which they can obtain redress.

Mr. LEE.—In nearly every instance their appeals are for an increased wage.

Mr. HUGHES.—Sometimes they do not get an increased, but a decreased wage.

Mr. LEE.—I am acquainted with members of trades unions in Newcastle who are opposed to this class of legislation. In New Zealand the Arbitration Act is a dead letter so far as farm employes are concerned. I admit that the conditions of life in the farming industry are exceedingly hard. One of the many troubles with which the farmer is afflicted is that his sons do not take kindly to agricultural pursuits. They prefer to work upon the tram-lines in Sydney for 7s a day. The attractions of city life are too powerful for them to resist. The honorable member for Southern Melbourne stated that the operation of this Bill will conduce to

settlement. I think that its effect will be exactly the reverse. Farmers dislike legislative interference. They have had to carve out their own path to success. They have cleared the land in the first instance, and established their homes upon it. Later on, when they have become employers of labour, they have treated their employes as they would one of themselves. I remember perfectly well that when I was a lad I was more afraid of one of the man servants on our farm than I was of my father. Why? Because he took an interest in his work. My father's interest was his interest. I know hundreds of employes who selected land in the Robertson and Moss Vale districts, who cleared it, and established their homes there. Years afterwards they sold it, and acquired land upon the northern rivers of New South Wales where the dairying industry, which has proved such a source of wealth to that State during the past ten years, is now being carried on. I heard some honorable member interject a little time ago that the advocates of the amendment wish to legislate for a class. That comes with very bad grace from my honorable friends opposite, who are averse to making this Bill applicable to every section of the community.

Mr. HUGHES.—We do not say that this is class legislation.

Mr. LEE.—The arguments of the honorable member for Echuca, the honorable and learned member for Illawarra, and the honorable member for Gippsland, conclusively show that by retaining the Government proposal we shall inflict injury upon our producers. I contend that it is impossible to apply a common rule to the farming industry, chiefly on account of the continual changes that are going on. Only a few weeks ago, Victoria was largely exporting butter to Great Britain, whereas to-day she is importing 10 or 12 tons per week from Sydney to supply her own needs. A common rule, that would suit the district of Gippsland, would not suit the farmers in other portions of Victoria. Some reference has been made to the Teachers' Conference, and to the fact that the children of our dairy farmers are denied the advantage of a proper education in consequence of having to labour upon the farms. We all know that the children of farmers are required to do some work, and I do not think that a little work injures them. I was reared upon a dairy farm, and had to rise regularly at 4 o'clock in the morning. Of

course, I did not like it, but it had to be done. I remember that it was very often necessary for me to have my Euclid book upon my knee whilst I was milking the cows. In these days, of course, children have to learn a great deal more. They are required to study French, Latin, Geometry, and a great many other subjects. Indeed, I am disposed to think that the system of cramming, which is so prevalent in our public schools, works far more injury to the children than does the labour which they are required to perform upon the farms. I admit that the hours of employes in the dairying industry are very long, but it is impossible to alter that state of affairs. The work must be done. Moreover, the farmer does not ask his employe to do anything which he is not prepared to do himself. If it were possible to regulate matters, so that the farmer could be assured of a fair return for his work, we might reasonably insist upon the employe securing a similar return for his labour. The Prime Minister also made some reference to the share system. I have had some experience of that system. In the Richmond River district, New South Wales, the practice is for the landlord to appropriate one-half the profits, and the tenant the other half. They share them equally. But this Bill will not affect the dairy farmers there, because the tenants who are working upon the share system usually have large families. Consequently in a great many cases, they do not employ any outside labour whatever. The farmers and their families do all the work. It is one of the grand features of the dairying industry, that it is not characterized by a declining birth-rate. Nearly all the dairy farmers have large families, and are thus enabled to work their holdings cheaply. A good deal has been said about the hard conditions under which the children who are engaged on dairy farms have to work; but the Bill will not improve them. Some fathers may be harsh in the treatment of their children, and make them work more than they should work; but the Bill will not prevent that. If it would, there might be some reason for passing it. In New South Wales, not a single case of the kind has been brought before the Arbitration Court. In no instance has the Court been invoked to prevent children from working in this way. The honorable member for Kalgoorlie said that the Bill will make farmers treat their employes properly. The inference to be drawn from his remark is that at present farmers do not treat their

employes properly. It is unjust to place such a stigma upon them. I have yet to learn that the dairy farmers are notorious for treating their employes badly. As a rule, they treat them as they treat the members of their own families. What are the evils which the Bill will rectify? Has it been asked for by the persons concerned? If there had been a demand for it by the employes of farmers and dairymen, it might be right to provide that they should not be exempted from its provisions; but there has been no such demand. The honorable member for Darling has spoken of complaints having come from Gippsland. But he knows as well as I do that neither in New South Wales nor in New Zealand, where Arbitration Acts are in force, has an union of farmers' employes been formed. Everything has gone on well in both places without appeals to the Arbitration Court. I do not see the need for legislation to meet dangers which are never likely to occur. It might be said that the Arbitration Court might fix the wages of farm employes in New South Wales at £1 a week, while the wages of farm employes in Victoria remained at 15s. a week; but I do not know that that would be any justification for the passing of a Bill of this nature. The New South Wales Arbitration Act has practically had no effect at all upon the farming industry in that State, and the farmers of Victoria have never asked for such a law. In this State there are more farmers than there are in any of the other States. No Government has done more to assist its farmers by improving their conditions, bettering their means of transit, supervising the export of their produce, and opening up markets for them in other parts of the world, than the Government of Victoria has done for its farmers.

Mr. WILSON.—That remark comes very nicely from a representative of New South Wales.

Mr. LEE.—But we have had no demand from the farmers of Victoria, or from their employes, for a measure of this kind. Then why force it upon them? The speech of the Prime Minister puts the position of the Government in quite a new light, and no doubt the farmers of New South Wales will expect him to be ready to answer for it. He is, I know, a man who has always had the courage of his opinions, but when he goes to New South Wales he will be called on to explain what he has said on this subject.

Mr. BAMFORD.—That may be very shortly.

Mr. LEE.—We must be always prepared for contingencies. Whether an appeal to the people comes soon or late, I shall be ready for it, and I should not vote against my convictions, even if there were to be an election to-morrow. Honorable members opposite all say that the Bill may never be required.

Mr. WATSON.—We do not refrain from charting and lighting a rock because no ship has ever struck upon it.

Mr. LEE.—We chart and light a rock because it is an ever-present danger. But in this case there is no danger. What we are doing is to bring in a Bill which will create disputes.

Mr. WATSON.—Why has not the New South Wales Act created disputes?

Mr. LONSDALE.—It has done so.

Mr. WATSON.—In the farming industry?

Mr. LONSDALE.—I am not speaking of the farming industry.

Mr. LEE.—No case affecting the farming industry has come before the New South Wales Court, because it would be impossible to apply a common rule to that industry. I do not think that a Judge could be obtained who could satisfactorily adjudicate in any such case. We are perfectly reasonable in asking that those engaged in the farming and dairying industries shall be exempted from the operation of the Bill. The position of the railway servants of the States is a different one. They are all organized, and control the highways of commerce. It is they upon whom the farmers rely for the carriage of their produce to market, and it is necessary, for the protection of the farmers, as well as of the community generally, that every means shall be taken to prevent the occurrence of disputes between railway employes and the Commissioners extending beyond any one State. The honorable member for Kalgoorlie seemed to think that it would be dangerous to accept the amendment, because it would exempt a number of pastoralists and their employes who are engaged in mixed farming. It is not usual, however, for men who have large holdings to engage in mixed farming. As a rule a pastoralist is a pastoralist pure and simple. Where a farmer has a few sheep, he should be allowed to shear them himself, if he can. No doubt, if he employs labour, he has to pay the same rate of wages as is paid by pastoralists, and probably a higher rate, because he has fewer sheep.

Mr. FRAZER.—The honorable member does not dispute the truth of my statement that on many large stations a considerable area of land is used for agriculture?

Mr. LEE.—No; but the amendment would not prevent persons from coming under the Bill, so far as they were engaged in pastoral pursuits.

Mr. FRAZER.—A man in the position I spoke of would be as much an agriculturist as a pastoralist.

Mr. LEE.—He would be both an agriculturist and a pastoralist, and, so far as he was a pastoralist, would come under the Bill. There are men engaged in other walks of life, who, so far as part of their business is concerned, come under Arbitration Acts, while, so far as another part is concerned, they do not. For instance, I know a man who is a lawyer, and who is interested in a tobacco factory. His control of the employes in the factory is governed by the arbitration law, but his control of the clerks in his lawyer's office is not.

Mr. FRAZER.—In that case there is a clear distinction.

Mr. LEE.—There is also a clear distinction in the case under immediate consideration. I think it is right to apply the provisions of the Bill to shearing disputes, because such disputes are always likely to occur, and to extend beyond any one State. I do not think, however, that there is any likelihood of disputes occurring between farmers and their employes, and therefore I see no need for bringing them within the provisions of the measure. I shall support the amendment.

Mr. GIBB (Flinders).—As a practical man who has made his living by farming, and is still doing so, I wish to make a few remarks on this subject. During State and Federal elections the popular cry is always "Settle the people on the land. Provide for closer settlement." I think that if the measure before us is applied to the farming industry, it will prevent people from going on the land. I speak with authority on this subject, because I represent one of the largest dairying districts in the Commonwealth—the South Gippsland district. The dairymen there are mostly men who have selected land, and farm their own freeholds. Many of them were originally men of very small means, and the most successful of them are men with large families, whose children assist them. I do not say that the Bill, if passed, will be a dead letter; but it will be bad legislation, because it is not required. There have been

in the past no disputes between farmers and their employes. I was very much grieved at the remarks made by the honorable member for Darling last night. It seems to me that there are agitators who wish to bring strife and trouble into the farming districts of Victoria. We do not desire that. We know what has taken place so far as the pastoral industry is concerned.

Mr. WATSON.—It has been a good thing for the shearers that they have organized.

Mr. GIBB.—I admit that a measure of this kind should apply to shearers. I represent a coal mining district, and I admitted when speaking on the Address-in-Reply that I was not opposed to the introduction of a measure for the prevention of industrial disputes likely to extend beyond any one State. But as there has never been a dispute between the farmers of the Commonwealth and their employes, why should we apply the provisions of such a measure to them? The Prime Minister spoke about the need for charting and lighting a rock before a ship had struck on it, but in this case we have no rock to chart or light, and there is, therefore, no need to apply the provisions of the Bill to the farming industry. I am sorry for the position which the Labour Party have taken up in connexion with this matter. The speech of the Prime Minister will be read throughout Victoria with regret. Apparently he feels that he has nothing to gain from the farmers of Victoria.

Mr. WATSON.—I think that we have. A number of farmers in New South Wales support the Labor Party. I shall take all sorts of care to have my speech circulated.

Mr. GIBB.—I hope that the farmers will take particular note of the honorable member's remarks. I think he looks for support from the employes rather than from the employers.

Mr. WATSON.—From both.

Mr. GIBB.—In my opinion the employes of the farming industries are content to be left alone. The honorable member for Darling said that letters containing grievances have come from farm employes in the district which I represent, and he expressed his willingness to form a union there, which would only cause strife and agitation. I hope there are too many sensible men in the Committee to allow the Ministry to go too far. If the Government would make this a vital question we should be only too glad to go to the country upon

it. When I entered this House I thought that I should find myself engaged in the consideration of some very big questions, but all we have done hitherto is to deal with this Bill, which is not a very important one, and which would not have been introduced had it not been for the Victorian Railways strike.

Mr. GROOM.—It was promised by Mr. Justice Barton in his Maitland speech.

Mr. GIBB.—This Parliament will cause a great deal of dissatisfaction in Victoria by interfering in matters of State concern. If there is any question which should be left to the State Parliament, it is this one. It is entirely beyond our province.

Mr. FRAZER.—How long would the honorable member give them to make up their minds?

Mr. GIBB.—They have already made up their minds in regard to this matter. We have far more important business to transact. Yesterday we had before us a motion relating to the utilization of the waters of the Murray, and other rivers, for the purposes of irrigation, and that is a matter which should engage our earnest attention. Then, again, it is highly desirable that we should arrive at some satisfactory arrangement with regard to the transfer of the States debts. We might, with much more profit, devote our attention to these matters than seek to trench upon the province of the States Parliaments. The object of legislation of this kind is simply to stir up discontent among the Victorian railway servants, who should be left alone after the fair settlement arrived at at the close of the recent strike. The Prime Minister has made a very serious charge against farmers, so far as the rates of wages paid by them are concerned. He said that in certain districts, the prevailing rates range from 7s. to 12s. per week. I have never heard of such rates being paid in Victoria. I have carried on farming operations for many years, and I could put my hands on a number of my old employes who are now successful men. I could point to one man who started with me as a boy at 5s. per week, to learn his business, and who is now the father of a large family, and the owner of a property worth £3,000. These are the men whom it is desirable that we should put upon the land. What better class of settlers could we have than those who are bringing up families, and who are training them to country pursuits. None of my men have ever received more than



£1 per week and their keep, and yet most of them now have properties of their own, and are making a good living for themselves and their families. If the Bill as it stands were brought into operation, and it were made to apply to the dairying industry—as it might be if agitators got to work among the employes in that industry, and caused trouble—it would probably result in ruining it in the district which I represent. I am speaking in the interests of people who have worked hard, who have kept themselves on the land for many years past, and who do not wish to be interfered with. As a matter of fact, they look after their business so intently that they have not even time to go to the poll and record their votes. At the last election, only 50 per cent. of the farmers voted. But if they find that legislation is being passed which will have a detrimental effect upon their interests, they will probably come forward and record all their votes against the party which is responsible for placing such laws upon the statute-book. I should be failing in my duty if I did not raise my voice against a measure of this kind, calculated as it is to entirely wipe out a very important industry. The people in the country are now being aroused to the fact that they will have to look after their own interests. The artisans in the towns have done so, and have done it well, and I admire them for it. The people in the country now see that they will have to watch legislation if they wish to guard themselves against injury. I wish to raise my voice, and to record my vote, against a proposal which will probably do more injury to the dairying industry than anything which has been brought forward since this Parliament came into being.

Mr. POYNTON (Grey).—I rise to express my sympathy with the Government in the serious situation in which they now find themselves. Had they abandoned the provision which was included in the measure introduced by the Deakin Government, they would have exposed themselves to a charge of inconsistency. They would have been asked why they did not stick to the Bill. This attitude was assumed by honorable members opposite a day or two ago, but when one of their number proposed to strike out the word "industry," over which all the trouble had occurred, they would not vote with him. They are now opposing a provision in the Bill which was introduced by themselves.

Mr. WILSON.—It was admitted that this provision was only inserted in order that it might be given away.

Mr. POYNTON.—I have never heard that stated previously. If that be the case, it does not say much for the late Government. I am inclined to think that if the Deakin Government had remained in power, we should not have found Ministers voting against their own proposal. A change of Government produces the most remarkable effects. It is immaterial to me which way the vote goes upon this amendment, because I do not see that much good can be achieved by retaining the provision in its present form. It may have been inserted with the idea of maintaining a consistent attitude and of preventing any distinction being made in favour of a particular class of employes. I believe that it will have very little practical effect. That opinion is based upon the experience that has been gained in New Zealand and New South Wales. Perhaps, some good may result from it, in so far as it may act as a deterrent, by imposing a check on those employers who might, under other circumstances, be inclined to take advantage of their employes. The honorable and learned member for Warrington seems to have been inspired by a sudden new-born zeal on behalf of the farmers.

Mr. WILSON.—He has advocated the interests of the farmers for some years past.

Mr. POYNTON.—Presumably the honorable and learned member would say so if he were here; but I have some recollection of his carrying the single-tax banner, whereas now he has abandoned it. Now we find him engaged in the occupation of flogging a dead horse. Honorable members opposite have admitted that the amendment is a matter of very little consequence, that it is like a drop in porridge, neither good nor bad, but they have made it the subject of a good electioneering cry, upon what appears to be the eve of a dissolution. I think that the Prime Minister deserves every credit for having been consistent. He represents a farming constituency, and if honorable members opposite are to be believed, it will not be to his advantage to support a provision which will have the effect of bringing the agricultural industry within the scope of the Bill. Therefore, he is showing some degree of moral courage. The honorable member for Falmouth has stated that this is an attempt to invade the sphere of action of the States Parliaments, but I would point out to him that

disputes such as would be dealt with under this measure could not be covered by any State legislation.

Mr. WILSON.—It is admitted that disputes in the agricultural industry could not very well extend beyond any one State.

Mr. POYNTON.—Then there is the more reason for raising a good election cry upon the strength of the proposal to include the industry in this Bill. I have done a great deal for the farmers of the State from which I come, and I have a great number of farmers among my constituents. I have no doubt that the newspapers will continue to represent—as they have done recently, under the most glaring head-lines—that terrible disasters will follow upon legislation of this kind. I should like to see some honesty in the criticisms directed against this measure, and also something like consistency. The opposition to the provision which is sought to amend has been, from start to finish, a pure and simple electioneering gag. The honorable and learned member for Wannon would show some courage if he went before his constituents and proposed that the whole of the taxation should be imposed upon the land; he would be better employed than in flogging a dead horse. If it is unlikely that any disputes will occur that will bring the agricultural industry under the operation of the Bill, why should so much anxiety be expressed with regard to getting on with other business? We might have had this question settled last night but for the desire of honorable members who represent agricultural constituencies to address the farmers—to put up men of straw, and knock them down again.

Mr. WILSON.—To whom is the honorable member talking?

Mr. POYNTON.—I am talking to the farmers. No man in this Committee has done more than I have for the agriculturists. The honorable member for Gippsland took credit for bringing a number of trades under the operation of the Factories Act in Victoria, and I give him every praise for what he has accomplished. I would point out, however, that he took good care that he did not apply the Act to any of the industries carried on within his own electorate. It is all very well to be liberal with regard to matters which do not affect one's self. The honorable member for Flinders expressed some fear that agitators would go into his district and arouse the employes of the dairy farmers into a state of mutiny. Does not the

honorable member realize that this Bill is intended to do away with agitators, and to submit all trade disputes to the decision of an impartial tribunal?

Mr. WILSON.—If the Bill will kill agitators, why do the Government and their supporters want to pass it?

Mr. WATSON.—We do not want to encourage agitators.

Mr. POYNTON.—We want to kill strikes. All those honorable members who oppose this Bill are in favour of strikes. I might go so far as to say that they prefer to see the employé with his hand on the throat of the employer—to see the utter stagnation of industry, to see the people starving. I should be perfectly justified in charging the mover of the amendment with all this, because he is evidently not in favour of any restrictive legislation, but believes in the survival of the fittest, and would let every grasping, greedy employer take every advantage that he can of his employes. He would let every sweater get the full benefit of his nefarious operations.

Mr. MCLEAN.—Is that the honorable member's experience of the farming community?

Mr. POYNTON.—I am not speaking of the farming community, but of the honorable and learned member who proposed the amendment.

The CHAIRMAN.—Order. The honorable member must address himself to the amendment.

Mr. POYNTON.—I should have been very glad if the Chairman had taken up that position before.

The CHAIRMAN.—Order! That is a distinct reflection upon the Chairman, and I must ask the honorable member to withdraw it.

Mr. POYNTON.—I shall withdraw it, with this reservation, that I do not see why I should be stopped now, in view of the fact that land taxation in all its aspects has been discussed during this debate.

The CHAIRMAN.—Order. The honorable member, as an old member of Parliament, must know that when he is requested by the Chairman to withdraw any remark which is regarded as objectionable, he must do so unconditionally. I now ask him to follow the usual course, and withdraw his remark without any qualification.

Mr. POYNTON.—With all due deference to the Committee and to the Chairman, I withdraw. I only wish to remark that almost every aspect of the land taxation question has been discussed during this

debate, and that I do not quite understand why I should be pulled up.

The CHAIRMAN.—I will explain to the honorable member. The honorable member said he was not talking of the farming industry, and as the amendment distinctly deals with that industry, I would ask the honorable member to confine his observations to it.

Mr. POYNTON.—I am very glad that the Chairman has made that explanation, because he entirely misunderstood what I said. The honorable member for Gippsland asked me if the remarks which I was making referred to farmers, and I said that I was not then speaking of the farmers, but of the honorable and learned member for Wannon, who had advocated a non-restrictive policy. I still believe that I was speaking to the proposition before the Chair.

The CHAIRMAN.—I judged from the honorable member's own words. I shall be very glad if it can be shown that there is any connexion between the views of the honorable and learned member for Wannon on the single tax and the matter before the Chair.

Mr. POYNTON.—I was proceeding to show that there is a want of consistency in the actions of the honorable and learned member for Wannon. Had the Government abandoned this provision, honorable members opposite would have immediately charged them with inconsistency. There have been too many electioneering speeches delivered upon this proposal. I trust that we shall get to a division without any further delay.

Mr. FULLER.—Now that the honorable member has had his say, he desires the debate to close.

Mr. POYNTON.—I have not previously troubled the Committee. I remained silent for two days. I repeat that the provision in the Bill has afforded honorable members opposite a splendid opportunity of addressing their constituents.

Mr. KENNEDY.—How the honorable member would have revelled in it had he occupied a seat upon this side of the chamber!

Mr. POYNTON.—Had I been sitting upon the other side of the House I should have spoken exactly as I have done. The experience of New South Wales and New Zealand goes to show that, in the case of rural industries, this provision in the Bill will not be called into operation. At the

same time, no harm can result from its inclusion. I shall support the clause in its present form, which was the form in which it was submitted by the Deakin Government.

Mr. McDONALD (Kennedy).—It is rather amusing to note the attitude which is assumed by Victorian representatives upon this question. I can quite understand it. They are merely pandering to their constituents for electioneering purposes. That is the sole object underlying the amendment proposed. I fully appreciate the position of the honorable member for Flinders. He is perfectly well aware that in New South Wales the farmers and their employes can be brought under the operation of the State Arbitration Act. He realises that, if an award were given there which had the effect of increasing the wages of farm labourers, the Victorian farmers would be placed at an advantage as compared with those of New South Wales. That is the motive underlying the action of some Victorian representatives. When, during the first session of the last Parliament, the honorable member for Illawarra attempted to relieve the farmers of New South Wales from the iniquitous fodder duties which were operating, these very individuals exclaimed, "Oh, we have a splendid harvest in our State, and we intend to profit by the necessities of the other States. They are adopting similar tactics upon the present occasion. I was exceedingly pleased to hear the good words which have been spoken on behalf of the farmers and those employed in agricultural and dairying industries, because I have a vivid recollection of a debate which took place in this House, in the course of which it was understood that those employed in agricultural pursuits were an unreliable lot of drunkards.

HONORABLE MEMBERS.—No, no.

Mr. McDONALD.—When the Pacific Island Labourers Bill was under consideration, the argument was repeatedly advanced that farm labourers—"white men" was the term used—could not engage successfully in tropical agriculture, and that they were nothing but a drunken set of loafers.

Mr. McCAY.—Not half-a-dozen members of this House were antagonistic to the Bill.

Mr. McDONALD.—A similar attitude was adopted towards section 16 of the Postal Act. At least honorable members might be consistent. I think that this provision is a very good one, and no valid reason has been advanced why it should be

eliminated from the Bill. The only reason urged by the honorable member for Flinders in favour of the adoption of that course is that some agitator may possibly undertake to organize the farm labourers, and that, as a result, this measure would become applicable to them. I was rather surprised at the action of the ex-Minister of Trade and Customs in speaking against this provision, seeing that it found a place in the Bill which was introduced by the late Government, of which he was such a prominent member. Some honorable members opposite would have supported it had the Deakin Government remained in office.

Mr. McCAY.—The Ministry might have accepted an amendment.

Mr. McDONALD.—I quite agree that they might have. There are a good many things that the late Government might have done. I hold that if this Bill is good for the factory worker, it is equally good for the farm labourer. If it is to apply to the employer who is engaged in manufacture, it should also apply to the farmer. We have been told that its operation will result in the absolute ruin of the farming industry. Does the honorable member for Flinders seriously believe that?

Mr. GIBB.—Yes.

Mr. McDONALD.—I am indeed surprised to hear it. Honorable members will recollect that we were told that the abolition of *kanaka* labour would destroy the sugar industry in Queensland; but the fact is that the output of sugar this year is greater than it has ever been previously.

Mr. R. EDWARDS.—But a proportion of *anakas* is still working there.

Mr. McDONALD.—Does not the honorable member see how that argument recoils upon himself? Are the sugar planters so foolish as to continue developing the industry—

Mr. R. EDWARDS.—The honorable member should await the result of the operations of another three years.

Mr. McDONALD.—One of the strongest exponents of the employment of that class of labour in tropical agriculture is spending £360,000 in irrigation. I have no desire to detain the Committee, but when honorable members opposite deliver speeches simply for electioneering purposes, I think it is just as well that something should be said by the other side.

Mr. FOWLER (Perth).—Like the honorable member for Grey, I have listened in silence to this debate for

two days. If so many honorable members opposite had not so strongly denounced the action of the Government, I should not have addressed the Committee at this stage. The attitude which has been taken up, and the language which has been used by the advocates of the amendment, are absolutely ridiculous. They urge that this legislation, so far as it will apply to rural industries, will prove inoperative, because those whom it will affect enjoy such good conditions as to render it extremely unlikely that an appeal to the Arbitration Court would result in their improvement. If that be so, I do not understand the logic of their position. Of course I could understand it if the charges that have been made in connexion with the dairying industry in particular, were true; but the advocates of the amendment declare that they have no foundation in fact. What, then, is the reason of their anxiety to embody the amendment in this Bill? In Victoria recently there has been what I may term an "epidemic" of burglary. Let us suppose that, as a result, the State Parliament submitted a very drastic measure dealing with burglars and burglary. What would the general public think if the Young Men's Christian Association petitioned the Legislature to insert a special provision in the Act, exempting its members from the operation of that Statute? It would certainly be very absurd. We know that members of the Young Men's Christian Association are not likely to commit burglary, and the authorities would, therefore, probably reply that the Act was intended to operate generally, and that it would be called into requisition only where offences were actually committed. The honorable member for Flinders was very emphatic in his statements as to the effect of the operation of this Bill in his own district. Yet I believe that at the recent Teachers' Conference which was held in this city, representatives from that district entered a most vigorous protest against the conditions that exist in the dairying industry there. They told of children who have to milk a number of cows each morning before going to school, and who are afterwards too sleepy and too mentally inactive to acquire the education to which they are entitled. Does the honorable member believe in the employment of child labour in the dairying industry? If he does not he ought to assist us in preventing the infliction of so great an injustice upon children whose parents put gain before the health of their offspring.

Mr. McCAY.—If that condition of affairs does exist, how can this Bill alter it? The relation between father and child is not an industrial relation.

Mr. FOWLER.—If a farmer engaged in the dairying industry has a child which is subjected to improper treatment in connexion with the industry this Bill can certainly be brought into operation to insure consideration being extended to it. The other aspect of this question has reference to the employment of farm labourers. What is the objection to the Bill being made applicable to them? Is it because their wages are too low? Surely the honorable member for Flinders believes in paying a man a fair day's wage for a fair day's work? This Bill does not go further than that. I do not suppose that its effect will be to establish the munificent average of £2 per week, which was the sum mentioned by one of the advocates of the amendment. But would the payment of such a wage ruin the dairying industry? Is the honorable member for Flinders aware that in that portion of Great Britain where farming is most prosperous the highest wages are paid?

Mr. GIBB.—The farm labourers here are quite satisfied with their present wages.

Mr. FOWLER.—If those wages are reasonable there will be no interference with them under the operation of this Bill. I have met farm labourers, however, who have informed me of the wages that they receive, and who are anything but satisfied with their conditions. I protest strongly against the political capital which honorable members opposite have attempted to make out of the position taken up by the Government. In one breath they assure us that the Bill will prove absolutely inoperative, and in another they indulge in a wild denunciation of the Government, and in equally reckless prophecies of what will happen if the amendment be not adopted. The term "agitators" has been applied to those who it is thought may interfere with the dairy employés in this matter. As a student of history, I believe that all the good which we at present enjoy, politically and socially, is due to the efforts of agitators. The honorable member who used the term in a somewhat offensive way belongs to a race which owes all of which it has a right to be proud to the fact that its common people and their leaders were always prepared, not merely to agitate, but to fight for justice, and for what they believed to be their rights. Therefore, he

should hesitate before using the term "agitator" in an opprobrious fashion.

Mr. O'MALLEY.—I am an agitator.

Mr. FOWLER.—We are all agitators more or less, and when the term is used legitimately I am proud of it. It is notorious that many honorable members had fathers or grandfathers who were driven out of their own country by the operation of injustices which agitators tried to remedy, and they should be the last to turn round in their days of prosperity and gird against the class to which they ought to belong in sympathy as they do in birth.

Mr. LONSDALE (New England).—This debate brings me back to my very early days, I do not know how long ago, when I drove bullocks at the plough. My father was a farmer, and I know the conditions under which farming populations work, and consequently sympathize with those engaged in that employment. Nevertheless, I am opposed to the application of the Bill to agricultural labourers. Even the honorable member for Grey must admit that I am consistent in this attitude. I am not sure that he always means quite what he says. We are all alike in this respect, that we put our worst side foremost. No doubt honorable members often imagine that I feel antagonistic to them personally, and am rather spiteful, and the honorable member for Grey gives me that impression at times. I do not think that he is really spiteful. I believe him to be as kindly at heart as most of us are. Of course, it is natural, when motives are imputed, to retaliate by imputing similar motives to those by whom we are taunted. Consequently when honorable members who have spoken for the farmers have been told that they have been making electioneering speeches, they have retaliated by saying that those who are opposed to the amendment take that stance merely so that, later on, they may be able to tell the agricultural labourers in the various districts that they fought for their interests, and tried to help them, notwithstanding the opposition of the honorable and learned member for Wannon and others. I maintain that we ought not to place on the statute-book legislation to assist only one section of the community. In my opinion, the legislation we pass should apply equally to all. I know that some of those who are supporting the amendment, and opposing the application of the Bill to agricultural labourers, voted for its application to railway employés. To me, however, it seems

that if it was right to apply the Bill to railway employes, it is right to apply it to agricultural labourers. As a matter of fact, I think it should apply to neither section of the community. The railway servants are in a much better position than are agricultural labourers. They, by reason of their numbers and organization, can always stand up for themselves, whereas the agricultural labourers are scattered and disorganized. Of course, my present remarks are a criticism rather of the action of the members of the party with which I am associated than of the action of the Labour Party, and show that I am at least impartial. I am, however, consistent in objecting to the inclusion of both railway servants and agricultural labourers. I have travelled through a large part of New South Wales, and I know the difficulties under which the farming population works. It has been said that the Bill, if passed, will be inoperative. Certainly the New South Wales Act has been inoperative, so far as the farmers of that State are concerned. I believe that there has yet been no dispute in the agricultural industry in New South Wales for the settlement of which the intervention of the Arbitration Court has been sought. Honorable members opposite contend that, as the Bill is not likely to be used, its application to the farming industry will do no harm. But—

How oft the sight of means to do ill deeds  
Makes ill deeds done!

It is quite true, as the Prime Minister has admitted, that no disputes in which the farming industry has been concerned have come before the New South Wales Arbitration Court; but four-fifths of the disputes which now congest that Court have been created by the passing of the Arbitration Act. They would never have been heard of if the Act had not been passed. I admit the truth of what the honorable member for Perth has said about agitators. I am an agitator, and have been one for years. My desire is to uplift the masses. I am not a sweater, nor do I love the sweater, notwithstanding the suggestion of the honorable member for Grey. I have as much sympathy with the man who is toiling as has the honorable member himself. I wish to assist the workers in every way, and would do all I could to improve their conditions. But I hold that the passing of this measure will not do anything in that direction. Something has

been said about the single tax. If the principle referred to was put into force the probability is that some men would not be quite so well off as they are, while a very large number would be better off. I recognise the difficulty of doing anything in that connexion in Federal politics; but speaking to State constituencies I have always favoured such action. My idea is that we should eradicate the source of the evil. It is of no use to lop off the branches of a tree to cure it of the blight.

Mr. POYNTON.—But would the honorable member allow a roof to be spoiled for the want of a shingle?

Mr. LONSDALE.—The passing of this measure would not do any good. Could any Judge, although he might hear all the evidence that could be brought forward, impose such regulations as would improve the conditions of the masses to any extent? The fact is that these conditions are largely governed by the effect of outside competition. Our butter, cheese, and wheat have to be sold in the markets of the world.

Mr. FOWLER.—How does the honorable member account for the fact that there is a difference of as much as 100 per cent. in the rates of wages in different parts of Great Britain? In some districts men are paid 10s., and in others £1.

Mr. LONSDALE.—If my theories were carried into effect, things would be very different in England. The Duke of Westminster would not be drawing £1,000,000 a year while other people were getting only 10s. a week. But, suppose that a Judge declared that the wages of our farm labourers are too low, and ordered that they be increased, would that benefit the men? No; because it would crush out of existence the industry in which they are employed. If we could raise the price of our produce, I would willingly vote for an increase of wages. This Bill will not increase wages.

Mr. STORER.—It does not crush out factories for the Court to order an increase of wages.

Mr. LONSDALE.—Our factories do not compete largely with the outside world. They compete with each other, under practically uniform conditions. Moreover, they are constantly cheapening production by introducing improved machinery, and they employ only men of the highest capacity, discarding men of low capacity, and letting them die of starvation if they cannot find work elsewhere. The reports of the Vic-

torian Factories Inspectors, however, show that the attempts to raise wages here have not succeeded very well. I wish to do all I can for the working classes, but I have no desire to throw dust in their eyes. We have been told that the object of the Bill is to settle strikes; but there has been no strike in connexion with the agricultural industry. When I stated that it had been made to appear outside that the Bill had been introduced, not to prevent strikes only, but to improve the conditions of our labouring population, the Minister of External Affairs challenged my statement, although he afterwards admitted its truth. My contention was that a strike cannot be settled without a review of all the conditions under which the industry concerned is carried on, and rates of wages must be included in that review. The argument is being used in New South Wales and elsewhere that the passing of this Bill will improve the conditions of the masses; but practically it will have no such effect. A solicitor who has appeared in very many of the cases which have come before the New South Wales Arbitration Court a few weeks ago wrote to the *Sydney Daily Telegraph* a letter, about a column and a-half long, pointing out that the awards of the Court had done little to raise wages. I should like every member of the Labour Party to read that letter to his constituents, to acquaint them with the effect of the New South Wales Act. This gentleman made these statements with a view to disarm the opposition of the employers, but when he goes before the members of the labour unions, as he has done previously, he will probably speak in high terms of the advantages which the Act has conferred upon them. Why does he not tell the same tale to both parties? Why is he not true to the men he represents, instead of endeavouring to deceive them? Why does he not tell them plainly that this kind of legislation will not help them? When I spoke recently, I said that sweating could not be prevented by such legislation as this, and that wages could not be improved by it. I pointed out that as an industry develops and becomes prosperous, high wages will follow, and that if an industry goes down the wages will fall with it. The honorable member for Melbourne Ports interjected that at the height of the boom in Melbourne wages were lowest and sweating was at its worst.

Mr. MAUGER.—That is perfectly true. More sweating was revealed by the Chief  
*Lonsdale.*

Secretary and his inspectors during that period than at any other time.

Mr. LONSDALE.—I visited Melbourne in 1897, long after the bursting of the boom. I believe that the honorable member for Melbourne Ports was at that time Secretary of the Anti-Sweating League.

Mr. MAUGER.—I had held that position for seven years previously.

Mr. LONSDALE.—I cannot remember the exact date of my visit, but I know that it was about Easter-time. I cut out of one of the newspapers an extract from a report of a speech delivered by the honorable member, in which he described the terrible plight of the people at that time—in 1897. If the conditions at the height of the boom were worse than those described by him, I am at a loss to conceive what they could have been. The picture drawn by the honorable member, at a public meeting at the Town Hall of the awful condition of affairs among the working men of Victoria was one that would make the most hard-hearted man weep. If the conditions at the height of the boom were worse, the working-people of Victoria must have been starving to death. That is my answer to the honorable member's interjection. The idea of some honorable members is that this Bill will have the effect of improving the conditions of the working classes. I hope it will. No one will be more pleased if that result is brought about. But I consider that it is utterly ridiculous to expect, by restrictive legislation of this kind, to lift up the masses. History shows that all such attempts have failed.

Mr. MAUGER.—They have not failed in Victoria.

Mr. LONSDALE.—The attempts to raise up the masses of Victoria have failed. The Victorian Parliament made one attempt, by means of restrictive legislation—I need not say what it was—to help the working men of Victoria by giving them higher wages. That failed, and they had to make a still further attempt by law to help the artisan classes. That also fell short of their expectations. They had to make further amendments of the law, and failure again resulted. They were unsuccessful from beginning to end. Many years ago, when the landed proprietors in England had the power in their hands, laws were passed to keep down the wages of the agricultural labourers. Did they keep down the wages? For a while they succeeded; but when the black death and the

plague swept away a large number of the population, the wages rose, despite the law.

Mr. FOWLER.—But under normal conditions the law kept the wages down, and left the agricultural labourer the degraded individual he is to-day.

Mr. LONSDALE.—At about that time, wages were proportionately better than they were afterwards, when all kinds of restrictive laws were passed. In those days the people had their commons, but the land-owners gradually swept them away, and left the people in a far worse condition than they were before. Any attempt to keep up wages must fail, unless the law runs side by side with natural conditions. I believe that in New Zealand the wages paid to agricultural labourers have gone up, not as the result of any award of the Arbitration Court, but because of the general prosperity of the Colony. The moment that there is a turn in the tide of affairs in New Zealand, the wages will probably go down, and no law would serve to keep them up. I hold strongly that the people cannot be assisted by such legislative means as those now proposed. No one is more in sympathy with the working population than I am; I would give every man the greatest comfort. If the people are oppressed by bad laws those bad laws should be swept away. There is no use in getting rid of one injustice by creating another. The ideas of those honorable members who believe in restrictive legislation have been derived from the time when the land-owning classes passed laws which had the effect of keeping out of use the land which belonged to the people. I may be called a Socialist, but I am not one. I am an individualist. I would give to every man what he could earn and let no man share his earnings with him. I would not let the man who does nothing rob him who does something. Legislation of the kind now before us, so far from giving every man the benefit of what he earned, would do the reverse. Legislation of the kind proposed does not help the working man. The capitalist, if he had any sense, would allow all such proposals to be passed into law, in order that their utter futility might be demonstrated. I do not think that the Bill can have any effect upon the agricultural industry, but I shall vote in favour of the amendment, because I am prepared to face my farming constituents, and tell them that the measure could not help them. I passed through my electorate during harvest time. I saw crops standing 7 feet high,

and I also saw hundreds of men seeking work. Why? Not because the farmer would not pay them high wages, but on account of the weather. The farmers were losing the whole of their crops. Could any law correct that sort of thing? Although there were plenty of men available, the farmers paid 7s. and 8s. a day, because they wished to take the fullest advantage of the fine days, and get their crops in quickly. When times are prosperous wages run high, but when they are not wages will go down. I voted against the provision to bring railway servants within the scope of the Bill, because I thought that it would not be in their interests to be included. They have their unions to protect them, and Commissioners to whom they can appeal, and there is really no necessity for any such measure as far as they are concerned. I cannot understand the attitude of those honorable members who voted in favour of bringing railway servants under the Bill, and who are now supporting the amendment with a view to excluding agricultural labourers from its operation. Those who vote for bringing one class of employes within the scope of the Bill should be willing to extend its provisions to all. Then, again, those farmers who want, by means of the law, to secure higher prices for their wheat, should also be willing to give the agricultural labourers every advantage that can be conferred upon them by law. I claim to be acting with perfect consistency in this matter, because I am totally opposed to proposals of this kind; they must prove futile.

Mr. CULPIN (Brisbane).—During this debate assertions have been used in lieu of arguments. Some honorable members have stated that strikes do not occur among agricultural labourers, and that there is no likelihood of any trouble arising in connexion with that industry. But the honorable member for Gippsland has pointed out that the agricultural labourers, above almost any others, require assistance at our hands. If honorable members will direct their attention to the condition of affairs which existed in the old country many years ago, they will find that at one time, although there were no strikes amongst agricultural labourers, there were such things as rick-burning and stack-burning, which were brought about by the existing distress. Subsequently Joseph Arch came upon the scene, and organized the labourers into unions, and did some good in that way. Are we to wait for another Joseph Arch to organize our agricultural labourers, or are we to adopt



the provisions of the Bill, which will furnish an easy and peaceful method of settling disputes. If, as some honorable members say, the Bill will prove inoperative, so far as the agricultural industry is concerned, where is the harm in allowing its provisions to stand? There is no object in making the Bill any more complicated by exempting the agricultural industry from its operation. Very strong arguments have been adduced in favour of giving the Bill the most extended application, and, therefore, I shall vote against the amendment.

Mr. KNOX (Kooyong).—As several honorable members still wish to speak upon the amendment, I would appeal to the Prime Minister to consent to report progress at this stage.

Mr. WATSON.—After the long debate we have had I think we ought to proceed to a division.

Mr. KNOX.—That would be quite impossible to-day.

Mr. WATSON.—We have had a very long debate.

Mr. KNOX.—The subject is a very important one, and relates to one of the largest interests in the Commonwealth. We are justified in debating it to the fullest length, in order, not only that honorable members may understand what is being done, but that the public outside may fully comprehend the nature of the proposal.

Mr. WATSON (Bland—Treasurer).—I think that the length to which the debate is being strung out is unreasonable. It was commenced early last evening, and has continued ever since.

Mr. SYDNEY SMITH.—Nearly all the speakers to-day have been on the Government side.

Mr. WATSON.—I do not think so; but, even if that were the case, there is no reason why we should not proceed to a division this afternoon.

Mr. KNOX (Kooyong).—Although I do not represent a farming constituency at the present time, I had that honour for some years as a member of the State Legislature. During the course of this debate reference was made by the honorable member for Melbourne Ports to the part which he played in connexion with the enactment of factory legislation. As that honorable member is aware, I strongly sympathized with that movement. At one time it was suggested that the provisions of the Factories Act should be extended to the farming community. Honorable members who

recollect the consternation which was created throughout the whole of Victoria as the result of that suggestion, must be convinced that the provision in this Bill is one of very serious importance.

Progress reported.

## ADJOURNMENT.

### SUPPLEMENTARY ESTIMATES.

Mr. WATSON (Bland—Treasurer).—In moving—

That the House do now adjourn,

I wish to say that on Wednesday next I anticipate bringing down some Supplementary Estimates. These will be confined to items of expenditure which have been paid by the Treasurer out of his advance vote to cover emergency matters that have cropped up during the year. The reason why I must ask the House to consider these Estimates is that at the present time the Treasurer's advance vote is exhausted, and unless they are put through, we shall be unable to deal properly with urgent matters that may arise during the next few weeks.

Mr. SYDNEY SMITH.—Are there any new items in these Estimates?

Mr. WATSON.—Not many. Nearly all of them were authorized by the ex-Treasurer, and although they total a large sum, they chiefly represent advances against savings which have already been made upon the Estimates in chief. The passing of these Supplementary Estimates will enable the Treasury officials, who have a very long month before them, to debit the payments to the Departments to which they properly belong.

Mr. HUME COOK.—Has any provision been made for the payment of arrears due to Victorian postal officials, who have established their claim to receive the same salary as officers holding similar positions in other States?

Mr. WATSON.—Provision will be made for the payment of some of the ascertained claims in that connexion. These, of course, represent a debit against Victoria under the bookkeeping system. The officers have established their claim to sums which total about £20,000, and we have now to pay the accumulated arrears for three years. I do not say that the £20,000, which will be included in the Supplementary Estimates, will exhaust these claims, but it will provide for those officers who have established them.

Mr. HUME COOK.—The £20,000 really represents the judgment of the Court?

Mr. WATSON.—Yes. I cannot see that we are justified in paying other officers until some definite announcement has been made in regard to them. Acting on the advice of the Attorney-General, it is not my intention to compel the claimants to institute further proceedings. Apart from that item, the supplementary Estimates will contain nothing which has not been paid out of the Treasurer's advance vote.

Question resolved in the affirmative.

House adjourned at 4.5 p.m.

## House of Representatives.

Tuesday, 7 June, 1904.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

### BONUSES FOR MANUFACTURES BILL.

Sir WILLIAM LYNE.—I desire to ask the Prime Minister if he will endeavour to ascertain whether the States Governments are prepared to avail themselves of the advantages which it is proposed to offer under the Bonuses for Manufactures Bill, in connexion with the production of iron from Australian ore. In the event of their not being so disposed, will the Prime Minister consider the desirableness of taking further action, instead of allowing the matter to remain in abeyance?

Mr. WATSON.—The Government propose to again approach the States Governments, and ascertain whether any of them have come to a conclusion different from that conveyed to the Federal Government some time ago. In the event of any State Government being willing to take action under the Bonuses for Manufactures Bill, on the lines suggested when the Bill was first under consideration, the Government will be quite prepared to assist in passing the Bill without delay. If none of the States should care to avail themselves of the measure, the matter will be again submitted to the Cabinet for consideration.

### ADDITIONAL REPRESENTATIVE FOR QUEENSLAND.

Mr. BAMFORD.—I wish to ask the Minister of Home Affairs whether, in view of a possible early dissolution, he has taken into consideration the practicability of giving to Queensland the extra representative to which that State is undoubtedly entitled?

Mr. BATCHELOR.—I can assure the honorable member that the matter will be fully considered and dealt with by the Cabinet, if events take the shape which he has indicated.

### OVERSEA MAIL CONTRACTS.

Mr. DUGALD THOMSON.—I desire to ask the Postmaster-General whether he has received a further offer in connexion with the mail service between Great Britain and Australia; and, if so, whether he will state from whom the offer has been received, and if it is for a weekly service, or for one alternating with a service already in existence?

Mr. MAHON.—No such offer has been received.

### RIVERINA ELECTION BALLOT-PAPERS.

Mr. CHANTER.—I wish to know from the Minister of Home Affairs whether it is true that orders have been issued from the Electoral Department to destroy all the ballot-papers used in connexion with the Riverina election held on the 16th December last; and, if so, whether the Minister will take steps to prevent their destruction, seeing that they may be required?

Mr. BATCHELOR.—I have not heard anything with regard to the matter. I would ask the honorable member to give notice of his question.

Mr. CHANTER.—Will the Minister make inquiries, and, if not too late, give orders that the papers shall not be destroyed?

Mr. BATCHELOR.—I shall make inquiries as to whether the papers have been destroyed, and at the same time ascertain what is the usual practice in such matters.

### PAPER.

Mr. BATCHELOR laid upon the table the following paper:—

Report by Mr. T. Pridham upon the water supply and water power for the proposed Federal Capital site at Dalgety.

## RETURN OF ORIGINAL PAPERS.

Mr. SPEAKER. — In compliance with an order of the House, all the papers in regard to the appointment of the Commissioner of Patents were laid upon the table on the 22nd March last. The papers supplied were the originals, not copies, and the Department of Trade and Customs are now anxious to have them returned. A strict compliance with the Standing Orders and Parliamentary practice would prevent papers, which had once been formally laid on the table, being returned. As, however, it appears impossible that the papers I have referred to will be further required by the House, I propose, with the concurrence of honorable members, to authorize their return. While upon this question, I should like to point out to the House that, when members desire to peruse papers, which, on account of their bulk, and the consequent cost, it is considered inadvisable to copy, they would probably be equally well served by the Minister placing them on the Library table, instead of on the table of the House. There would then be no difficulty in their return as soon as members interested had perused them. At the same time, when for any reason it may be found necessary to lay original papers on the table of the House, I should propose, with the approval of the House, in future, to allow them to be returned, if applied for, in any case where it appears improbable that they will be further required by honorable members.

## TARCOOLA GOLD-FIELDS.

Sir JOHN FORREST asked the Minister of Home Affairs, *upon notice*—

1. How long is it since the Tarcoola gold-field was discovered?
2. How much gold was obtained during the years 1901, 1902, and 1903 respectively?
3. How many persons are engaged in mining on the field, and what is the total population?
4. What did the Tarcoola telegraph line cost?
5. What was the date of the opening of the telegraph line, and how much revenue has been received since the line was opened?

Mr. MAHON.—These questions should have been addressed to the Postmaster-General. The answers are as follow:—

1. It was discovered in July, 1899.
2. May, 1901, until December, 1902, 11,043 ounces; January to December, 1903, 6,314 ounces.
3. Number of persons employed in mining, 150; total population, 400.
4. £13,008.
5. The line was opened on 18th January, 1904; revenue to 31st May, £89 18s. 8d.

I may add that the construction of this line was authorized by the Cabinet of which Sir John Forrest was a member.

## LETTER SORTERS' OVERTIME

Mr. CROUCH (for Mr. CHAPMAN) asked the Postmaster-General, *upon notice*—

1. Whether any overtime payment is made to officers engaged in sorting mails in Queensland; and, if so, on what scale?
2. Whether any overtime payment is made to officers engaged in sorting mails in New South Wales; and, if so, on what scale?

Mr. MAHON.—The answers to the honorable member's questions are as follow:—

1. No special overtime payment is made for sorting mails in Brisbane, but the allowances that were in force in the mail room there prior to Federation, which cover all claims for overtime (including the extra duty each week, at 11 a.m., in connexion with English mails), and also on holidays, were continued by the Public Service Commissioner until the classification of the service is completed. The above allowances range from 5s. to 12s. per week.
2. Overtime payment is made to officers engaged in sorting mails in Sydney on the following basis:—On day staff, 93 hours per fortnight, exclusive of time allowed for meals; on night staff, or for broken hours, 84 hours per fortnight, exclusive of time allowed for meals.

## SALE OF DUTY STAMPS.

Mr. McCOLL asked the Postmaster-General, *upon notice*—

Whether he will endeavour to make arrangements with the Government of Victoria so that duty stamps may be kept for sale at all post-offices within the State?

Mr. MAHON.—The answer to the honorable member's question is as follows:—

Arrangements were made some time since, at the request of the Government of Victoria, for the sale of duty stamps at all the Victorian post-offices that are in charge of officers of the Postmaster-General's Department. As the sale of such stamps is not included in the work to be performed for the Postmaster-General's Department at post-offices under the contract or allowance systems, and is not paid for by his Department, the matter can be arranged for between the State Government and the persons in charge of such offices, either directly or through the Postmaster-General; but in either case it would necessarily involve terms acceptable to the persons who might be asked to undertake the work.

## PUBLIC SERVICE INCREMENTS.

Mr. HUTCHISON asked the Postmaster-General, *upon notice*—

1. Whether any long-service increments have recently been granted to any officers in the Post Office Department in any of the States?

2. If so, will he see that all other officers entitled to increments receive the same treatment without delay?

Mr. MAHON.—The answers to the honorable member's questions are as follow:—

1. Long-service increments legally due under State law, and not dependent on classification, have recently been paid to certain officers in the Postmaster-General's Department, Victoria. This State is the only one in which provision of the kind exists.

2. Information is now being obtained by the Public Service Commissioner from Departments, to enable increments voted in the Appropriation Act 1903-4 to be paid before the 30th instant, subject to classification.

### MILITARY TITLES.

Sir JOHN FORREST asked the Postmaster-General, *upon notice*—

1. If the expression by him in the *Age* of 3rd June, under the heading—

### MILITARY TITLES.

THEIR USE FORBIDDEN IN THE POSTAL DEPARTMENT.

"The functions of this Department being purely civil, no recognition of any kind can be given to military titles;" and that the men had no right to have such titles recognised, represents his views on this subject?

2. Whether these titles are conferred by the Crown, under the powers conferred by the Defence Act and the Regulations made under it?

3. By what power or authority can a Minister direct that titles held under the law are not to be recognised?

4. Does he think such a direction tends to encourage the citizen forces, on which we desire to wholly depend for our defence?

5. Does he think that the deprivation of their military titles, many of which have been won on the field of battle, is likely to stimulate and encourage men to become officers?

6. On the contrary, does he not think it will be regarded as a desire to lessen the position of officers of our citizen forces?

Mr. MAHON.—The answers to the honorable member's questions are as follow:—

1. The words within quotation marks correctly represent my views on this subject.

2. Yes; but I am unaware of any provision in the Act or in any lawful regulation thereunder which compels recognition of military titles while the holders thereof are discharging purely civil duties.

3. Apart from statutory authority, it is considered that every Minister possesses the inherent right of prohibiting any practice which by creating friction amongst officers diminishes the utility of his Department to the public. Possession of a military title "under the law" conveys no power to a postmaster acting as such to compel his subordinates to employ his military title in addressing him.

4, 5, 6. There seems no reason to anticipate that non-recognition of military titles in civil

branches of the Public Service will discourage our citizen forces or lessen the attractiveness of commissions therein. I regret my inability to concur in the right honorable gentleman's apparent conclusion that recruits are attracted to the Defence Force by the prospect of becoming officers and obtaining titles. On the contrary, it is believed that the majority of men join the force from a patriotic impulse to fit themselves for effectively defending their country in its hour of danger.

### MILITARY STAFF ALLOWANCES.

Mr. HUTCHISON asked the Minister representing the Minister of Defence, *upon notice*—

1. How many officers comprise the Military Staff of the Commonwealth?

2. Does the sum of £17,903 13s. 5d. cover all salaries, personal allowances, and travelling expenses of the Staff during General Hutton's tenure of office. If not, what has been the total cost of the Staff to the taxpayers?

Mr. WATSON.—I have been supplied by the Minister of Defence with the following answers:—

1. The Head-Quarters Staff consists of eight.

2. The sum named represents the total salaries only of the Staff during Major-General Hutton's tenure of office, the amount being given in reply to a question—"What have been the total salaries of the Staff?" The total cost of the Staff to the taxpayers exclusive of the cost of railway travelling, can, however, be given in the course of a day or two.

I might add that I am informed that the preparation of a return setting forth the actual amount paid away in travelling expenses would, if called for, involve some expense, inasmuch as a great number of vouchers would have to be examined.

### FORTIFICATION OF FREMANTLE.

Mr. CARPENTER asked the Minister representing the Minister of Defence, *upon notice*—

1. Has a report been received by the Minister for Defence relative to the proposed fortification of Fremantle?

2. Is it proposed by the Government to place guns upon the site known as Arthur's Head?

3. If so, upon whose recommendation?

4. Has due consideration been given to the danger and inconvenience which may arise from the firing of heavy guns adjacent to the chief business centre of the town?

5. Is there no alternative site at which the town can be effectively fortified?

Mr. WATSON.—I have been supplied by the Minister of Defence with the following answers:—

1. Yes.

2. Yes.

3. The recommendation of the General Officer Commanding, which has been confirmed by the Imperial Colonial Defence Committee.

4. Due consideration has been given to the representations made on the subject.

5. The General Officer Commanding has reported that Arthur's Head is the only suitable site for a battery commanding the Fremantle Harbor entrance; and that if the port is to be defended this site must be adopted.

## CONCILIATION AND ARBITRATION BILL.

*In Committee* (Consideration resumed from 3rd June, *vide* page 2016):

Clause 4, as amended—

In this Act, except where otherwise clearly intended—

“Industrial dispute” means a dispute in relation to industrial matters—

(a) arising between an employer or an organization of employers on the one part and an organization of employees on the other part, or

(b) certified by the Registrar as proper in the public interest to be dealt with by the Court, and extending beyond the limits of any one State, including disputes in relation to employment upon State railways, or to employment in industries carried on by or under the control of the Commonwealth, or a State, or any public authority constituted under the Commonwealth or a State.

“Industrial matters” includes . . . being or not being members of an organization, association, or body.

“Industry” means business . . . or employment on land or water in which persons are employed for pay, hire, advantage, or reward, excepting only persons engaged in domestic service.

Upon which Mr. ROBINSON had moved, by way of amendment—

That after the word “State,” line 18, the following words be added:—“But it does not include a dispute relating to employment in any agricultural, viticultural, horticultural, or dairy-ing pursuit.”

Mr. KNOX (Kooyong).—When the Prime Minister agreed on Friday last to progress being reported, it appeared to me that I should have to crave the indulgence of the Committee for an hour or more, whilst I dealt with various statements made by Ministers and their supporters, that were still fresh in the memory of honorable members. I may at once state, however, that I do not propose to detain the Committee at any such length. On this side there are still a considerable number of honorable members who desire to address themselves to the amendment, and, no doubt many other honorable members of the Opposition will be anxious to explain the extraordinary position taken up by them in opposing it. Had I spoken

on Friday last I should have called special attention to the remarkable attitude of the Minister of External Affairs in regard to the subject of early rising. The honorable and learned gentleman declared when discussing the amendment, that he never rose early if he could avoid doing so, and that he did not intend to resort to the practice. In making that resolve he somewhat tended to jeopardize the important Ministerial position which he occupies. He evidently desires that before he rises the world shall be well warmed for his reception. It was mentioned by him that in his early youth he retired from a lucrative position that he held in Queensland, because his employer desired that he should rise at what appeared to me to have been a reasonably early hour, having regard to the necessities of his situation. He disagreed with his employer on the question of early rising, and left his service. As he spoke, I endeavoured to contemplate what might have happened had the honorable and learned gentleman remained in that employment, and it seemed to me that we should possibly have seen him to-day sitting on this side of the House as a large landed proprietor. The energy and force which he displays as a Minister would have brought him into prominence as a land-holder had he devoted himself to such a situation in life. Judging from the manner in which he deals with those honorable members whose views he does not share, I shudder at the prospect of what might have happened had he continued his connexion with landed property, and his employes not risen at a proper time, while he himself was resting and waiting until the world was well warmed for him to go out and do his work. I feel perfectly satisfied that he would have been one of the first to insist that those whom he employed should rise betimes to do the work which was necessary in connexion with his estate.

Mr. MAUGER.—What does the honorable member think is a fair time for getting up?

Mr. KNOX.—It depends a great deal on when one gets to bed. I have always been an early riser. I rather like to see the morning develop itself, and, except when protracted debates here compel one to go to bed later than is right or proper, I am always an early riser. If the Minister of External Affairs had not come down here, but had continued his connexion with that ancient employer in Southern Queens-

and, I feel perfectly certain that no one on either side of the House would have insisted more strongly than he would that his employes should rise early, and he would have seen the practical necessity for the rule. He referred to the remarks of the honorable member for Gippsland as if that honorable gentleman had been speaking a lot of claptrap. I may inform the Minister that in Victoria that honorable member is regarded as an authority on the subject in which he spoke. It is a piece of presumption and impertinence, that when the honorable member for Gippsland gives expression to views which are the result of a lengthened, practical and successful experience, he should be assailed and described as talking claptrap.

Mr. BATCHELOR.—It is the other way round.

Mr. KNOX.—No; there are honorable members on this side of the House who can speak with long practical experience, and I believe that the majority in the Chamber prefer to listen to those who can speak with knowledge on a subject. I think that if it were the practice for honorable members to address the House as the result of their experience in particular matters, it would be very greatly advantaged. The Prime Minister sat in this corner for over three years, and I had the pleasure of sitting beside him for that period. There is no one in the House who possesses a greater personal regard for the honorable gentleman, because of his fairness, his clearness, and his good judgment than I do. But I do not think that in any speech he got nearer to claptrap than he did when he replied to the honorable and learned member for Wannon. The question before the Committee is one of such grave importance that it ought not to be lightly dealt with; it should receive serious consideration at the hands of every honorable member. I understand that, if the amendment is carried against the Prime Minister, he will accept the verdict of the Committee, and will not consider it necessary for him to consider his position. That is, I think, an addition to one or two other inconsistencies which the party occupying the Treasury bench have displayed during the last few weeks.

Mr. BATCHELOR.—The honorable member must be hard up for an accusation.

Mr. KNOX.—It is an inconsistent position for them to occupy; and, in order to show that, if they are sincere, it is necessary for them to regard the amendment as a vital one, I shall submit some statistics

which I have taken from the latest edition of *Coghlan*. I would urge on the Prime Minister the inconsistency of his position if he does not regard the amendment as a vital one. The late Ministry regarded as absolutely vital—and it was so considered by the Committee—a proposal that railway servants should be brought within the purview of the Bill, and also a proposal that it should include all those engaged in industrial pursuits, so far as it was possible to do so within the limits of the Constitution. I find, from *Coghlan*, that those who are engaged in transportation and communication number 122,159 persons, while those who are engaged in agricultural pursuits number 276,095 persons.

Mr. BATCHELOR.—Is not the honorable member mixing up employers and employes?

Mr. KNOX.—No, as the honorable gentleman will see if he refers to page 903 of the book. Those who are engaged in dairy farming and poultry work number 43,592 persons, making a total of 320,047 persons. I believe that a great number of honorable members are of opinion that the shearers should be included in the Bill, and if it were not for them and two other kindred organizations, there would be no object in the measure at all. If I were to add the shearers, I should be adding 67,812 persons; but I prefer to leave them out; so that the clause before the Committee will affect—excluding the pastoral interests—320,047 persons, whereas the other parts for which honorable members opposite fought so hard, and which, if carried, the late Prime Minister regarded as so important and vital, affected only 122,159 persons. On that ground alone it seems to me that the Ministry should attach much more importance to this subject than they evidently do.

Mr. BATCHELOR.—The honorable member should recollect that this is the proposal of the late Government.

Mr. KNOX.—I quite recognise that. Let me glance at the revenue produced by the railways, and compare it with the productive value of the industries affected by the present proposal. I find that the gross Australian railway revenue for 1902-3 was £10,470,580. I state the gross figures in order that there may be no misunderstanding, and no unfair statement concerning the effect of the figures. But what do I find to be the productive value of agriculture for the same period? I find that the value of agricultural products amounted

£20,207,000; and the value of dairying and poultry was £10,808,000—making altogether £31,015,000.

Mr. BATCHELOR.—What does that prove?

Mr. KNOX.—It proves that the Government are not attaching to the question now before the Committee the same amount of importance that they attached to the idea of bringing the railway employes under the operation of the Bill.

Mr. BATCHELOR.—Whatever the figures prove, they certainly do not prove that.

Mr. KNOX.—They certainly do, if the honorable gentleman will pardon me for correcting him. I have not included the pastoral production for 1902, the value of which was £21,000,000. Including the pastoral production, the total value of the agricultural, dairying, poultry, and farming industries amounted to £52,000,000; as compared with a gross revenue from the railways of £10,470,580. The productive value of the interests concerned by the proposition now before the Committee is surely of such serious importance that we should determine that nothing shall be done to injure them. Next let me refer to the capital value involved. Upon this point I may say that *Coghlan*, so far as I was able to ascertain, is not as definite as he might be in distinguishing between city and suburban property and agricultural lands. But it will be obvious that that is not important as affecting what I wish to point out. I find that the capital value of the railways is £129,490,000. The capital value of the land of the Commonwealth, exclusive of Government lands—that is to say, including only lands which have passed into private hands—amounts to £350,281,000; the houses and buildings are valued at £277,514,000, and the live stock at £85,048,000. I quite recognise that there is not a sufficient distinction in these statistics to indicate which are urban lands and which are rural properties; but surely anything which affects such enormous interests should be regarded by honorable members opposite as vital. I do, therefore, respectfully submit these figures to the Committee for consideration. Turmoil, trouble, friction, and delay of our parliamentary work were caused last session by the proposal relating to the railway servants, which was regarded by the late Government as vital. It was also regarded by honorable members opposite—as was indicated by their actions—as vital. I never heard that they went to the late Government, whom they defeated, and said, "We do not wish you to

retire; we do not regard this proposal as vital; on the contrary, we consider it to be so unimportant, that we do not think it is desirable that the Government now in office should be displaced, and that we should take their places." If that is the case, surely altogether apart from the agricultural interests that are affected by the amendment, the Government should say distinctly whether or not they intend to regard the present proposal as vital. If they do not regard it as vital, I venture to think that I have sustained the position with which I started, that the honorable members opposite, in this respect, have added another to several inconsistencies which their previously homogeneous party has displayed during the last week or two. I recognise, of course, that one can only generalize from the figures which I have quoted. I endeavoured, this morning, to get from the Government Statist's office, in Melbourne, a closer subdivision of the figures; but I found that the officials could not supply me with the information I desired. Here, I may remark, that the sooner this Government, or whoever occupies the Treasury benches, takes the Statistical Department into their hands, in order to see that the statistics of the Commonwealth are placed upon a uniform basis, the sooner we shall be able to go to some authority from whom we can obtain figures knowing them to be trustworthy. Surely the Government might consult the various States with a view of taking up this matter. It ought to result in a saving of expense.

The CHAIRMAN.—Order.

Mr. KNOX.—I am merely explaining the difficulty which I have had in getting closer figures.

Mr. BATCHELOR.—Closer to the subject?

Mr. KNOX.—I am very close, and very pertinent to the subject.

Mr. BATCHELOR.—I am trying to see how.

Mr. KNOX.—What I feel is, that it is a defect that we are not able to get statistics of a closer character than those which I have given to the Committee. But I hold that those figures even in their present form incontestably display that we are not dealing with a mere municipal or State matter, but one involving gigantic interests. The figures are enormous. Yet here are we, seventy-five members of the Federal Parliament—or rather about half that number—forcing this position upon these great industries, proposing by what it is intended to do, to depreciate values, by placing

is further imposition upon the property interests, and upon the property which is used in connexion with them. Another most inconsistent contention, admitted, I think, by the Minister of Home Affairs, and by other honorable members opposite, is that the provision would not prove operative. If it will not prove operative, why should it be included in the Bill? Are our laws to be only so much worthless printing and paper? We should not be asked to pass laws unless the intention is that they shall become operative. For instance, our conciliation and arbitration law should be such that any foreign investor or any man desiring to spend money in the Commonwealth should be able, on perusing it, to learn the conditions which will attach to his investment if he takes up land in Australia. If the provision is to be inoperative, why, in the name of all that is sensible, should the Ministry oppose the amendment proposed by the honorable and learned member for Wannon? When I was last in London I visited the offices of the High Commissioner for Canada, and I saw there a busy hive of men actively engaged in securing the publicity of information which would be of benefit to people who desired to settle upon the lands in Canada. They were doing everything possible to induce good, honest workers to emigrate to Canada. So far from imposing restrictions, such as that proposed here, they were offering every inducement to people to settle in the Dominion. It is an absolute travesty upon honest statement for honorable members to talk of making efforts to bring population to Australia, when at the same time they are attempting to place these obstacles in the way of their coming here. There are people in the old country who read our Acts of Parliament. In the little towns and villages of England and Scotland there is always some man who takes the trouble to read up these questions, and he is the man who guides his fellow-villagers, and who will really determine whether or not a few of them will emigrate to Australia. Many honorable members who know London well are aware that in the centre of the living and throbbing city the representatives of the Canadian Dominion have a great office, and another in the West End. I have seen at those offices a crowd of intending emigrants seeking information before going out to settle upon the lands in Canada. Those in charge of the offices were good enough to supply me with the literature they distri-

bute broadcast in England, Scotland, and Ireland, and I have much pleasure in laying specimens of it upon the table for the information of honorable members who may desire to learn what kind of literature it is. Let honorable members listen to what Canada offers to farmers.

The CHAIRMAN.—Is this really germane to the subject?

Mr. KNOX.—I think it is most important. I desire to impress upon honorable members that whereas the present Government are proposing to impose burdens on the farmers, whom they say they desire to come to Australia, the Canadian Government imposes no such burdens upon those who are prepared to settle in the Dominion.

Mr. STORRER.—What is the burden?

Mr. KNOX.—The burden to which I now refer is that proposed by the provision submitted to the Committee, under which the farmer in Australia will have the men looking after his cows and horses entering into combinations for the purpose of upsetting all his farming operations.

Mr. KELLY.—Not merely entering into combinations, but being forced into them.

Mr. KNOX. — The honorable member for Wentworth is quite right in what he says, but I am not now dealing with that phase of the subject. I shall deal with the forcing provisions by-and-by.

The CHAIRMAN.—I ask the honorable member whether his remarks are quite germane to the amendment? It is competent for him to draw a parallel between proposed legislation here and that in any other part of the world; but I fail to see that the advantages offered by Canada, or by any other country, should be quoted in detail, as against a supposed disadvantage arising from the amendment. If the honorable member can show that in the literature which he has now presented to the Committee there are distinct evidences of a desire on the part of the Government of Canada, or of any other country, not to include in their legislation such a provision as that proposed to be included in this Bill, I shall hear him. Unless there is some such connexion suggested, I must ask the honorable member to adhere strictly to the order of debate.

Mr. KNOX.—I am very anxious to adhere strictly to the rules of debate, and I shall accept your direction. I venture to think that during the earlier discussion of the whole question, you have allowed such remarks to be made.



Mr. WATSON.—That is a reflection upon the Chair.

Mr. KNOX.—In regard to wages and other matter dealt with, I wish to contrast the advantages offered to settlers in Canada with those offered to settlers here. This is the connexion I wish to show: If we have to compete against certain advantages offered under the law in Canada, we have no right to impose these further burdens upon any one who may desire to take up land in Australia. I think it is proper that I should be allowed to refer to those advantages.

The CHAIRMAN.—I ask the honorable member to proceed, and I shall judge of the relevancy of his remarks when he makes them.

Mr. BATCHELOR. — Why this "stone-wall?"

Mr. KNOX.—First of all, Canada offers to farmers a free grant of 160 acres of land. I do not propose to take up the time of the House by reverting to the other advantages offered, such as equal taxes, free schools, and free-trade between the different provinces of the Dominion. But I am sure the Chairman will admit that I am in order in calling attention to the fact that in Canada intending settlers are promised no irksome laws. It is set forth that there are no irksome game laws—excepting, of course, as regards the necessary close seasons—and Canada is described as a free country, with religious and political liberty. The latter point may be beyond the question now before us; but, in Canada, a home is offered among fellow-British subjects loyal to the Crown and to British institutions, and proud of the British flag. I commend to honorable members this detailed information which will, no doubt, astonish them, as showing the efforts now being successfully made by the High Commissioner and his officers in London, to encourage immigration. I do not wish to disguise from myself, or from any other honorable member, that conditions in Canada are, probably, not on all-fours with conditions in Australia. But my point is that we here are adding burden on burden, by such clauses as the Government have introduced into this Bill, instead of offering every facility to immigrants. A similar proposition by the late Government would, at this period of the debate, have received the same opposition that the present proposal is receiving. But I am disposed to think that the honorable gentle-

man then at the head of the Government, and his Ministry would, with one or two notable exceptions, have been amenable to reason. They would have seen the force of the arguments which have been used by practical men like the honorable member for Gippsland, and they would have once capitulated and admitted that it was entirely unnecessary to further burden the great agricultural and primary industries of the Commonwealth. I am afraid that I should be traversing ground which you, sir, might think objectionable if I were to show what the facilities in Canada are—what a man starting with £100 may do, and what he may secure for himself. I could show that the Canadian Government are asking a self-reliant people from Great Britain to take up land in the Dominion—that they are asking people to go to that country, to be independent, and not to be pampered and supported by Government regulations, which compel them to do this or refrain from doing the other thing. What the Canadian people want are strong, resolute, forcible men, who, unlike my friend, the Minister of Home Affairs, are not afraid to get up before the world is warm. The men who are asked to go to Canada are men who get up early and who feel that they have to undertake a strong, active, vigorous life, with the full determination to overcome all difficulties. But what have we in Australia? By various Acts of Parliament and other regulations, which will emanate from the present Government, and which were even proposed by the late Government, the virility, strength, and purposefulness of our people are being undermined. I am proud to say that I am privileged to regard many amongst honorable members of the other side as my closest friends, and I hope that friendship will long continue. But I beg of them to consider that the proposals which they now advocate will set the life-blood of the people.

Mr. THOMAS.—No, no.

Mr. KNOX.—My friend, the honorable member for Barrier, is not so good a strong a man to-day as he was when I knew him first, and when he first knew me.

Mr. WATSON.—He is stronger.

Mr. KNOX.—Does the Prime Minister really think that the honorable member for Barrier is stronger?

Mr. WATSON. — Rather; he is very "strong."

Mr. KNOX.—The honorable member for arrier may be strong enough in caucus, but am speaking of his fibre, which I regard as the basis of everything. I ask honorable members to take the trouble to read some of the papers to which I have referred, and I have no doubt they will be perfectly astonished to see the facilities and advantages which the Canadian Government offer broadcast to the people of Great Britain. On the other hand, we in Australia are pleading for population, and at the same time, by Acts of Parliament and other restrictive measures, we add burden after burden. Early in the debate, last week, a proposal was made that the employés with whom I am now more particularly concerned should be paid by the hour. I regret to see the effort being made to divorce the common interests which have always existed—in farm life, at any rate—between employer and employed. The honorable member for Barrier, who comes from the old country, knows that the interests of the farm employés there were the interests of the owner. But what are we proposing to do? It is proposed that a man shall be regarded simply from the point of view of what he can do in an hour. Are we to turn our men into simple machines, instead of their having a common interest in the work in which both employers and employed are engaged? If we proceed with these proposals we are on the high road to a divorce in that social life which, after all, is the greatest bond of union between us as a people. We are trying, by these proposals, to make more marked the line of division between what are called the classes and the masses; and that, in my opinion, is highly undesirable. The interests in farm life are so interwoven as to be mutually dependent, and it is highly desirable that the employé should take a real interest in the stock and the various products in which the fortune of his master and his master's family may depend. What is the proposal underlying many of the suggestions now before us? It would appear that we are to have a new scheme for estimating the reward of labour. A man on a farm, who has to rise at 4 o'clock or 6 o'clock in the morning, is to be paid for the period of the day for which he is at work in the early hours, and for the other part of the day he is to receive no reward whatever. Surely it is far better for the employé to feel that he is a trusted servant of his employer, and that he has an interest in the undertaking in which he is

employed, rather than that he should be told he is to get so much per hour? This divorce between the common interests of the employer and employed is a very serious matter, and it is one deeply involved in the proposal before us. It has been said that this provision will not prove operative; but in this connexion there is a point which I should like to emphasize. My friends on the Government side, although recently they may have appeared somewhat inconsistent in the surrender of one or two points, are consistent in this: that, if there is anything in the Bill which they can apply, they will apply it; they will not allow it to remain inoperative. They may say that it will not be put into operation because the farm servants will not combine, but, unless I under-estimate their capacity, they will take steps to overcome that difficulty, and I am in fault in my estimate of their ability if they do not succeed. All my actions here have tended to the encouragement of the primary producers of the Commonwealth. I believe that the basis of our national wealth is the produce of the soil, and the more we hamper our primary producers with fiscal or other legislative burdens the more shall we retard the development of the country. On that ground alone I would urge honorable members on this side of the Chamber to stand firm by the amendment, and I appeal to honorable members opposite to try to realize the importance of the figures which I have submitted. We are dealing with interests valued at hundreds of millions of pounds. Here are we, a body of seventy-five members, rushing to thrust down people's throats—

Mr. BATCHELOR.—The action of the Committee in regard to the amendment can hardly be described as "rushing."

Mr. KNOX.—The word "industry" is being made to apply in as comprehensive a sense as is allowed by the Constitution, and the Government have no right to complain if a question of the magnitude and importance of that now under consideration is fully discussed. If the provisions of the Bill are not carefully administered, there will be such a convulsion of the monetary interests of Australia, such an interference with our value conditions, that I do not know what will be the end. The magnitude of the interests at stake is so great that I appeal to the Ministry to make the amendment a vital question. They should let the country know that to a consideration as unimportant as that

suggested they wish to subordinate millions of pounds worth of property, to a provision which, they admit, cannot properly be brought into operation. Let them give the country to understand that they will stand or fall by the Bill as it stands, or let them accept the amendment. I thank the Committee for their courtesy in hearing the few remarks which I have had to make. I think I have not exceeded the limit of time which I set myself.

Mr. R. EDWARDS (Oxley).—I had hoped that we would come to a division last week; but, as it now appears likely that every member of the Committee will speak, I have decided to occupy a short time in saying a few words myself. I am opposed to bringing the farmers and farm labourers under the operation of the Bill, and I shall, therefore, support the amendment. I would, in the first place, ask the Prime Minister whether, if the clause as it stands is carried, it will apply to the labourers and others employed on sugar plantations.

Mr. WATSON.—Yes, in the case of a dispute contemplated by the Constitution. The provisions of the measure will apply only in regard to disputes contemplated by the Constitution. If the clause is carried as it stands, it will apply to all classes of agricultural labourers.

Mr. R. EDWARDS.—With the permission of the Chairman, I wish, at this stage, to make a short personal explanation. On Friday last the honorable member for Kennedy referred to the debate which took place in 1901, when the Pacific Island Labourers Bill was under consideration, when he said the labourers on the sugar plantations, who are none other than farm labourers, were termed drunkards and loafers. As I took a very active interest in that measure, I thought that possibly the honorable member might refer to me. I regret that he is not now in his place, because I wish to most emphatically deny that I used any such terms in relation to the workers on the sugar plantations of Queensland. I know that they are as sober and industrious as any other body of men.

Mr. BAMFORD.—They were always unreliable, according to some honorable members.

Mr. R. EDWARDS.—I intend to touch upon that point. The honorable member for Kennedy said that these men had also been characterized as unreliable. I believe that I made use of that term. I was then referring to the fact that the desire of the sugar-planters to retain the

kanakas was not due to the cheapness of such labour, because, as I maintained, one white man could do the work of three kanakas. I pointed out, however, that at certain times of the year, when a delay of two or three days would have most disastrous results, the kanakas were considered more reliable than white labourers, because the white workers would probably want extra pay for a few days' holiday. That was the connexion in which I made use of the term "unreliable," and that was the only time in which I said that the kanaka was more reliable than the white labourer. I did not refer to the white labourers as drunkards or loafers, nor did I hear them so characterized during the debate. We all know that less than three years ago special legislation was passed relating to the class of labour to be employed upon the sugar plantations of Queensland. The planters considered that they were subjected to very great hardship in being deprived of the kanaka labour to which they had been accustomed for many years. Now we propose to place them under further disabilities by bringing them within the scope of the Bill. The planters have not, so far, suffered to any great extent from the reduced supply of kanaka labour, because at the time the Pacific Island Labourers Act was passed there were in the Commonwealth 60,000 coloured aliens, of whom many thousands have gone to Queensland, and are now finding employment on the plantations, to the exclusion of white men.

Mr. BAMFORD.—Dr. Maxwell does not say so.

Mr. R. EDWARDS.—I am speaking from my own knowledge. I have seen the men at work. These aliens are much more dangerous than are the kanakas, because they are keen competitors of white men. If measures had been proposed to secure the deportation of these coloured aliens, together with the kanakas, I should have supported the Bill, heart and soul.

Mr. WATSON.—The honorable member might have mentioned that fact.

Mr. R. EDWARDS.—I did mention it. I distinctly asked the Prime Minister if he would make the provisions of the Pacific Island Labourers Bill apply to other coloured aliens, and I told him that if he did so I should support him. The Labour Party, however, lost a very good opportunity of taking effective steps to secure what they desired, namely, a White Australia.

Mr. WATSON.—It is a pity that the honorable member did not move an amendment. He had done so he would have obtained strong support.

Mr. R. EDWARDS.—I am not aware that any strong desire has been expressed by the people of the Commonwealth for measure such as that before us. I do not know that the farm labourers have ever complained for it. They have not complained of bad treatment. As a rule they become members of the farmers' families. The only case mentioned by the Prime Minister was that of a little boy who was found lying down asleep on the road, alongside his milk cans. That would be a very good place for him to sleep, if he were out of the way of traffic, because it would be in the open air. My two sons always sleep in an open verandah, because they feel all the better for taking their rest in the fresh air. I very much regret that the Government have decided that farmers shall be brought under the operation of this measure. As a class they have many difficulties to contend with. Many of them have up land which is thickly covered with forest trees, or dense scrub, and they have to expend much labour and money before they can obtain any return. They have droughts, noxious weeds, rabbits, and low prices to battle against, and they deserve every consideration at our hands. Just now the prices obtainable for farm produce are very low, and very few, if any, of our agriculturists are making a decent living. Two years ago I paid as much as 7s. 6d. per bushel for corn, and no doubt this was a good paying price for those farmers who had that commodity to sell. It is very unfortunate that honorable members, who know very little about the difficulties with which farmers have to contend, should show a disposition to throw obstacles in their way, and discourage men from going upon the land. The Prime Minister would be wise if he withdrew the provision in its present form. My honorable friend may smile, but I feel sure that he will not succeed in carrying it; at any rate, I hope not.

Mr. WATSON.—Why not let us take a vote at once and settle the question?

Mr. DUGALD THOMSON.—What! and a little discussion?

Mr. WATSON.—Surely the honorable member does not desire that the debate shall occupy very much more time? .

Mr. R. EDWARDS.—It has been admitted by the Minister of External Affairs that the provision now under discussion will never be brought into operation.

Mr. McCAY.—The Prime Minister said the same thing.

Mr. R. EDWARDS.—If that be so, why should we cumber the Bill with it. It is, however, ridiculous to talk about the provision not being availed of. As soon as the Bill becomes law, the duty will be cast on every labour agitator to at once establish unions throughout the country districts, and take the fullest advantage of the facilities offered by the Bill.

Sir WILLIAM LYNE.—They did not do it in New South Wales.

Mr. R. EDWARDS.—Notwithstanding that, I venture to say that the labour organizers will commence operations immediately the Bill becomes law, with a view to bring any disputes which may occur within the purview of the proposed Arbitration Court. This will create much bad feeling between the farmers and their employes. The labour leaders have given themselves up to the work of organization, and many of them have good billets, at salaries of from £4 to £5 per week, with the prospect of securing election to Parliament. I maintain that it will be their aim to multiply unions throughout the rural districts. The provision as it stands will give rise to the greatest ill-feeling between employers and employes. I am sorry that, as the result of my experience and observation of trades unionism throughout Australia, I have to say that, from the inception of the movement, no desire for peace has been evidenced by labour leaders and organizers of trades unions. That is the last of their objects. They are always placing imaginary grievances before trades unions, and really favour disputes, because their very life's blood depends upon them. They endeavour to persuade the workers that their conditions ought to be improved, for they know that if peace and contentment prevailed among them their occupation would be gone, and that it would be necessary for them to become workers. It is because of this knowledge that they invariably do their best to stir up agitation and foster disputes between employers and employes. This provision has not been placed in the Bill for the benefit of the farmers. It is class legislation. I doubt whether it will confer a benefit on any section of the community, but its

object is to improve the condition of farm labourers, who are far more numerous and much more likely to vote for labour candidates than are the farmers.

Sir WILLIAM LYNE.—The right honorable member for Swan inserted this provision in the Bill.

Sir JOHN FORREST.—The honorable member is not on this occasion speaking the truth.

The CHAIRMAN.—Order.

Mr. R. EDWARDS.—The right honorable member for Swan apparently forgot himself for the time being in agreeing to this provision.

Sir JOHN FORREST.—The honorable member for Hume has absolutely misrepresented my attitude in regard to this provision. If he speaks the truth he will say that, as a member of the late Government, I was wholly opposed to it.

Sir WILLIAM LYNE.—It was inserted in the Bill by the Ministry of which the right honorable gentleman was a member.

Sir JOHN FORREST.—It was, perhaps, agreed to by the honorable member for Hume; but it certainly was not accepted by me.

Mr. R. EDWARDS.—I am aware that the provision was framed by the Government of which the honorable member for Hume was a very prominent member.

Sir JOHN FORREST.—I was always opposed to it.

Sir WILLIAM LYNE.—The right honorable member should not disclose Cabinet secrets.

Mr. R. EDWARDS.—Unless the amendment be carried, farmers will have no voice in the management of their own affairs. This is evidently the object of the Labour Party in regard to employers generally. They apparently consider that all that it is necessary for employers to do is to pay the highest wages that they can be induced to give. Employers will not be allowed to engage whomsoever they desire, because under this Bill a preference may be given to a unionist. Is that reasonable? Every man will be forced to become a unionist, otherwise he will be unable to earn a living for himself and his family. Many good men, on conscientious grounds, object to become members of unions or even of benefit societies, but unless they join trades unions, they will be forced, under this measure, to remain idle.

Mr. FISHER.—The word used is "preference."

Mr. GROOM.—The Judge may give a preference to a trade unionist.

Mr. R. EDWARDS.—Quite so. I wish, now, to put before the Committee a cablegram from Auckland, dated 31st May. It reads as follows:—

A deputation from the Railway Servants' Society yesterday asked the Minister for Railways that preference of employment should be given to members of the society. Sir Joseph Ward replied that the Government could not agree to that for a moment, as it would be most detrimental to the service. Every employee was judged on his merits.

These are the words of a capable man. I am acquainted with Sir Joseph Ward, and would not have expected any other reply from him. Every employé should be dealt with on his merits. If the Government succeed in their opposition to this amendment, their next proposal will be the imposition of a heavy land-tax. It has frequently been urged that, by means of a land-tax, provision might be made for a Commonwealth system of old-age pensions. There is already a land-tax in Victoria and Queensland, and, I believe, in other States; and I venture to assert that the farmers of Queensland could not bear any additional taxation.

Mr. FISHER.—When was the Queensland land-tax passed?

Mr. R. EDWARDS.—I am referring to the taxation imposed by the Divisional Boards and various country councils of Queensland. The State is divided into shires, or divisions, and I know, to my cost, that there is a land-tax in operation there. I repeat that the next proposal made by the Government, will probably be the imposition of a heavy land-tax. Since a proposal has been advocated for some time past by members of the Victorian Labour Party, and they have a representative representing the country, and putting the proposition very prominently before the people. The following letter dealing with "Labour Socialists and Farmers" appeared in the issue of the *Argus* of 1st August, 1903:—

SIR,—Will you kindly allow me to comment on the speech of Mr. Tom Mann, who is reported to have said, in answer to a question, that he would put such a tax on land as to make the farmers glad to get rid of it. Should not this in itself be enough to rouse the tillers of the soil to a sense of their duty to themselves and their children to combine to defeat the aims and objects of the party for whom Mr. Tom Mann acts? After many years of toil, the farmers of the heavy forest timbered country of Gippsland and elsewhere, farmers of the Mallee who have lost their all through the drought, and are still

iving to make homes for their families, the backbone of the country, are told that they should taxed off their homes.—Yours, &c.,

A WORKING FARMER.

North Mirboo, July 30.

ne of the planks in the Labour Party's platform is a proposal to impose a heavy tax at will have the effect of driving persons of the land. Is it not possible for the Government, instead of wasting the time of the House in this way, to introduce some useful legislation? Cannot they bring forward legislation that will tend to attract to the Commonwealth capitalists, and others who will be prepared to establish industries that will provide work for our great army of unemployed? We need more avenues of regular employment. We all desire to see the workers receiving wages as high as it is possible to give, and working under the best possible conditions; but the certainty of regular employment all the year round is far better than the promise of high wages. Instead of doing anything to bring about that desirable state of affairs, we are driving capital from Australia by means of socialistic legislation.

Mr. WEBSTER.—That is only a nightmare.

Mr. R. EDWARDS.—I only wish that the honorable member were correct. It is not a nightmare; it is something more substantial. It has been made known throughout Australia that last year no less than £5,000,000 were withdrawn from Australia, and money is still being withdrawn from the Commonwealth. Investors will not risk their capital in a country where there is so much uncertainty, not only as to the return of their money, but even in regard to the payment of interest on it. I regret that the Government should be occupying the time of the Committee in this way. The Parliament has now been in session for three months, but during that period we have simply been wasting time. Practically nothing has been done. The proposal that farmers and farm labourers shall be brought within the scope of the Conciliation and Arbitration Court will place another obstacle in the way of agriculturists. I trust that the Prime Minister will see the wisdom of withdrawing his opposition to the amendment. Let us proceed with the consideration of the Bill, and endeavour to make it a useful measure. I recognise that we should provide for conciliation and arbitration; but I do not think that men should be forced to join any union or, as an alternative, run the risk of being

unable to obtain employment. In November and December last I addressed a great many meetings of my constituents, sometimes making two, and even three, speeches in one day, and I made up my mind at the outset of the campaign that I should not touch upon the Conciliation and Arbitration Bill unless I was asked to do so. I was generally provided with sufficient material for an hour's speech upon this matter, but I desired not to discuss the question unless it was introduced, and only once was I asked the simple question as to whether I was in favour of conciliation and arbitration. I at once said—"Certainly. I think that every man who has the interests of his country at heart must be in favour of some legislation that will assist in settling any kind of dispute." The man was quite satisfied with my answer; but I said to him—"You appear to be satisfied with my reply, but do you not wish to know something else?" Another man, who was perhaps a little more wide awake, said—"Yes, I wish to know whether you are in favour of compulsory arbitration?" I said—"I am glad you said so, because I do not wish you to misunderstand me. I desire you to know exactly what I think on that question. I am not in favour of compulsory arbitration. As a free-born Briton, I refuse to be compelled to do this or that when I am the responsible party, and have to provide the capital to carry on the business and pay the wages of the men."

Mr. EWING (Richmond).—In agreement with the last speaker, I can re-echo a statement which we have heard very frequently. Almost every individual is in favour of arbitration, and most individuals whose intellect is not specially clouded, are in favour of compulsory arbitration under some conditions. Previously, when discussing this matter, we urged persistently that any Government should be reasonable. It is absolutely essential that consideration should be given to those who are working in industries in the city, under special conditions, and who are experiencing special troubles and privations; but all legislation must be reasonable. If any Government go beyond the bounds of reason, they alienate the men whose support they require, and instead of getting a gradual evolution in legislation, we come to a dead stop; we cannot do even as much as the reasonable man desires should be done. I am not

one of those who believed that the advent of the Labour Party to power meant immediately a very horrible state of things. I know that a number of estimable people imagined that the Prime Minister was a gentleman with a stiletto in one hand, a charge of dynamite in his pocket, and, possibly, two or three pounds of arsenic about him. After the present Government had been in power for a week or two, these men were astonished when they woke up to find their heads on their shoulders. They were astonished to find that they still possessed any land, that they still had their cattle, that neither the land, nor the cattle, nor the goats had been nationalized, that, in fact, nothing had happened. It appears to me that, with a vast programme, such as the Government have, it was not possible to have an absolute realization at once. Why, sir, think of the great question of land nationalization! Or, again, of the great question of arbitration with regard to cows, horses, and other property. If, after living to the end of this Parliament, not merely to the end of this session, the Government have perfected a scheme for the nationalization of goats, they will have done as much as we can expect of them, and it will be a good record. I am dealing with the agricultural industry, and every honorable member knows how great a part the goat plays in connexion with that industry. Some speakers find reason for opposing the proposed arbitration in connexion with agricultural industries in the records of the past, whilst others find it in modern experience. Some, for instance, quote the Amana Society in the United States; others make reference to that evangelical gentleman, the Rev. Dr. Dowie, who was recently here, as an example of what compulsory arbitration and land nationalization do in such a place as Zion City. But, passing away from those statements, let us endeavour to find examples from history. You know, sir, that if we discuss this question from personal reminiscences, how difficult it becomes. We are never weary of pointing out the danger of establishing theories on our own experience. We have in this Parliament seventy-five different personal theories with regard to almost any question under consideration. So, sir, I have gone to history for those stories which have stood the test of time, and intend to give a few quotations from the history of ancient Rome as to the effect of arbitration, the common rule, and some other matters in connexion with agri-

*Mr. Ewing.*

cultural industries. You, sir, as a classical scholar, will be able to see at once various defects in my translation. I have taken only a broad and literal translation, showing the agrarian troubles of the time, and the effect upon them of arbitration, the common rule, and such-like things. We should not be controlled by the experience of the past; that would be idle. We are a progressive people—an evolving people. We must endeavour, as far as possible, to be influenced by the history of the past just as far as it appeals to our reason, and no further. With regard to these old records, some of them appear to have been effaced. That is not an unusual thing in politics. Something of the kind has happened quite recently. Although I have taken only a literal translation, still I have endeavoured, as far as possible, to get the sense and wisdom of the legends. The first matter of importance that struck me was the effect of arbitration and the common rule on such a project as an exploring party looking for agricultural land; and in the death of Horatius may be found a singular reference which comes pertinently home to us to-day.

*Mr. DEAKIN.*—He kept the bridge.

*Mr. EWING.*—The story to which the honorable and learned member refers is known to most of us, and, in order to identify the individual, it is necessary for me to say that the Horatius I refer to is not he who went across the bridge with two companions, and upon whom those on the other side played a dastardly trick. They cut down the bridge, and Horatius, not finding himself very comfortable on land, took to the water. It is the story of a descendant of this Horatius that I wish to tell, and it can be found in the old manuscripts. There is always a doubt of the authenticity of a story, but I have no doubt in this case.

*Mr. DEAKIN.*—Is this the story of Quintus Horatius Flaccus?

*Mr. EWING.*—That remains to be seen. Now, the story of Horatius junior—as we will call him, to make the story clear—is this, as told in the Forum. It appears that the ancient Romans, desiring to get some information with regard to the corn supply in Capadocia, had sent an exploring party to make inquiries. The explorers were accompanied by a walking delegate named Clodius.

*Mr. DEAKIN.*—“Milo” would be a better name for the walking delegate.

*Mr. EWING.*—I cannot tamper with the story that was told to the people of Rome, assembled at the Forum. Antoninus, young

Horatius, and Clodius went to Capadocia, and while they were travelling it grew late. The party were only two hours away from comfort and rest; but they were Roman citizens. You will remember, Mr. Chairman, the Roman motto, *civis Romanus sum*—wherever a Roman citizen was, the laws of Rome applied. They would not break the laws of Rome; and as the hour for leaving off work had arrived, they determined to camp where they were. They camped just as an exploring party led by my right honorable friend the member for Swan might have done. But in the night a dust-storm rose, and the party were smothered by the blizzard, with the exception of walking delegate Clodius. Mrs. Horatius, the mother of the young man, wanted to know how it was that Clodius returned alone. He said that he was the only unionist among those forming the party, and therefore he had during the night exercised his right of reference by commandeering all the water which his companions had. Dentatus here intervened. He, as the manuscript says, approached the question in the conservative way, and suggested that young Horatius had endeavoured to join the union before he started with the exploring expedition. But it appears that Horatius was black-balled because he had not hair of the right colour; and Antoninus could not get in because the books of the union were closed. So a tumult arose, and Mrs. Horatius declared that her boy had not had "a fair bow."

Mr. DEAKIN.—What is the original Latin for that phrase?

Mr. EWING.—It is idiomatic. Clodius arose and pointed out that he did not care whether the other members of the party had endeavoured to join the union or not. That had nothing to do with him. What concerned him was that, being a member of a union, he did not allow them to break the common rule, and was entitled to the reference. Then the manuscript goes on to show the patriotic and friendly way in which Clodius met the question, by a prompt demonstration on the part of a body of men whom he had there. I cannot quite translate the term that is used in the manuscript, but we might use the word "push." There was a demonstration by a "push," after which peace was eventually restored. Now, instead of using the word Capadocia, honorable members may apply that story to the experiences of my honorable friend the member for Swan. He knows how

impossible it would be to apply the common rule to an exploring expedition. I will take one incident from the manuscript with regard to the dairying industry, which is of great importance to the people of Australia. You, Mr. Chairman, will remember the remarkable trial of *Catulus v. Coriolanus*. I am using these names phonetically, out of consideration for my audience. The case, which is to be found in the records, is one in which Catulus summoned Coriolanus before the Roman Arbitration Court. The defendant had nothing to do with Geelong, notwithstanding the similarity of his name with that of the constituency of the honorable member for Corio. It appears that the Romans had some trouble with the warlike Volscians. The attacks of these warriors gave rise to a great deal of alarm in ancient Rome. The Roman people sent to Coriolanus, asking him to come and defend them against their enemies. He came, leaving his dairy under the control of Catulus. On returning he discovered that four of his best cows were suffering from milk-fever. Honorable members can take a dairy in any part of the world, and they will find that the effect upon the proprietor on making a discovery of that kind is just the same. Cicero in his fifteenth philippic makes the whole matter perfectly clear. He delivered one of his greatest orations on the occasion to which I am now referring, and he described those cows with as much detail as the honorable member for Gippsland himself could do. He described the milk halo, the escutcheon, the thin tail, the well-developed milk veins, and all the rest of it. So far as I can see from Cicero's description, the cows kept by the ancient Romans were very much like our own short-horn cattle. They were, in fact, just like the cattle with which the honorable member for Gippsland or Illawarra has to do, and such as will be found in the south coast district of New South Wales. They were almost as good as the cattle in my own electorate. I am endeavouring to point out how important the dairying industry is to Australia, and incidentally indicating how important it was to the people of Rome. Indeed, it seems to have been more important to the people of ancient Rome than to us, because there was such a dearth of cows there that some of the most illustrious men were reared on wolves' milk. You will remember, Mr. Chairman, how Roman



and Remus are described by a poet historian—

Thou that art sprung from the war-god's loins,  
And hast tugged at the she wolf's breast.

The case came before the Roman Arbitration Court. Catulus said that the mishap to the cows had arisen because the milking machine got out of order, and there was something wrong with the engine. He said that he had milked up to 4 o'clock, and then, being a Roman citizen, and realizing that he was under the Roman law, he had knocked off work. He would not milk a cow after 4 o'clock, no matter how much damage might be done to any other man's animal. Coriolanus granted that the facts might have been as Catulus stated them—that the machine might have got out of order, and that his servant had probably acted according to law. But his indignation at the loss of his cows was such that he assaulted Catulus. There was a remarkable finding of the Arbitration Court. In those days in Rome it—so said the Court—did not much matter whether he killed Catalus or not. That was not material, because there were plenty more like him. But the Court was astounded to find that a man like Coriolanus should, under any circumstances, have expected the man to break the laws of his country. They said further, that they would impose a penalty for not using union cows—cows that gave an intermittent supply; cows that did not milk on Sunday. It was of no use for Coriolanus to urge that he could not get cows of that description. The plain answer to that was that if he could not he should give up dairying. He did not use that class of cow, and he was fined, the penalty being two talents. I mention this incident to show that this sort of thing has happened before. One more instance, with regard to the pastoral industry, and I shall then have finished with the historical research which it was necessary to give to the question.

The CHAIRMAN.—The pastoral industry is not affected by the amendment.

Mr. EWING.—I meant to say that I would refer to that part of the dairying industry which relates to the herding of the cows. Horses are required for that, and they require to be broken in. Even members of the Labour Party could not ride horses unless they were broken in. I ask the attention of honorable members to this very remarkable case, which will be found in the records. The matter came before the

Arbitration Court in this way; Herminius, the head of the Horse Breakers' Association in Rome—I desire to be perfectly exact in this matter, and to keep strictly to absolute facts—Herminius, the head of the Horse Breakers' Association in Rome, sued Sempronius for an offence—to wit, that he did ride a buck-jumper after legal hours. From the evidence, it would appear that Sempronius was a very reasonable and genuine man, and on coming before the Court he graced everything. It seems that Mr. Walking Delegate Peritonitis was on the cap of the fence. He was taking no risks, and was not worrying very much about work, for he had a stop-watch in his hand. At 4 o'clock all work of that kind ceased by law. It was illegal by the common rule to let a buck-jumper after 4 o'clock. Sempronius granted that Peritonitis had told him to get off the horse, but the manuscript points out that just then the horse did incontinently commence to—I had some difficulty in discovering an accurate translation of the Latin term used, but it would seem to be "root and buck"—and Sempronius could not get off. He was face to face with a dilemma. To obey the laws of his country would be to break his neck, and he honestly told the President of the Arbitration Court that he preferred not to break his neck. The finding of the Court, according to the manuscript, was this—That in any circumstances, should obedience to the laws of his country hang in the balance with his death, a Roman citizen should accept his death rather than disobey the laws of his country. For breaking the law, in this instance, Sempronius was laid under a penalty of one talent. I will quote no further reference as the result of historical research, and honorable members will see that although the translation may appear to be somewhat loose, as far as possible the spirit of the manuscript is preserved. The manuscript goes on in such a way that it is clear there was very great difficulty in securing cows that would obey the laws of the country—intermittent milkers and cows, the flow of whose milk stopped directly the law said it should stop. As a consequence, the chemists of the time were hard at work to discover a remedy. A remedy was discovered in the shape of a microbe, and its application was by inoculation. They were getting on very well, but it was a difficult matter to keep up the supply of the microbe.

honorable members should read the statements which Cicero makes in regard to that. They clearly show that the microbe was as sure as is radium in our days. It could be found in abundance, so the manuscript explains, in a certain place at certain times, but these did not happen often. As far as I can understand, the time when it could be got in its full virility, strength, and usefulness was when May Day fell on the full of the moon. With respect to the place at which it was found the manuscript is very faulty, as I shall be able to show to honorable members later on. They will find a reference to "Yarra," and though the "B" is quite clear, whether the reference is to "Yarra Bank" or to "Yarra Bend," I cannot quite make out. Having said so much with regard to ancient history, and again warning honorable members that I feel they ought not to be guided absolutely by these historical precedents, I desire to make a passing reference to more modern times.

Mr. McLEAN.—I suppose the honorable member will lay the papers on the table?

Mr. EWING.—If the Chairman requests me to do so I shall have pleasure in laying the papers on the table of the House later on. The members of the present Government are entitled to everything that a Government should have, so long as they can top where they are. They are representative of a number of men whom we had in New South Wales a little while ago. They have the same policy and the same principles—that is to say, that industry and everything of that kind is of no importance at all in connexion with the great social problems they propose to solve. I remember that the agricultural industries of New South Wales were under consideration. I desire at no time to make more than a passing reference to what happened in the colonies before Federation. I prefer to allow the dead past to bury its dead. But the Labour Party—now known as the Ministerial Party—had determined to destroy all the primary industries in New South Wales. We appealed to them as strongly as we could not to do so, and what reply did we get? That what we asked was impossible. The working men in my own electorate, and in various other parts of New South Wales, came down to Sydney and appealed to those who are now so much interested in the farming industry not to destroy their homes and the industries which they had developed so well. They asked to be spared. The caucus said—"We must

consult the executive before we can give you a reply." The members of the executive, I understand, although not connected with Parliament, and drawing no salary, govern Parliament from outside. They determined to consult the executive. We can divide all humanity into two, the workers and the worked; and the meeting between the new aristocrats and the working men who came down from my electorate was a truly remarkable meeting. These workmen from the north had never seen their new masters, the new aristocrats, previously, and a large number of those gentlemen never had an opportunity of meeting a working man. The surprise was mutual; still neither succumbed, and eventually the question was submitted to the executive. This was the question of the life of the industries as they are before us to-day; not merely the question of legislating for them in the direction of conciliation and arbitration; but the question whether they should or should not be absolutely destroyed. This brings me closely to the point under consideration. One would have imagined that the executive would take an interest in the fostering of native industries. The executive, to whom it was submitted, consisted of an ambassador from the Hairdressers' Union, an ambassador from the Close-shavers' Union, the emperor and chief of the Shirt-stud Union, an ambassador from the Tobacco Pouch Union, and a delegate from the union for the promulgation of "sparklets." I am credibly informed that the executive was thus constituted; and it may be admitted that they were perfectly honest, straightforward men. But what was the reply? The reply simply was, "What are your industries to us? We who work in the city live on you hayseeds in the country, and under no circumstances shall we alter our policy to please you. It suits us to destroy industries, and we shall destroy them; it suits us to cut at the root of the sugar industry, the timber industry, the dairying industry, and other industries, and you hayseeds may go back to your country districts: we Sydney men control the situation, and you can look after yourselves." There are men in this House who know that that was the reply given to the working men of the north by men who were fiscal atheists—by men who had no knowledge of or belief in anything but their own social programme and ideas. What has been the result? Throughout all the farming districts in New South Wales, almost

without exception, the men in the country have ever since insisted on returning their own local men, who have a knowledge of country industries, and whose object it is to develop those industries to the fullest extent. These men in the country believe that an industry cannot be safe unless it is in the hands of those who know and respect the people engaged in it. I think I have made it clear that I do not approach this question idly. I have gone as far as possible into historical research, and have also brought my own experience to bear, and hope I have given every man, whose intellect is not unduly clouded with personal antagonism or political bias, quite sufficient reason why the amendment should be accepted.

Mr. JOHNSON (Lang).—I do not propose to follow the example of the honorable member for Richmond, and go into mythological ancient history, but rather to deal with what I think may possibly be the future of Australia if we go in for much more legislation of the character now before us. I venture to say that if this proposal to include all rural workers were submitted to a poll of the people to-morrow, farmers and workers generally from one end of the continent to the other would be opposed to it. In my opinion, the Labour Party would not get very much support from any farming centres for their present proposal. When we come to look into the matter of industrial development, it seems to me that nothing is more likely to discourage industrial enterprise in rural pursuits than a clause of this character. What we should do is, not to put further disabilities on producers from the soil, but to remove the manifold disabilities already existing. We ought to create greater facilities for productive enterprise, not only in rural pursuits, but in all other pursuits. Not only in Victoria, but in New South Wales and the other States, industry suffers from over-legislation. As I said on a previous occasion, we should do good to the producing interests of every class throughout Australia if we could get rid of much of the legislation already passed. In regard to the particular clause before us, I fail absolutely to understand why the Ministry wish to press it. I cannot understand why the Government insist on including in the Bill this particular class of labour, in the absence of any apparent necessity. It may be possible, though it does not seem very probable, that disputes in rural pursuits may extend

from one State to another. It may be possible that, through the medium of organizations hereafter to be created, a little dispute in one place may be magnified, and assume such large proportions as to gradually extend beyond the limits of a State. But that is so remote a possibility that I do not think it is worth consideration, especially when we have regard to the fact that, in the case of small farmers, the work is principally carried on by members of the family. Can we conceive of a dispute between the members of a family so engaged, as likely to be taken to the Arbitration Court? That view has already been put before the Committee, and in reply it has been contended that, in such a case, the powers of the Court would not be brought into force—that it is not likely such a contingency will arise. But if such a contingency is not likely to arise, where is need for making provision for it in the Bill? That, to my mind, is an argument for exclusion, rather than for inclusion. I claim to be just as anxious as any member of the Labour Party to see the best possible conditions for wage-earning classes, producing classes, and all other classes. I claim to be just as anxious to see the best rates of wages, and the best possible conditions for workers. In my opinion, at any rate, the proposals of the Labour Party tend, not to improve industrial conditions, but to make them worse than they have been heretofore. It may be that, in one or two instances, a slight improvement is observable. But when we come to generalize, and have regard to the whole of those engaged in all the various industrial enterprises, can we honestly say, after thirteen years of direct labour representation—most of that time with legislation under the direct control of the Labour Party—that the condition of workers is better than it was before Labour had direct representation? I do not think that that can be said. On the contrary, it seems to me that the conditions are considerably worse in a number of cases than they were thirteen years ago; and that is one of the greatest arguments against legislation of this character. It is not because the intention is not good; I admit that the intention is all that can be desired; but the reason for the failure is found in the fact that the methods are wrong.

Mr. WEBSTER.—Does the honorable member think that shop employes are worse off than they were fourteen years ago?

Mr. JOHNSON.—I have already said that there may be isolated cases, where, possibly, a slight improvement is noticeable. But we cannot look at one particular class only in an argument of this kind. We have to look at industries as a whole, and the undeniable proof is before us that there are thousands more unemployed now than at any previous time, and that people are leaving the shores of Australia to-day in greater numbers than ever before. That is a very bad outlook for the future progress and prosperity of this country. This exodus is due, not to the niggardliness of nature, or to any failure of her bounty, but mainly to misdirected legislation. The Prime Minister, speaking against the amendment, said—

I do not say that the dairy farmers are getting fat at the expense of their employes. Those who really take the cream are the landlords, and every increase in the cost of production will be borne by them, because it will be paid for out of the rent.

That statement contains an absolute fallacy, which the honorable gentleman would not have enunciated if he knew anything about the economic law governing these matters. The effect of the provision under discussion will be to create so many difficulties that small farmers will be crowded out. An Arbitration Court can fix minimum rates of wage, and minimum hours of labour, but it cannot force employers to give employment on terms which are unprofitable. No man will employ another when he finds it unprofitable to do so. The effect of the provision would be to make agriculture and dairying unprofitable for small farmers, and they would, therefore, be crushed out of the business, while the men with large capital who would remain would pool their interests, and thus establish a monopoly, limiting their output, forcing up prices on the consumer, and restricting the amount of employment for labour. Therefore, all that the Government would have done would be to increase the number of unemployed. The Minister of External Affairs spoke the other day of the influx from the country into the cities. In New South Wales the Government, moved by a laudable desire to uplift the wage earners, established a minimum rate of wage. But it was seen that the economic law of supply and demand which governs rates of wages, rates of interest, rents, and kindred matters, cannot be disregarded. It is only by a study of economics that one can intelligently approach and effectively deal with ques-

tions of this kind. The effect of establishing a minimum wage in New South Wales was to attract to Sydney in thousands agricultural labourers, and even small farmers. Thus the rural industries were neglected, while the number of unemployed in the overcrowded city was further increased by those who came from the country. Furthermore, only those who were expert in their trades, the best workmen, who could devote most brains, energy, and skill to their callings, were employed, and they were compelled to accept the minimum wage, which gradually ceases to be the maximum wage also, in a general sense. The provision in this Bill would have a similar effect. What we should do is to deal with the primary cause of industrial troubles; but that the Labour Party and Ministry do not propose to touch. In New South Wales I have travelled through miles of as fine agricultural country as one could wish to see, all held by one individual, who probably does not employ one man to every 1,000 acres. Away out beyond these agricultural areas are to be found farmers struggling under the most adverse conditions. Sometimes farms are perched on the top of barren mountains, which are accessible only by passing through good but unused agricultural land. Ought we to place additional disabilities upon the owners of such farms? Not only are they now handicapped by their remoteness from markets and the pooriness of their land, but they are heavily taxed upon everything that they use. The Ministry do not propose to remove any of their burdens. They do not propose to remit the taxation upon agricultural machinery and implements, fencing wire, clothing, and the other requirements of the farmer. Neither do they propose to reduce freights. All they propose is a further interference which will mean the ultimate extinction of the small farmer.

Mr. FISHER.—What power have we to reduce freights?

Mr. JOHNSON.—To show the Government that they have that power, I should have to enter upon an economic discussion, which I do not think is justifiable at the present time. There are, however, men in the ranks of his party, such as the Minister of External Affairs, who know as much about these matters as I do. The Minister of External Affairs the other day accused me of sacrificing principle, and I ask him, therefore, whether, as a free-

trader, he is prepared to propose the remission of the duties to which I have referred? I do not think he will do so, but, if he does, he may count upon the support of at least one member of this House.

Mr. PAGE.—He would require the support of more than one.

Mr. JOHNSON.—If Ministers had addressed themselves to the consideration of the causes of the distress, not only among rural workers but among those engaged in all other occupations, and had endeavoured to strike at the root of the evil, there would have been no need for Arbitration Bills or other measures which merely deal with effects. If they had spent half the time which has been devoted to this measure in dealing with the causes of low wages, dearth of employment, and enormous wealth on the one hand, and extreme poverty on the other, they would have been better employed, and might have succeeded in rendering some real service to the cause of industrial emancipation in this country. I intend to support the amendment.

Mr. WILLIS (Robertson).—I have much pleasure in supporting the amendment, to add to the definition of "Industrial dispute" the words—

"But it does not include a dispute relating to employment in any agricultural, viticultural, horticultural, dairying, or pastoral pursuit."

It would appear from the speech of the Prime Minister that he is in favour of bringing farmers within the scope of the Bill, because many landholders receive high rentals for the valuable lands farmed by their tenants. He stated that he knew of land that was held under rentals ranging from 30s. to 40s. per acre, and that it was owing to the high rentals they had to pay that farmers were unable to give their labourers reasonably good wages. I am reminded that the district represented by the honorable member for Barker includes the rich land about Mount Gambier, from which the owners derive a rental of £1 per acre. The tenants who have been fortunate enough to secure such land have done so well that many of them have retired on a competence. It is because the land is valuable that it commands a high rental, and owing to the same cause the farmers are well able to pay high rates. The Prime Minister says that legislation of this kind is directed specially against the landlords. Pro-

visions similar to that now under discussion are to be found in the New South Wales and New Zealand Arbitration Acts, but no advantage has been taken of them by the agricultural labourers. There is no likelihood of any contest between farmers and their employes extending beyond one State; and I ask Ministers, why should they bring the agricultural industry within the scope of the Bill? Why does not the Minister sitting at the table act upon the advice which I tendered him on a former occasion—and which he has followed in one case—and in dropping the provision which would bring farmers within the scope of the Bill, endeavour to improve the measure as much as possible? The Bill is bad enough as it would be much worse if its effect were to harass farmers, drive men out of employment, and inflict still greater hardship upon the small children to whom he has referred. If the Bill were passed in its present form, and hard-and-fast rules were imposed upon farmers, many of them would probably have to dismiss their hands and make their children do all the work. Another effect would be to increase the cost of living of other workers. The Labour Party claim to represent the working classes. Why do they not manifest a desire to benefit the masses, instead of adopting measures which would have the effect of increasing the price of food to the people of Great Britain? During the preferential trade campaign, we heard a great deal about the proposals of Mr. Chamberlain to impose preferential duties upon grain, butter, cheese, and other products of Australia. Why should the Government now seek to nullify the effects of such a policy by increasing the cost of production? It would be extremely difficult for this or any other Parliament to arbitrarily fix the hours of labour and rates of pay of agricultural labourers. That it is practically impossible to do so is proved by the fact that the provision made in New Zealand and New South Wales for bringing the agricultural industry under the control of an Arbitration Court has never yet been availed of. Why should the Bill be spoilt by inserting a provision which would prove ineffective? Does the Prime Minister wish to make a special appeal to the farm labourers in his own electorate, who are said to be hard-worked and badly paid? My experience is that farm labourers, as a rule, are not required to work for unreasonably long hours. They have many spells of idleness during wet weather.

quite recently the farm labourers in my own se were unable to plough for fully fortnight owing to rain, but they received their pay all the same. Afterwards they cheerfully worked early and late in order to make up for the loss of time. During last week, some men told me that they had been unable to plough for some time owing to the wet weather, but that they had subsequently worked as long as they were able, in order to make a show. These men were anxious to give some return for the wages they received. Yet, it is now proposed that this class of men shall not work more than a certain number of hours, and shall receive not less than a statutory minimum wage. Honorable members who are acquainted with the farming industry must know that it would be impossible to adopt a minimum rate of wage, unless it were desired to throw men out on the roads, or force them to forsake the country for the towns. The Labour Party includes many strong advocates of closer settlement. If the policy were carried out, small farmers would be invited to go on the land. It would be necessary for these men to employ others at seed and harvest time. Yet it is now proposed to bring them under arbitrary control as to rates of pay and hours of labour, and the enforcement of a common rule. This would have the effect of starving-out the small farmers, and leaving the industry entirely at the mercy of monopolists. The Minister of Trade and Customs recently travelled through Canada, and he must have noticed that in Manitoba the agricultural industry is very largely carried on by big syndicates. In some parts of the United States of America, notably in California, enormous combines have obtained control of the agricultural industry. The small man is crushed out of existence. If the Government wish to bring about a like state of affairs in Australia, they should persist in the proposal to pass the clause as it stands; but if not, let them accept the proposed amendment.

Mr. FISHER.—There is no Arbitration Act in force in the United States.

Mr. WILLIS.—They do not require such a measure, nor do the workers ask for such legislation.

Mr. FISHER.—Then the monopolies, to which the honorable member refers, were not created under legislation of this character.

Mr. WILLIS.—I have not yet pledged myself in regard to the necessity for compulsory conciliation and arbitration. In

America and in Great Britain the voluntary system prevails. In New South Wales a Conciliation and Arbitration Act has been in operation. It will continue to remain in force till 1904, and, as a practical politician, I am willing that the principle should be given a fair trial. I would not place any obstacle in the way of a proposal to confer a benefit upon workers that could not be secured in the absence of a Commonwealth Conciliation and Arbitration Act; but I claim the right, when that measure has proved to be a failure, to go before my constituents and say that voluntary arbitration is preferable. Whilst we are legislating in this direction I hope that we shall make the Bill as practical as possible. We have now reached an opportune time to proceed to a division, and as I think that a division will show that a majority of honorable members share my views, I do not propose to further detain the Committee.

Sir JOHN FORREST (Swan).—I have no desire to occupy the attention of the Committee at any length, but I do not wish to give a silent vote on the amendment. It may be said that the Bill, as introduced by the Government, of which I was a member, did not contain the provision that we are now discussing; but I must inform the Committee that I have always been opposed to the clause as it stands. My views in regard to it are well known to my late colleagues. As a member of the late Government I was in a minority in regard to it.

Mr. MAUGER.—Had that Government remained in office the right honorable member would have voted for the clause as it stands.

Sir JOHN FORREST.—It is open for the honorable member to speak when I have concluded my remarks. I have already informed the Committee that I was in a minority.

Mr. MAUGER.—Would not the right honorable member have voted for the clause as it stands had the Government of which he was a member remained in office?

Sir JOHN FORREST.—I should not have done so.

Mr. MAUGER.—That is an interesting statement.

Sir JOHN FORREST.—Although I was in a minority I was not alone, and it was understood, at all events by me, that this would not be regarded as a vital provision. If an amendment, such as that now before the Committee, had been moved,

while the late Government remained in office, they would not, so I understood, have opposed it, and that would, in my opinion, have been the best course for the present Government to pursue. I wish it to be distinctly understood that even had the Ministry of which I was a member, remained in office, I could not have voted for the clause as it stands, because I do not approve of it. Has any necessity arisen for the extension of this Bill to farmers and farm employes? Has a request for such an extension been made by the farming community throughout Australia? Has any necessity arisen for it? The answer must be in the negative. Honorable members know that, speaking generally, I am opposed to legislation of this kind unless it is necessary. There are many matters that are necessary and pressing to which we might well devote our attention, instead of embarking upon legislation which has not been asked for, and is unnecessary. In speaking in this Committee on 2nd inst., the Prime Minister is reported at page 1924 of *Hansard* to have said—

I do not think it is likely that any dispute of that character would extend beyond the boundaries of any one State; but if such a condition of affairs did arise, it would be most unfortunate if there were no provision in the law which would enable a settlement to be promptly arrived at. I do not think there is any immediate prospect of such a dispute arising as would call for the intervention of the Conciliation and Arbitration Court.

This is the opinion of the Prime Minister, and our own experience goes to show that there has never been any dispute in relation to agricultural employment in Australia to which a measure of this description could have been applied under the Constitution. Why should we occupy week after week in discussing proposals that are not required—for which no demand has been made—when, even in the opinion of the Prime Minister, there is no immediate prospect of a dispute arising among those engaged in the farming industry to which they could apply? To my mind, the statement made by the Prime Minister condemns the Government in its desire to force this unnecessary legislation upon the country. No dispute among those engaged in the farming industry has ever extended beyond the boundaries of any one State, and no such dispute or strike is likely to occur. It cannot be urged that the placing of restrictions upon industry and enterprise of any kind will tend to make the cost of living less. I

*John Forrest.*

take my stand on the broad principle that the provision as put forward by the Government has not been asked for; that even if it were in force, it would not be likely to be availed of either at present or in the immediate future, and that it is not legislation that we should undertake as our primary duty. If we desire to encourage the manufacture of industrial disputes in rural districts that will extend from one State to another, it seems to me that we are going the right way to do so. I am afraid that the statements made by the honorable member for Oxley have been fully justified by the desire of honorable members opposite to press legislation of this description upon the Commonwealth. I have no wish to use hard words unless it is necessary to do so, but when honorable members opposite seek to press such legislation on the country—

Mr. MAUGER.—But the Bill was introduced by the Government of which the right honorable member was a member.

Sir JOHN FORREST.—I have already said that, although I was a member of the Government, I was not in favour of the proposal. The honorable member should surely be able to comprehend that statement.

Mr. TUDOR.—Why did not the right honorable member leave the late Government if he was not in favour of their proposals?

Mr. DAVID THOMSON.—He would not have found it necessary to leave the Ministerial allowance.

Sir JOHN FORREST.—The honorable member for Yarra has not had any experience of Cabinets! It would be well for him to study questions relating to government, and the duty of members of Ministries in regard to measures of which they do not personally approve.

Mr. MAUGER.—But the right honorable member never announced his opposition to this proposal during the life of the late Government.

Sir JOHN FORREST.—This provision encourages an idea that we surely do not desire to foster—the belief that the object of this experimental and unnecessary legislation is to make the people dissatisfied. It has been said over and over again that the desire to make the working classes dissatisfied is the stock-in-trade of the Labour Party. If that is their platform, and that is the object which they have in view now—I do not say it is, but it certainly strikes me that it is open for any one to say so—I think that the sooner they say so straight-

wardly and openly the better. I only see for the purpose of making my position clear. I have never been in favour of this legislation, as my late colleagues saw, and I have reasonable ground for saying that the late Government would not have opposed the present amendment.

Mr. LIDDELL (Hunter).—I wish to use my voice against this Bill as well as to vote for the amendment. It is proposed to include in the Bill the agriculturist, the viticulturist, the dairy farmer, and the gardener. I am in favour of any kind of legislation that will, if possible, ameliorate the conditions that arise from strikes, the dislocation of trade, and the misery that men and women suffer at these times. But I am firmly persuaded that a Bill which includes the class of people referred to is a step in the wrong direction. I see no reason why this dragnet should be laid. I happen to know something about farming, because I have lived in a farming community for many years, and I am satisfied that those people will not be benefited by the Bill. It has been said that it will never be brought into operation. If so, why hang it there, a sword of Damocles above their heads? Why harass the man who is the mainstay of this young country? The man who tills the ground, sows the seed, and reaps the harvest is the man who, if any, should be encouraged by us. On the contrary, we have the Prime Minister saying that these men will be taxed, and that the tax will fall, not on the tenant, but on the owner of the land. From my experience, I can say that the farmer of to-day is the same labourer of yesterday. He has saved the fruits of hard work, and bought the land, and yet it is proposed to tax this man's energy in such a manner that he will simply be driven out of his business. The Prime Minister talks about the hardships which farmers' children suffer. I have seen nothing of that kind, although I have lived amongst them. No doubt the honorable gentleman can talk of hardships which he has seen in connexion with trades unions, and we all know that there is dire distress of a certain kind among the employes of the factories; but I have seen no distress of the kind which he mentioned amongst the employes of the farmer and the dairyman. It is absolutely necessary that the farming industry should not be interfered with in any way. It is impossible to make a hard-and-fast rule, because, as we all know quite well, the farmer is dependent on the con-

ditions of the weather. I have seen men working from early dawn to late on moonlight nights, with the object of getting in their harvest, and on wet days simply amusing themselves, much as sailors do at sea. Is it possible under such legislation as is advocated not to interfere with this particular pursuit? Fancy the Prime Minister, that high priest of labour, talking about introducing machinery to milk cows. Milking machinery has been tried in Australia and Denmark, and has been thrown aside. Who has not noticed how a calf presses its nose against the udder of the cow? What is the reason for that action? The cream lies on the top of the milk, and the object of the calf, taught by instinct, is to separate the cream from the milk, and allow the latter to flow. What machinery will do that? We have not, and are not likely to have any machinery that will replace the hand of the intelligent worker guided by his brain.

Mr. FOWLER.—I know of milking machinery that has been employed successfully for a good many months.

Mr. LIDDELL.—Now that we have a Patents Act, no doubt there will be a chance of some money being made out of that machinery. But I am not in favour of machinery that will displace the worker in connexion with the dairy farmer, as the majority of these workers are the sons and daughters of the farmers. I shall not detain the Committee any longer, although I should have liked to speak at greater length. I fear that this amendment will prove to be an "uncharted rock," on which the Ministerial ship will strike.

Mr. WEBSTER (Gwydir).—When I entered the chamber this afternoon, I did not intend to take part in this discussion; but, after listening to the various speakers, I am really at a loss to know what they have been talking about. I do not exactly know why all the ancient history we have heard this afternoon has been dug up from Babylon and other places by way of illustration. All these appeals that have been made by men who profess to be the friends of the man on the land, seem to me to be altogether foreign to the question before the Committee. When I listened to the right honorable member for Swan giving away the Cabinet secrets of the late Government; when I heard him say that he has always been opposed to the provision in this clause, that in the Cabinet he was opposed to it, and that had he



remained in power he would have opposed it on the floor of the House—

Sir JOHN FORREST.—I said I would not vote for it.

Mr. WEBSTER.—I began to wonder why he did not take up the same attitude as some other honorable members in regard to public servants and railway men. I began to wonder why he did not give notice of an amendment similar in terms to that which has been moved by the honorable and learned member for Wannon. If he was in earnest, there was no obstacle to prevent him from showing his sincerity at the time by giving notice of an amendment to exclude these people from the operation of the Bill.

Mr. MAUGER.—Yes; there was Cabinet solidarity.

Mr. WEBSTER.—Cabinet solidarity does not exist, I believe, in the mind of the right honorable member. He recognises no solidarity in the party except so far as he is concerned.

Sir JOHN FORREST.—I said I was in a minority.

Mr. WEBSTER.—I do not understand that you could possibly be in a minority.

The CHAIRMAN.—Order. The honorable member must address his remarks to the Chair.

Mr. WEBSTER.—I do not know whether honorable members recognise that New Zealand has an Arbitration Act which does not exempt farm labourers and other people who dwell on the land. New South Wales, too, has a law in which no exemption is made.

Mr. JOHNSON.—Oh, but it has never been put in force.

Mr. WEBSTER.—That is just the kind of argument which is used here. The honorable member for Kooyong dilated this afternoon on this point. He said that as soon as this clause was carried, honorable members on this side of the House would be seen organizing the farm labourers and the farm servants all through this State. When honorable members put before the Committee an argument of that character, knowing, as they must know, if they have any knowledge of the history of this kind of legislation in the States, that such a thing is not calculated to come about, they are simply trying to frighten the people on the land by raising a bogey. There has been no attempt to organize this class of labour in New South Wales,

nor has there been any such attempt in New Zealand.

Mr. KNOX.—Then why put the provision in the Bill?

Mr. WEBSTER.—Because we are not legislating merely for to-day, but for years to come. This Parliament is passing foundation laws under which the Commonwealth has to be governed, and which will apply long after we have left this sphere. We should frame those laws as openly as possible, so as to embrace any set of conditions that may arise. Let me point out to the honorable member for Kooyong that the Bill does not indicate that the farm workers shall be brought under the authority of the Arbitration Court. It simply raises no objection to the jurisdiction of the Court extending to them should necessity arise. Half the arguments used by honorable members opposite show that they do not believe that there is any chance of the class of labour being affected by the Arbitration Court. Yet they try to raise a bogey by picturing what will happen if that class of labour is affected. The New Zealand law proves beyond a doubt that the new-born fears from which honorable members opposite are suffering is mere moonshine. I attribute that to the fact that they have not studied this class of legislation and the conditions of the countries in which it has been applied.

Mr. LEE.—Has it been applied to agricultural labour in New South Wales?

Mr. WEBSTER.—No, and I cannot conceive of the possibility of its being so applied in Australia. No reference to agricultural labour is made in the Bill. The Bill stands in that respect as the late Government introduced it. Yet we have not only supporters of the late Government, but actually members of it, opposing the provision. Whilst we are not contending that agricultural workers should be brought under the operation of the Bill, we prefer to leave the measure as the late Government framed it, so that it may apply if necessity arises. All we ask is that the law should be so framed that justice may be done to all classes of people. Why should honorable members support an Arbitration Bill at all if they are not willing to have it generally applied? Have we no confidence in the Court which is to be established? Have we no confidence in the institutions of the Commonwealth, and in the men who will constitute the Courts? Will they not be men who will apply common-sense to the industrial situations that will be brought under

their notice from time to time? All this talk of the dangers besetting the carrying of such a provision as this is without foundation. They are merely the outcome of unfounded fears, or of influence by a few electors upon honorable members opposite. I do not intend to follow the honorable member for Richmond through his historical studies; but I must at least express my regret at his taking up such an attitude. Years ago, in the Legislative Assembly of New South Wales, I used to appreciate his arguments. But it seems to me that he has marvellously deteriorated as a logician and a parliamentarian since he entered Federal politics. I regret that, because he would have been an important figure in this Parliament had he retained the ability to express his knowledge and his arguments which he exhibited as a member of the State Parliament. The honorable member for Oxley tells us that he is in favour of conciliation and arbitration, but is not in favour of compulsion. The honorable member is behind the age. Industrial arbitration, voluntarily applied, has long since been denounced as impracticable and illusive. Those who have studied the question know that arbitration which is not compulsory is not effective for the purposes for which it is proposed. The honorable member says that compulsion is repugnant to him as a Britisher. But does he not recollect that there is a certain amount of compulsion in all the laws under which he has lived? There can be no law without interference to some extent with the liberty or licence of the individual. Laws are made for the protection of the weak against the strong, and in this case we are making a law to establish a court of justice to which men who work on the land will have the right to appeal, so that justice may be done to them. Let me say to those honorable members who entertain fears concerning this measure that I represent a farming district, and when the New South Wales Act was passed there were no such misgivings about the provision under discussion as now seem to be entertained. Those who imagine that any harm will be done to the farming interests in consequence of this Bill, not only do not understand it, but are fighting a shadow, a myth—something which does not exist in fact, but only in their imagination.

Sir LANGDON BONYTHON (Barker).—Knowing that there is a general desire on the part of the Committee that a division should take place at once, I have no intention to delay honorable members. I rise

merely to say that it is my intention to support the amendment. In taking up this position there is no change of attitude on my part. When the Bill was introduced by the Deakin Government I told the honorable member for Gippsland that I would support him in the action he was taking. It seems to me that it would be a mistake to include the proposed provision in this Bill. If we may judge by the experience of New South Wales and New Zealand in regard to local legislation, it is very improbable that it would be operative, and if it were, I believe that its results could only be mischievous.

Mr. MAUGER (Melbourne Ports).—I do not propose to deal with the merits of the question, but I wish to direct the attention of the Committee to the remarkable attitude of ex-Ministers. The right honorable member for Swan has said that he was in a minority, but the notorious fact is that, with the exception of the late Prime Minister, every member of the late Government is going to vote for the amendment. Such a change in so short a time is marvellous.

Mr. ROBINSON.—They are becoming very sensible in opposition.

Mr. MAUGER.—I am in a position to say that they have indicated that that is what they intend doing.

Sir JOHN FORREST.—They are not all here.

Mr. MAUGER.—There must have been a majority of the members of the Deakin Cabinet in favour of the insertion of the provision or it would not have been submitted. Whether its inclusion in the Bill was due to the effort of some dominant mind strong enough to captivate even my right honorable friend the member for Swan, I am not in a position to say.

Sir JOHN FORREST.—The honorable member is very much more easily captivated than I am.

Mr. MAUGER.—The right honorable member is making a great mistake. I think it should be clearly understood in the country that this is not a proposal by the present Government, but that it was made by the last Government.

Mr. ROBINSON.—The present Government proposes it also.

Mr. MAUGER.—What are we to understand? Were they playing with the Bill, or did they mean what they proposed? If they did mean it, they should stand by the provision now, as the present Government is standing by it.

Mr. WILLIS.—Will the present Government go down upon it?

Mr. MAUGER.—I wish the honorable member would go down. If honorable members will allow me to continue, I repeat that this is a remarkable change of opinion.

Sir JOHN FORREST.—How many ex-Ministers are voting against it?

Mr. TUDOR.—Six out of the seven.

Mr. MAUGER.—All but the late Prime Minister.

Sir JOHN FORREST.—They are not all here.

The CHAIRMAN.—I must ask the right honorable member for Swan not to interrupt.

Sir JOHN FORREST.—But the honorable member for Melbourne Ports is misrepresenting the facts. There are only three members of the late Government, in addition to the late Prime Minister, present.

The CHAIRMAN.—The honorable member for Melbourne Ports has asked that he should not be interrupted, and the right honorable member for Swan can speak afterwards.

Mr. MAUGER.—The division will show whether I have misrepresented the intention of ex-Ministers. I am in a position to say that every member of the late Government, with the exception of the late Prime Minister, has indicated his intention to vote against this provision in the Bill. In the circumstances, the country should know that this is a proposal for which the late Government is responsible. Honorable members who were members of that Government should vote for it.

Sir JOHN FORREST.—The honorable member should take his guel quietly.

Mr. MAUGER.—The right honorable member for Swan does not like the real position to be made known. Either the members of the late Government were shamming in submitting the provision, or ex-Ministers should vote for it as readily as do the members of the present Government.

Mr. BATCHELOR (Boothby—Minister of Home Affairs).—I desire to say a word or two about the extraordinary position assumed by the late Minister of Home Affairs in speaking this afternoon. At this stage of the discussion, I do not wish to go into the whole question, because a great deal of what has been said during the past three days has been irrelevant to the issue; but I wish to say that it seems to me to be positively indecent for an ex-Minister, immediately he has retired from office, to get

up in his place and denounce the Government that has succeeded him for continuing a proposal which, as a Minister, he supported.

Sir JOHN FORREST.—The honorable gentleman is a great judge, no doubt.

The CHAIRMAN.—Order!

Mr. BATCHELOR.—At any rate, the honorable gentleman should not do that.

Sir JOHN FORREST.—The honorable gentleman has had great experience.

Mr. BATCHELOR.—There should be some attempt at decency.

Sir JOHN FORREST.—The honorable gentleman has had great experience of decency.

The CHAIRMAN.—Order!

Mr. BATCHELOR.—If the right honorable member for Swan was opposed to the provision in Cabinet, he should have resigned.

Sir JOHN FORREST.—The honorable gentleman did not say that the other night when the present Minister of Trade and Customs reversed a vote he had previously given.

Mr. BATCHELOR.—As the right honorable member for Swan did not resign because of his opposition to the proposal, it might at least have been expected that he would not get up and denounce the Government that has succeeded him, for carrying on his policy or the policy to which he agreed as a Minister.

Sir JOHN FORREST.—That appears to be the only stock-in-trade the honorable gentleman has.

Mr. BATCHELOR.—The right honorable gentleman tries to shelter himself by saying that some members of the late Government are away; but is he not aware that one of the members of the late Government has paired with another on this question? That accounts for four ex-Ministers.

Sir JOHN FORREST.—I do not know anything about it.

Mr. BATCHELOR.—The right honorable gentleman could not have known very much about it, or he would not have attempted to draw a red herring of that kind across the trail. I am aware that there is still another member of the late Government who has stated that he is opposed to the provision, and intends to vote against it. That makes five ex-Ministers opposed to this provision.

Sir JOHN FORREST.—Are there five here?

Mr. BATCHELOR.—There are three ex-Ministers who propose to vote against the provision, and there is one ex-Minister paired against it with another.

Sir JOHN FORREST.—I did not know that.

Mr. BATCHELOR.—I am telling the right honorable gentleman. There are several things which he does not know.

Mr. SYDNEY SMITH.—I do not think it is fair to refer to pairs.

Mr. BATCHELOR.—The honorable member for Macquarie says that this is not a fair thing to bring up. After listening in silence for three days to attacks upon the Government for inconsistency for trying to force a crying injustice upon the farmers, we have now to listen to that from members of the Government who introduced the provision.

Mr. SYDNEY SMITH.—What I said was that it was not fair to refer to pairs. It is fair enough to reply to the speeches of honorable members.

Mr. McDONALD.—Pairs should not take place as frequently as they do.

Mr. BATCHELOR.—The honorable member for Macquarie is perfectly right; but I am not mentioning names.

Sir JOHN FORREST.—Pitch into the honorable member for Hume, not into me.

Mr. BATCHELOR.—The reason that I do not pitch into the honorable member for Hume is that he is not present, whilst the right honorable member for Swan is before me; and, further, that right honorable gentleman has denounced the Government for supporting this proposal.

Sir JOHN FORREST.—When, and how?

Mr. BATCHELOR.—The right honorable gentleman has said that it is of a piece with the Labour Party's policy of trying to inflict injustice upon the farmers. The right honorable gentleman must recollect that the Government of which he was a member introduced the provision, and I desire that the people should fully understand the position.

Sir JOHN FORREST.—They will understand it right enough.

Mr. BATCHELOR.—If the people do understand it, I do not think they will give the right honorable member for Swan any credit for the consistency of which he is always prating.

Question.—That the words "but it does not include a dispute relating to employment in any agricultural, viticultural, horti-

cultural, or dairying pursuit"—put. The Committee divided.

Ayes	...	...	...	29
Noes	...	...	...	21
Majority				8

AYES.

Bonython, Sir J. L.	Liddell, F.
Chanter, J. M.	Lonsdale, E.
Edwards, R.	Lyne, Sir W. J.
Ewing, T. T.	McColl, J. H.
Forrest, Sir J.	McLean, A.
Fuller, G. W.	McWilliams, W. J.
Fysh, Sir P. O.	Phillips, P.
Gibb, J.	Skene, T.
Glynn, P. Mc.M.	Smith, S.
Harper, R.	Thomson, D.
Johnson, W. E.	Wilkinson, J.
Kelly, W. H.	Willis, H.
Kennedy, T.	<i>Tellers.</i>
Knox, W.	McCay, J. W.
Lee, H. W.	Robinson, A.

NOES.

Bamford, F. W.	O'Malley, K.
Batchelor, E. L.	Page, J.
Carpenter, W. H.	Ronald, J. B.
Culpin, M.	Spence, W. G.
Deakin, A.	Storrer, D.
Fisher, A.	Thomson, D. A.
Frazer, C. F.	Watson, J. C.
Hutchison, J.	Webster, W.
Mahon, H.	<i>Tellers.</i>
Maloney, W.	Fowler, J. M.
Mauger, S.	McDonald, C.

PAIRS.

Smith, B.	Watkins, D.
Cook, J.	Brown, T.
Groom, L. E.	Higgins, H. B.
Reid, G. H.	Hughes, W. M.
Cameron, D. N.	Wilks, W. H.
Wilson, J. G.	Poynton, A.
Conroy, A. H.	Kingston, C. C.
Isaacs, I. A.	Turner, Sir G.
Edwards, G. B.	Cook, J. N. H.
Chapman, A.	Thomas, J.
Quick, Sir J.	Tudor, F. G.

Question so resolved in the affirmative.

Amendment agreed to.

Mr DEAKIN (Ballarat).—In the drafting of this Bill, the honorable and learned member for Adelaide, as I have more than once pointed out, has always assumed that the Constitution is to be read in the widest possible way. I have already explained that, under the circumstances, this is an advisable course to follow, as the wish of the House is in no way to narrow the terms of the Constitution. As to allowing the definition of "industrial matters" to remain as it is, I only wish to say, as I said when in a responsible position, that the public may overlook the fact that unless the word "industrial" is kept in

mind, the definition may, to some extent, be misleading. The amendment which has been carried by Ministers themselves in the preceding clause shows their recognition of the fact that the only disputes with which we are competent to deal are "industrial" disputes. According to the Bill, the definition of "industrial matters" includes "all matters relating to work, pay, wages, reward, hours, privileges, rights, or duties of employers or employes." Of course, that means "industrial" employers or "industrial" employes, although the word "industrial" is not repeated. Below we read, "and in particular, but without limiting the general scope of this definition, includes all matters pertaining to the relations of employers and employes"—the word "industrial" is again omitted, and particularly is it necessary to bear that word in mind when reading the following—"and the employment, preferential employment, dismissal, or non-employment of any particular persons, or of persons of any particular sex or age, or being, or not being, members of any organization, association, or body." Everywhere the limitation has to be understood that this applies only to "industrial" affairs. Now, as the Government, on the advice of the Attorney-General, have thought fit to specify in the preceding sub-clause that public servants are only to be deemed included when they are engaged in "industrial" employment, would it not add to the clearness of this sub-clause if the Attorney-General were asked to consider whether some word had not better be introduced to insure that "industrial" is even more distinctly understood; otherwise those who run and read may misunderstand the scope of the provision. Though we have shown in the title of the Bill, and have made it as plain as we can, that we have no power to go outside the Constitution, and that we provide for no more than the Constitution permits. I must admit that in this sub-clause and in the next—and I allude to the latter only by way of illustration—unless some qualifying words are introduced, the public at large will be apt to read the provision as extending beyond industrial disputes—to employments, preferences, or non-employments that are not "industrial." This will be productive of some difficulty to the Court; there may be appeals because we have not looked at this matter more carefully.

*Mr. Deakin.*

Mr. WATSON.—"Industrial" is usually part of the name of an organized trade in New South Wales.

Mr. DEAKIN.—If I may, by way of illustration, I should like to refer to the definition of "industry," which, amongst other things, means "business." What would the average man say to that definition? He might think that business of any kind is an industry. As a matter of fact, that is a very arguable proposition. There may be very many businesses which are not "industrial," and which no Court would hold to be "industrial." Yet here we have no warning, no indication in the definition. "Industry" means "trade, manufacture, undertaking, calling, service, or employment," and before each of these words "industrial" has to be understood, in order that a clear view of what the definition really comprises may be obtained. I am now only throwing out a suggestion. I had turned the matter over in my mind while in charge of the Bill, and decided to leave the words as they stood, in order to hear anything that might be said upon the subject; then, if necessary, inserting words of elucidation. The words I suggest would not add or take away anything.

An HONORABLE MEMBER.—They might limit.

Mr. DEAKIN.—No. The words I suggest are the words of the Constitution, which are already used in an earlier portion of the clause. I would not advise any departure from them. It is not the wish of the Committee to narrow the interpretation which might be placed upon the provision, but we wish to make its meaning perfectly plain. I shall move no amendment, because the matter is one which ought to be carefully thought over, but suggest to the Prime Minister that it may be desirable to use the word "industrial" and to simplify both these definitions, so as to make them perfectly plain.

Mr. GLYNN (Angas).—I drew attention to the fact that the word "industrial" was used in a previous paragraph, for the reason indicated by the honorable and learned member for Ballarat, that I thought it a mistake to put the word in at all without applying it throughout the Bill. Personally, I prefer to leave it out in both cases because only industrial disputes come within the provisions of the Constitution. The words "industrial disputes" are used in many of the other clauses. It is a limitation to use the word "industrial" in one part of the Bill, and not in another.

and may create confusion in the public mind not in that of the Judiciary. I think it better not to use the word at all. The Constitution contains the necessary limitation. It places a limitation on our power, and we would not provide that it is to extend only so far.

Mr. DEAKIN.—That would mean cutting at these definitions.

Mr. GLYNN.—We should not cut out the hole of the definitions, because they may operate to some extent as a limitation.

Mr. WATSON.—The amendment just carried is a limitation.

Mr. GLYNN.—This, too, may operate as a limitation if all the matters cognizable are not mentioned in the definition. It is a mistake to say that it extends only to the constitutional provision, because the measure is based on the assumption that we cannot go beyond the limits of the Constitution. In the last definition, we put in words which expressly state that in regard to State matters, the dispute must be industrial. That itself, as I pointed out, was unnecessary, and may lead to confusion in subsequent clauses. Before the next Government amendment is moved, I would direct attention to the words “preferential employment.” I do not wish to move an amendment at this stage, because I should like to know what shape the Bill will take before making up my mind as to whether the definition is reasonable or unreasonable.

Mr. WATSON.—At this stage we are providing for something which may take place later on.

Mr. GLYNN.—Yes, but it may afterwards be said that we have accepted a principle.

Mr. WATSON.—I do not think that the Committee will be bound.

Mr. GLYNN.—Neither do I, and for that reason I shall not move an amendment now, but shall content myself with a suggestion. It is provided in the New South Wales, and I think, too, in the New Zealand Act, that there must be nothing in the rules of association to prevent the joining of would-be members, and I cannot see why that provision has been deliberately omitted from this Bill. The Attorney-General of New South Wales, when in 1900 he introduced his first Arbitration Bill, said in effect that there would be no boycotting of non-members by unions, that there would be no obstacle in the way of men joining unions. It seems strange, therefore, that only recently, when, after a case in which the employment of men not belonging to

the Wharf Labourers' Union was successfully objected to, they applied to enter the union, tendering their subscription of £1, they were refused admission. That case shows how the best draftsmanship may be faulty. We have been told that every evil is provided for in the Bill, and yet we find that it makes no provision to meet a case which is specially provided for, though apparently ineffectually, in the New South Wales Act. The Attorney-General of New South Wales, speaking in the Legislative Council of that State on 31st October, 1900, said—

I provide that, as a trade union is alone allowed on behalf of the employees to bring this measure into operation, a trade union shall not become a close corporation.

Further on he declares that unions—

Shall be reasonably open to members of an industry who wish to share the benefits and privileges conferred by the Act.

I have not a copy of the New South Wales Act, but the provision to which Mr. Wise was referring requires that the rules of an industrial union or trade union, must amongst other things, provide—

That reasonable facilities shall be given to become members of the union.

In the Bill before us it is provided, in sub-clause 2, of clause 62, that any Association applying to be registered shall comply with certain conditions, which, until otherwise prescribed, shall be those set out in schedule B. Turning to that schedule, I find that in paragraph *h* it is required that the rules of the Association must contain provisions as to the

Times when, terms on which, persons may become, or cease to be members of the association, but so that no member shall discontinue his membership without giving at least three months' previous written notice to the secretary of his intention so to do, nor without paying all membership subscriptions, and dues owing by him to the association.

The provision in the New South Wales Act to which I have referred is omitted, though the words which I have just read are taken from that Act. Why did the late Government leave them out?

Mr. DEAKIN.—We considered the provision in the Bill sufficient.

Mr. GLYNN.—It certainly does not suffice.

Mr. DEAKIN.—There is no objection to making it clear. We thought that it sufficed, and I think so still.

Mr. GLYNN.—Even the provision in the New South Wales Act is inadequate. It is, therefore, all the more necessary to make the matter clear here

I merely draw attention to the matter in order that the Government may consider it, and do what may be regarded as just, before the Bill reaches the final stage.

Mr. McCAY (Corinella).—I do not propose to move an amendment with regard to the definitions, because I think that any alterations would have to be carefully considered, and I should not care to take the responsibility of the drafting, which I presume will ultimately devolve upon the Attorney-General. I do not think that the fear expressed by the honorable and learned member for Angas as to the definition of "industrial matters" possibly limiting the efficacy of the Bill is well grounded; firstly, because, so far as an unsophisticated mind can see, there is nothing that is not already included within it, and, secondly, because it carefully avoids the phraseology of the definitions of "industrial disputes" and "industry." It is merely stated that "industrial matters" "include" certain things. This is not a definition at all, but a suggestion to the Arbitration Court as to the matters to which it shall direct attention. It says—"Will you first of all direct your attention to the second half of the definition, and if you find anything omitted from that turn to the first half. If you find that it is omitted from that portion, direct your attention to anything you can conceive of."

Mr. WATSON.—The definition practically says that these matters shall come within the purview of the Court.

Mr. McCAY.—Then it is proposing to say something which we have no power to say, because the Constitution says what shall come under the Act.

Mr. GLYNN.—Except that the words may limit the Constitution.

Mr. McCAY.—This definition does not limit the Constitution by saying that it shall include so and so.

Mr. DEAKIN.—It might appear so.

Mr. McCAY.—Yes, it might appear so; but the contrast between the word "includes" in this case, and the word "means" used in the other definitions, would make the Court hesitate to regard this provision as a definition. They would say "this is not a defining clause, but a suggesting clause." It suggests many things which even the most ardent supporters of industrial arbitration might fairly think were open to some question. I should like to know whether this provision signifies that employes upon the State railways could ask the Court to determine the extent to which

their privilege passes are to be granted. It seems to me that it would cover that subject.

Mr. WATSON.—I think it would.

Mr. McCAY.—Then, I say frankly—firm believer as I am in arbitration—that that is not a question that should be submitted for determination by the Court.

Mr. WATSON.—Would not the passes be regarded as a portion of the reward given to the men for their services?

Mr. McCAY.—That re-states in another form a very large portion of the question at issue. The case I have mentioned is, perhaps, an extreme one, and it certainly is one for the settlement of which we should not care to call an Arbitration Court into existence.

Mr. WATSON.—Not for that alone.

Mr. McCAY.—I know that great differences of opinion on the pass question exist in some of the railway services between the State and its employes.

Mr. BATCHELOR.—The pass system is not likely to be extended by the Court.

Mr. McCAY.—It is not likely to be extended beyond the limits that we have known it reach at times. I mention this case in order to illustrate the far-reaching provisions of the Bill, and to suggest to the Government the desirability of reconsidering the definitions, or intended definitions. It is not desirable that we should even apparently claim excessive powers, and the definitions suggest that such a claim is being made. I thoroughly agree with the honorable and learned member for Ballarat that if it is intended to make the provisions of the measure as wide as the Constitution will permit, and I think that that is the desire of the majority of honorable members—that is a position with which we need not seriously quarrel. It is only when I see that States rights are being infringed, or when special circumstances seem to justify special exceptions, that I raise my voice in protest. I think that we should definitely follow the wording of the Constitution. What the Constitution means in this matter it is difficult to decide, and we shall not make it any easier by imposing on the Court the duty of ascertaining what the Act means in relation to the Constitution. I understand that lawyers are to be excluded from the Arbitration Court, and I do not quarrel with that provision. Possibly it will lead to better business for the lawyers in connexion with the appeals that will probably have to be made to the High

Court. I am old-fashioned enough to believe that when questions of law have to be dealt with lawyers can give as good advice as can laymen—

Mr. BAMFORD.—There were plenty of lawyers at the Convention.

Mr. McCAY.—And plenty of laymen, too. My experience of the law is that the amendments proposed by laymen have been just as fertile in difficulty as have those proposed by lawyers. I think that the definition of "industry" should be taken into consideration. It seems to me highly probable that it includes a great many things which are by no means industries in the ordinary acceptance of the term, and which would probably not be held to come within the meaning of "industrial" as used in the Constitution. It says that "industry" means "business, trade, manufacture, undertaking, calling, service, or employment." That would include almost every service rendered for pay or hire. It would even embrace our Defence Forces. If the Arbitration Court were called upon to determine a question of discipline in connexion with our Defence Forces, the spectacle presented would be even more striking than that furnished by a Parliamentary Select Committee engaged upon a similar task. The most ardent democrat must admit that, under certain conditions, obedience is of more immediate importance than the highest justice. I should not like to see our Defence Forces going on strike while on active service, and asking the Court to give a decision as to the rations which should be supplied to them. I do not suppose they would go on strike, because the men would put up with a great deal rather than allow a grievance to interfere with the discharge of their duty. This definition, however, would bring them within the purview of the Court, and would enable them to say—"The law enables us to go to the Court if we so desire." I do not see any need for the definition of "industry," because the adjective "industrial" will control the meaning of the noun "industry."

Mr. HUTCHISON.—Would not the honorable and learned member, if he were a member of the Court, prefer to have the word defined?

Mr. McCAY.—No; not unless the definition were the law. The definition here is not the law. It is subject to the wording of the Constitution, which mentions "industrial disputes," and every time the question "is this an industry"? is raised, the Court

will look, not at the Bill to see how "industry" is defined, but at the Constitution which contains the words, "industrial disputes," and will then turn to the English language in order to ascertain what "industrial" means.

Mr. DEAKIN.—And to the English law.

Mr. CARPENTER.—We can set forth what we believe to be constitutional.

Mr. McCAY.—We have no power to define the word used in the Constitution. We are attempting to do something that we have no power to do.

Mr. CARPENTER.—We have power to make laws under the Constitution.

Mr. McCAY.—Under it, and subject to it. To take a concrete case, let us suppose that this definition of the word "industry" includes a dispute between a doctor and his groom, and that the High Court determines that an "industrial dispute" under the Constitution does not include such a matter. I am not suggesting that it would or would not; but if under this measure such a dispute would be included, while under the Constitution it would not, our efforts to cover it in this way would be absolutely futile. We are compelling the Arbitration Court, and the High Court in case of appeal, to ascertain first of all what the Constitution means, and, secondly, to see whether this measure provides for something for which, under the Constitution, provision may be made. This Bill cannot add anything to what the Constitution declares can be done. In the interests of good forms of legislation, and quite apart from the substantial merits of the question, I urge the Government to drop any definition that conflicts with all their endeavours to define the meaning of "industrial disputes" in the Constitution. In the Constitution, and the Constitution alone, will the Courts find a source of inspiration from which they can decide what are matters coming within the purview of this measure and what are not. The Bill cannot make the constitutional provision any wider than it is, but it may make it more difficult to determine. I can well imagine the wealth of argument that any skilled person might employ after exhaustively discussing the Constitution, to determine whether this measure, with all its multitudinous definitions and descriptions, intended the Constitution to be limited in any particular instance. I deliberately assert—and should have done so whatever Government had been in power—that this form of drafting seems to me to create a difficulty, and



to do nothing in the way of removing a difficulty. It is only upon these grounds that I appeal to the Government to reconsider this matter. I can see no reason for attempting to define "industry," because I believe that it will otherwise be defined.

Mr. GLYNN.—We are not dealing with the definition of "industry."

Mr. McCAY.—We have been discussing the definition of "industry" as well as of "industrial matters"—they amount to the same thing.

Mr. McDONALD.—It would be difficult to say what we have been discussing during the last two or three sittings.

Mr. McCAY.—I venture to think that I have not gone beyond the question immediately before us.

Mr. McDONALD.—I do not suggest that the honorable and learned member has done so. It is time that we came back to the question immediately before the Chair.

Mr. McCAY.—I have never departed from it. Even when discussing the matter before us a day or two ago, I venture to say that I confined myself strictly to the question.

Mr. BATCHELOR.—The honorable and learned member was singular in that respect.

Mr. McCAY.—Perhaps the honorable gentleman feels his own culpability, and therefore wishes to exclude himself from a deserving class. As a matter of good drafting, it is undesirable to load the Bill in this way. If the definition of "industrial matters" consists of a series of suggestions, it must be admitted that the series is a most liberal one to a Court which will have enough difficulty in giving satisfactory awards all over Australia. It suggests all sorts of ways in which questions might be raised and awards given, and is certainly not calculated to make this measure what the Prime Minister says he would like it to be, an engine of potentiality, rather than for the settlement of actual disputes carried on to extremes between employers and employés. If the honorable gentleman desires that the measure should be rather a force to induce people to agree without going to the Court, the less we have of these suggestions—the less we have of a multiplicity of comparative details, as some of these suggestions are—the better it will be.

The CHAIRMAN.—There appears to be an idea on the part of honorable members that we are limited to the discussion of a particular expression. I would point out that no amendment is before the Committee,

and that the remainder of the clause following the paragraph with which we have just dealt is under discussion.

Mr. SPENCE (Darling).—The honorable and learned member for Ballarat appears to have forgotten the point which he emphasized in the course of his excellent speech, in moving the second reading of the Bill, that we should put some faith in the Court which will have to interpret it.

Mr. DEAKIN.—But this is not a proposal that involves the reposing of faith in the Court. It is a proposal to place words in the mouths of the members of the Court.

Mr. SPENCE.—There is apparently a great difference of opinion on the part of the legal members of this House, and, after listening to those who have addressed themselves to the question, I feel disposed to accept the view of the right honorable member for Adelaide, who originally drafted the Bill. It seems to me that he intended that nothing should be excluded from the purview of the Court when dealing with industry brought under its consideration. It was, no doubt, his desire that nothing should be shut out because of any legal quibble. The suggestions made by the honorable and learned member for Corinella appear to be that we might as well omit all these definitions and leave it to the Judge who will have to interpret the Constitution to determine to what extent the measure covers industry. To my mind, however, no case has been made out for the omission of any part of the clause. I do not complain of the suggestion that the Government, with the assistance of their legal adviser, should carefully consider these definitions, but has not been shown that any difficulty is likely to arise. That being so, we come back to the question whether we must necessarily leave many matters to the discretion of the Judge to be appointed under the Bill. He will determine all these questions, and I think that, as the honorable member for Angas has pointed out, it would be reasonable to have a very wide definition. The definition now before us was evidently intended to be wide enough to cover everything, and to leave it to the Judge to determine whether any industry should be excluded. At present, no one can say definitely to what extent the Constitution is in this direction. There is a general agreement on the part of the legal members of the House that the constitutional provision on which this Bill is based is very wide, and that it can apply only

disputes extending beyond the boundaries of any one State. Arbitration Acts have to be administered in equity and good conscience, and decisions under them must be based less upon legal technicalities than upon common-sense principles. The general custom and practice prevailing in relation to any industry before the Court have to be recognised, and I do not think we need be afraid of any decision going beyond the lines on which the industry to which it relates is carried on. Awards of Arbitration Courts have always recognised existing customs. These minor points occur only to legal minds; and, as we propose to shut out lawyers from the proceedings of the Court, I do not think that we have anything to fear in that direction.

Mr. McCAY.—The proposal to exclude them from the Conciliation and Arbitration Court will not shut them out from the High Court.

Mr. SPENCE.—I should like some of the legal members to point out whether any danger is likely to arise with regard to those who desire to fight against going into Court. It seems to me that, in framing these definitions, it was sought to render it impossible for any one to prevent a case being heard in all its details.

Mr. McCAY.—I do not think that this will help us.

Mr. SPENCE.—I may be wrong. The honorable and learned member for Corinella said that the Court would interpret the words according to the ordinary meaning of the English language.

Mr. DEAKIN.—And the English laws.

Mr. SPENCE.—I remember reading some time ago, in a work on the science of law, that there were definite rules as to the interpretation of language in a legal sense, and that this legal construing of words varied from the ordinary interpretation of the English language as given, for example, by Webster. In some respects these rules of interpretation differ very much from Webster's definitions, and in connexion with this new legislation there must have grown up from practice and custom definitions that vary the rules of interpretation in some degree. The decisions in the New Zealand Court, for instance, would serve as a kind of guide to a Judge in determining what the terms used in this Bill really meant. There must necessarily be a departure in that sense. I for one am prepared to leave the determination of these matters to the Court. It is wiser to leave

the definitions very wide than to narrow them.

Mr. McCAY.—This definition is a lawyer's proposal.

Mr. SPENCE.—I do not say that it is any the worse for that reason—I have expressed my great faith in the lawyer who drafted the Bill. I am not objecting to the legal definitions at all. I only wish to avoid the possibility of an objection being raised which would prevent the Court from dealing with some specific section or branch of a case. I would rather have the definition left sufficiently wide to cover any point which could be raised.

Mr. DEAKIN.—The point is that if we keep to the language of the Constitution we take the largest possible scope. The more words that we put here the more danger there is of their being construed into some kind of a limitation.

Mr. SPENCE.—I do not know what view a Judge might take, but the honorable and learned member for Angas and other legal members have said that they can hardly think of anything which is not defined in this provision.

Mr. DEAKIN.—Still, if there is anything put in it is a limitation; it cannot be an extension. We can limit, but we cannot extend.

Mr. SPENCE.—If the legal mind cannot discover anything which has been left out, I do not think there is anything left out to be discovered. It seems to me it will be safe to leave the definition as it is.

Mr. DUGALD THOMSON (North Sydney).—I think that the honorable member for Darling overlooked the fact that the Legislature of New Zealand was not limited by the Constitution in dealing with this subject.

Mr. SPENCE.—I am aware of that fact.

Mr. DUGALD THOMSON.—The Constitution of the Commonwealth contains a limitation which Ministers have already recognised. A very important amendment, which has been inserted at their instance, places these definitions on a different footing from that which they occupied when the Bill was previously dealt with. I agree with the honorable and learned member for Corinella that the supposed definition is not really a definition at all. It includes an enormous number of things, and it may yet include an infinitude of other things. The word "means," I think, should have been used in the definition instead of the word "includes."

Mr. WATSON.—I think the word "includes" was used deliberately by the right honorable and learned gentleman who drafted the Bill.

Mr. DUGALD THOMSON.—No doubt he wished the Bill to include everything in heaven and earth, but I should think that from the description of matters put under the heading, the word "means" would have been quite sufficient. I would point out that this now deals with railway servants and Railway Commissioners, and that the privileges, rights, or duties of employers or employes are, according to this so-called definition, to be decided by the Court.

Mr. BATCHELOR.—But they will be in under the Constitution.

Mr. DUGALD THOMSON.—I am not speaking of the railway employes but of the Commissioners. There will be power to say, if it be not *ultra vires*, what shall be the principles, rights, and duties of a Railway Commissioner, just as, under the New Zealand Act the Court has declared what shall be the duties of an employer in an industry—that is, as to how he shall work. In my second-reading speech I gave, as an illustration, the case of the proprietor of a small bakery, whose employes asked the Court to declare what portion of the work he should do. His bakehouse was not a large enough establishment for him to merely supervise, and the Court decided that, in addition to what he was doing, he must do some of the batching. The provision before the Committee is similar to the provision in the New Zealand Act. It is proposed not only that the railway men's rights, privileges, duties, wages, hours, and so on, shall be considered, but also that the Railway Commissioners, who are appointed by the States under contracts, shall also be subservient to the Court to be established under this Bill. I do not think that we intend to go that far.

Mr. WATSON.—We do not wish to go that far, but how can we exclude Railway Commissioners without excluding others whom it might be proper to include?

Mr. DUGALD THOMSON.—We must look at what we are doing in view of what we have done. Having passed an important amendment, which many persons consider an infringement, or, if not an infringement, an undesirable encroachment on the rights of the States, we ought to make sure of our position before we proceed. I bring this matter under the notice of the Prime Minister, so that it may be considered by him.

Mr. WATSON.—Does the honorable member think that any dispute is likely to arise amongst the Railway Commissioners?

Mr. DUGALD THOMSON.—It is not what is likely to arise that we have to consider. This clause is put into the Bill, and it is said that certain things are unlikely to arise.

Mr. WATSON.—We could not get an organization with 100 Railway Commissioners as members.

Mr. DUGALD THOMSON.—But they would be made parties to a decision.

Mr. WATSON.—The Commissioners are authorities created by the States to carry on the works, and therefore they are employers.

Mr. DUGALD THOMSON.—They will be employers, and this provision gives to the Court the right to deal with the duties, privileges, hours, awards, and so on, of employers.

Mr. SPENCE.—Would not an award impose a duty on a Commissioner?

Mr. DUGALD THOMSON.—It would impose certain obligations, but no personal duties, on the Commissioners. A dispute would arise about the wages or the hours of the men, or some feature of their employment, but it might or might not concern the privileges, duties, or hours of the Commissioners. I understand that the Prime Minister stated that he did not anticipate that this measure would often be put into operation.

Mr. WATSON.—I hoped that it would not be.

Mr. DUGALD THOMSON.—Had the measure referred to strikes, or to matters on which strikes usually arise, I should agree with the honorable gentleman. If the terms of the measure are so extensive as to be effective—that the Court is to act in connexion with any dispute, or any refusal, request emanating either from employer or from employé—and I think its operation will not only be very frequent, but will concern matters that are altogether too small to engage the attention of a Federal Court. If this interpretation clause has any effect whatever, it will apply, it may be, to some trifling occurrence in a particular employment, and concerning one or two individuals, about which a dispute may be created. A reference may be made in some trifling matter to the Arbitration Court from any portion of Australia. For those reasons I think it would be better to leave the decision as to the

proper questions to come before a Court of this description, to the High Court. Ambiguity should not be introduced, and persons should not anticipate from the wording of the measure that all sorts of small disputes may be brought before the Arbitration Court. It is not the intention of the Constitution that such should be the case, and from what the Prime Minister said, I understood at any rate that he does not think that these small matters should come before the Court. For this reason attention to the interpretation clause is desirable, particularly as the scope of the Bill has been, in some important particulars, altered by an amendment introduced by the Prime Minister himself.

Mr. WATSON (Bland—Treasurer).—With regard to the general attitude of the Government in connexion with these interpretations, I may say that we did not desire to alter the general drafting of the original measure any more than was essential, in our view, to carry out the alterations of policy—details, perhaps, but still involving policy—which we thought necessary. Of course we were fortified in that opinion to some extent by the authorship of this Bill. It was drafted by the right honorable member for Adelaide, who is acknowledged amongst parliamentarians to be one of the best draftsmen in existence.

Mr. DUGALD THOMSON.—He is a very all-embracing draftsman.

Mr. MCCAY.—This is a departure from the style of drafting that he has hitherto adopted.

Mr. WATSON.—Perhaps so, but, from the point of view of those who desire to go to at least as far as the Constitution allows us to go, we can quite sympathize with the desire of the right honorable member—who is, unfortunately, absent—to make the Bill, as has been said, all-embracing. With regard to the suggestion put forward by the honorable and learned member for Ballarat, I might point out to him that the clause, as at present drafted, seems to cover—in its earlier phraseology anyhow—the point he puts forward. For instance, “employer” is defined as meaning “any employer in any industry.” “Employé,” in the same way, means “any employé in any industry.”

Mr. DEAKIN.—But that is necessary in connexion with “industrial dispute” which appears below.

Mr. WATSON.—The word “employé” and the word “employer” carry that interpretation all through; and, speaking

from the lay point of view, at the first blush, it does not seem to be necessary to go further.

Mr. DEAKIN.—I said it was not necessary; but that an alteration should be made on the ground of lucidity.

Mr. WATSON.—On that point I shall be glad to have the advice of the learned Attorney-General.

Mr. DEAKIN.—It is not a question of law; but simply a matter for those who are not lawyers.

Mr. WATSON.—It is a minor matter, at any rate. But with regard to the point urged by the honorable and learned member for Angas, I may say that for days past the Attorney-General has been considering the question of how to buttress the Court in its jurisdiction, not only over disputes, but over the rules of a union in respect of the admission of members. I am quite as anxious—and I think the Government generally are quite as anxious—as the honorable and learned member himself can be to insure that no union shall become a close corporation. The whole idea of giving preference to unionists must, in my mind, rest upon the union being free to every person to become a member, so long, of course, as reasonable conditions as to qualifications and knowledge of the calling or trade to which the union relates, are assured. The union should be free to every person to become a member within those limits. That is the opinion we hold, and it was certainly understood—by myself, anyhow—when this Bill was introduced originally that that contingency was provided for.

Mr. DEAKIN.—Hear, hear.

Mr. WATSON.—The late Prime Minister assured me that the intention of his Government was, in a similar manner, to prevent any such monopoly of employment being secured for a particular set of individuals.

Mr. GLYNN.—It would be against the policy of the Bill to put any obstacle in the way of membership of unions.

Mr. WATSON.—Quite so; and I quite sympathize with the honorable and learned member's desire to have that point made clearer than it is now. I do not think that the provision in the first schedule of the New South Wales Act was omitted with any intention of limiting the power of the Court to interfere in those cases. It was simply, as I understand it, that it was thought that the Bill as drafted was quite sufficient to cover cases of that character. With regard to the immediate case referred to by the honorable member

for Angas, as occurring in New South Wales in connexion with the wharf labourers, I am informed that, so far, the Court has not been appealed to with the view of ascertaining whether that union was acting within its powers, in—if it is true, as alleged—closing their membership list. But the Court in New South Wales has undoubtedly the power, in my view. In the first schedule to the New South Wales Act, it is provided, amongst other things, that rules shall provide for—

The terms on which persons may become or cease to be members of the company, association, trades union, or branch. . . . reasonable facilities shall be given to become members of the union.

The rules have been registered. What I think we should make clear—and this is the point which I have laid before the Attorney-General—is that the Court has power to alter the rules of a union if at any time it is thought desirable to do so, after full consideration—

Mr. DEAKIN.—There is that power.

Mr. GLYNN.—The difficulty is as to the power to enforce the rules.

Mr. WATSON.—I think they have power to enforce them, but if we have not sufficiently provided for that we shall be quite prepared to do so.

Mr. DUGALD THOMSON.—There is nobody to bring it before them.

Mr. WATSON.—I should think there would be somebody. For instance, the employers might feel that a limitation of the number of members of a union would have a bad effect in preventing them obtaining the men required for any work that was offering. I think also that an individual who desired to become a member of a union might move the Court as a party to deal with the matter.

Mr. DUGALD THOMSON.—I do not know that he could.

Mr. WATSON.—If not, it seems to me that the Registrar should have power to bring such a case under the notice of the Court.

Mr. DEAKIN.—He has the power under clause 67. In this connexion sub-clause ii. of clause 62, the schedule, and clause 67 must be read together.

Mr. WATSON.—I believe that the Court would cancel the registration of a union if it refused to alter its rules when asked to do so by the Court. I can assure honorable members that anything we can do to make that clear, and to give fuller powers to the Court in that direction, will be looked

into by the Government. As to the general argument in regard to the phraseology of the clause and the desirability of limiting it—

Mr. DEAKIN.—Getting rid of superfluous words, but not limiting its scope at all.

Mr. WATSON.—Some honorable members appear to think that all we need do is to omit these words altogether. They think that the general terms of the Constitution sufficiently define the word "industrial" and show what class of disputes are intended to be referred to.

Mr. DUGALD THOMSON.—And if they do not, these words will not. That is the contention.

Mr. WATSON.—It is well known that we have the power of limiting. We need not go as far as the Constitution goes, though I personally think that we should not all the distance in this case. It is a question how far we may appear to limit constitutional power by any alteration of this explanatory clause. I cannot see that any great harm is likely to follow from the retention of these words. I quite appreciate the self-sacrificing spirit of the honorable and learned member for Corio, as a member of the legal profession, in expressing the opinion that the retention of these words would increase the work for lawyers in appeals. After all, I do not see how any appeal can be grounded on the fact that to use the honorable and learned member's own phraseology, these words are intended to indicate to the Judges of the Arbitration Court what is aimed at by Parliament, because, after all, it is still left to the interpretation of the Constitution in each case. If the constitutional provision is wider than the words used here they can do no harm. They appeal to me, I admit, purely as an indication to the Court of what we intend.

Mr. GLYNN.—I think it will be safer to leave them as they are.

Mr. WATSON.—That is my own impression. I do not pretend to be able to follow all possible legal interpretations of these words, but I think it will be better to leave them as they are, because they will give some indication to the Arbitration Court of the matters which we intend shall be dealt with by the Court. The honorable member for North Sydney spoke of the possibility of disputes coming within the cognizance of the Court over comparatively trivial matters. It seems to me that it is not likely that trivial disputes will come within the cognizance of the Federal Arbitration Court, because they must be of such

character as to extend beyond the boundaries of one State, or be likely to be so extended, to take the wider interpretation of the Constitution. If we attempt to limit the clause with respect to disputes which may be brought before the Court, we may incur the danger of the Court being prevented from settling the minor aspects of a dispute, when a really serious question is at stake. A side issue in an important dispute might require settlement when the Arbitration Court came to deal with the matter, and this provision would give the Court power to adjudicate upon all the issues that might be presented. For instance, there is the question of the privileges of railway employes which was referred to, I think, by the honorable and learned member for Corinella. It is admitted by many people that the privilege of having a free pass even once a year, although a very trifling matter, is one of the conditions of employment, and a consideration for the services rendered by the employé. I think it would not be wise to take any step which would limit the power of the Court to decide upon that amongst perhaps a dozen other issues submitted to it in connexion with an important dispute. On the whole, I think it will be wise to allow the clause to remain in its present shape.

Mr. ISAACS (Indi).—I think that, on the whole, it would be well to leave the clause as it is. The Government might well consider whether they will recommit the clause with regard to the words which define "industrial dispute," and put it in the form—"Industrial dispute means all industrial disputes arising," &c., so that there could be no question about the interpretation embracing all such industrial disputes as are intended to be referred to. But I think it is necessary to retain the definition of "industrial matters," and of the word "industry," because, when we come to the important clause 46, sub-clause f, it will be seen that power is there given—

To declare by any award, that any practice, regulation, rule, custom, term of agreement, condition of employment, or dealing whatsoever in relation to an industrial matter, shall be a common rule of any industry affected by the award.

The Court would be at once thrown upon a sea of argument and matters of doubt as to what was meant by "industrial matters." There would be a large amount of litigation as to whether that would include privileges and the relations between employer and

employé. If we retain the present definition of "industrial matters," no possible doubt can arise as to that, because the Court will be told what we mean by an "industrial matter"—"all matters relating to work," &c. They will find in the clause a pretty exhaustive enumeration of the various heads of determination which range themselves under the comprehensive term "industrial matters." I think it would be unwise to eliminate the definition of "industrial matters," because the words "industrial matters," in the important sub-clause to which I have referred, really need some clear definition of the intention of Parliament as to what is meant to be referred to the Court. I may say the same with regard to the word "industry," which occurs in the same sub-clause of clause 46, which will be, perhaps, the main provision of the Bill affecting the prohibition of strikes and locks-out. It is probable that it will be absolutely the pivot of the Bill. Therefore, I think too much trouble cannot be taken to elucidate what Parliament means, so that our intention shall not be left to conjecture hereafter, or to possible amendment from time to time. Personally, I cannot, for the present at all events, see what more is wanted in the definition clause, which appears to be the result of very careful consideration and a great deal of experience and observation in regard to the various industries. For my part, I am unable to offer any suggestion to make the clause more complete. We could, of course, strike out the word "industry," and leave the meaning to argument and the ultimate decision of the Court. In the first place, we do not want to do that if we can possibly help it, but would prefer that Parliament should say exactly what is meant in the use of the word. But if we do not put in the words "including land or water" a vast amount of argument may be offered as to this or that industry never being intended to be included; and that, I think, would leave the whole matter in a state of doubt. A Bill of this sort, which is novel so far as the Commonwealth is concerned—and, indeed, is novel so far as Australia is concerned—should be made as free from doubt as possible, and matters which affect industry in all its branches should not be left to chance. I would rather run the risk—which, however, I do not think is very great—of finding some unconsidered industry by chance omitted, than imperil the principle of arbitration in its application

to all the branches of industry to which we intend it to reach. I personally, of course, do not agree with the application of the Bill to State employes, but now that this House has determined that it shall so apply, the intention of Parliament should be made as clear as possible.

Mr. LONSDALE (New England).—It is quite clear to me that this clause, or this particular definition, is intended as a drag-net, and that the Judge of the Court will have to inquire into the simplest matters connected with the employments of people. In New South Wales there is an Arbitration Act, and the Court there was asked to decide as to whether, on a Good Friday, the sum of 7s. 6d. or 5s. should be given to the drivers of bakers' carts engaged in the delivery of hot-cross buns early in the morning. To me that appears to be utterly absurd.

Mr. HUTCHISON.—Was that dispute not settled in favour of the men?

Mr. LONSDALE.—It was not. The Judge referred the matter back, with the remark—"Surely this is a matter which you ought to be able to settle yourselves." I do not know exactly what was the result, but some sort of compromise was arrived at. If, however, both parties had insisted, the Court could have been kept occupied in arguing the point. Is that a matter which should be brought before the Court? As I say, it appears to me absurd; and it is just this sort of thing which makes these Courts the laughing-stock of the world. Surely it is not proper that every little detail connected with the arrangements between employers and employed should occupy the time of the Court. If the larger disputes only were dealt with, the Bill could be confined to the important towns or cities, and then I could understand the measure being advocated. But the honorable and learned member for Indi spoke of the "common rule"; and I do not know whether, in saying that, he meant that one rule should apply to the whole of the States.

Mr. WATSON.—We are not arguing the question of the common rule at present, and the honorable and learned member for Indi used that only as an illustration.

Mr. LONSDALE.—But every little detail of a trade may come before the Court, and I take it that the common rule would apply in such a case as is now before the New South Wales Court in connexion with an award affecting pastrycooks. The pastrycooks ask that a common rule shall apply over Central Cumberland, but the

employers desire that the rule shall apply over the whole of the State. If the employers have their way, the result will be the destruction of every little pastrycook's business in the State. In every little petty-fogging town in the country, we cannot apply rules which, however, may be quite right in the larger cities. There is another objection which I have, and that is in relation to preferential employment.

Mr. WATSON.—That had better be left until the clause dealing with that matter is before us. The present clause commits Parliament to nothing.

Mr. LONSDALE.—But if the definition clause be left as at present, the Court is given power.

Mr. WATSON.—This clause does not give any power; it is only an interpretation clause.

Mr. LONSDALE.—But if this provision be left in the definition clause the matter is brought within the purview of the Court.

Mr. WATSON.—No.

Mr. GLYNN.—But if clause 48 be amended, this clause must also be amended.

Mr. WATSON.—Yes, but let us wait until we reach clause 48.

Mr. LONSDALE.—My objection is to the dragging in of all the little things connected with a trade, and thus creating great trouble in the Arbitration Court. It will be far better, if we are to have legislation of the kind, to have legislation that is reasonable. Such measures are only now coming within our experience, and, perhaps, we ought to wait until we have more information as to the working of the present Acts in the States. We might then be able to introduce a Bill that would be of some advantage to the workers, and, possibly, of some advantage to employers, but at present we are rushing legislation in the absence of knowledge and experience.

Mr. WATSON.—This is a second-reading speech.

Mr. LONSDALE.—The Prime Minister ought not to talk about a second-reading speech, considering that he was not "game" to have a second-reading debate.

Mr. WATSON.—We had had enough second-reading debate.

Mr. GLYNN.—Has the Prime Minister any amendment to propose to this definition?

Mr. WATSON.—Yes, but I do not wish to forestall discussion.

Mr. HIGGINS (Northern Melbourne—Attorney-General).—It will be recognised.

I think, that this is purely a drafting amendment, suggested with the best of motives; and I need hardly say that, as one responsible in some measure for the drafting, I shall be happy for any assistance which honorable members can render. At the same time they will recognise that we should not interfere with the drafting of a complicated Bill of this sort unless for very strong reasons.

Mr. DEAKIN.—We do not ask to interfere with it at the table.

Mr. HIGGINS.—I understand that. It has been suggested that we should omit the definition of "industrial matters," and of "industry."

Mr. DEAKIN.—It is sufficient to say that they refer to industry and the matters relating to it under the terms of the Constitution.

Mr. HIGGINS.—I have thought over the subject here, and have consulted the draftsman upon it, and, in my opinion, it would not be wise to adopt that suggestion. The honorable and learned member for Indi has rightly stated that, so far as we can, we should let the Court know what we mean. I go a step further, and say that it is our duty, working under a written Constitution, to make the people to whom the Bill will apply know what we mean. I do not think that there is anything more important than that. Within reasonable limits we should place in the measure placards setting forth what we expect the people to do. It is our business to interpret the Constitution with great care, and to put into the Bill what we think the Constitution means, but nothing else.

Mr. DUGALD THOMSON.—The word used is "includes" not "means."

Mr. HIGGINS.—I heard the honorable member say that the words inserted by the Committee, with regard to the employment of railway officials, render a change necessary.

Mr. DUGALD THOMSON.—I said that the matter requires consideration.

Mr. HIGGINS.—With all respect to the honorable member, to whom I always listen with the greatest attention, I do not see how those words have the slightest bearing on the matter. He has dealt with the subject, however, not as a question of principle, but as one of drafting, and I need not repeat that I shall be very glad to listen to suggestions from him and from other honorable members which have in view the improvement of the measure. But if honorable gentlemen refer to clauses 30, 46

paragraph *f*, and 27 sub-section 1, as we purpose to amend it, it will be apparent to them that we might cause endless debate and create endless disputes if we were not to say distinctly what we mean by industrial matters. Then, if they turn to clauses 7, 46 paragraphs *f* and *g*, 49, 61 sub-sections 1 and 4 as amended, they will see there the word "industry." I regard it as a matter of great importance that a plain man who wishes to know how far he is affected by our legislation may be able to see how we mean, within the scope of the Constitution, to treat the words "industry" or "industrial matter." The difficulty is one incidental to written Constitutions, but we must make the best of the position. We cannot improve the Constitution. We cannot expand it, though we may limit it. I remind the honorable and learned member for Ballarat that the Constitution does not contain the words "industrial matters" or "industry."

Mr. DEAKIN.—Practically it does. It contains the words "industrial disputes."

Mr. HIGGINS.—It is very important to let people know what we mean by "industry." The term "industrial dispute" embraces the outside limit of our powers under the Constitution.

Mr. McCOLL.—The High Court is to settle these questions.

Mr. HIGGINS.—We do not wish to call in the High Court more frequently than is necessary. I hope that we shall retain these definitions. They were inserted with a view to shortening the phraseology of the Bill. The honorable and learned member for Ballarat has suggested that the definitions might be shortened; but the effect of a carefully-drafted interpretation clause is to enable the draftsman to use short expressions in the rest of the Bill.

Mr. WATSON.—I move—

That in line 21, the following words be added:—"And any claim arising under an industrial agreement."

Some honorable members have argued that the definition of industrial matters is already more than ample, but it seems to me necessary to make it clear that the Court will have jurisdiction over any claim arising under an industrial agreement as an industrial matter. The industrial agreements contemplated by the Bill are collective agreements arrived at between organizations of employers and employes, and may largely do away with the need for appealing to the Court. But they must provide



penalties for breaches, and for their enforcement, and, therefore, it seems wise to the Government to make any claim under an industrial agreement a matter for the jurisdiction of the Court.

Mr. GLYNN.—It is enforced as an award, I think.

Mr. WATSON.—That is so. It may be argued that the matter is sufficiently provided for in the definition of industrial matters, but I think that the words I propose to add will make it clear that the Court has jurisdiction with regard to this question. I do not see how we can get away from the general intention of the measure, which points to the recognition of industrial agreements by the Court and by the Governor-General.

Mr. DEAKIN (Ballarat).—The Bill provides for industrial agreements, which may contain any terms agreed upon. A private board may be established to interpret and to deal with these agreements. Then we have this wide definition of industrial matters, which probably in some of its terms may go beyond the Constitution.

Mr. HIGGINS.—If the honorable and learned member refers to the list of amendments he will see that we propose to omit the private board.

Mr. DEAKIN.—Then it is provided that any claim arising under an industrial agreement becomes an industrial matter which may be dealt with by the Court.

Mr. HIGGINS.—Yes.

Mr. DEAKIN.—I can quite understand, from some of the experiences in New South Wales, that it may be desirable to have all strictly industrial cases, so far as they arise out of the action of the Court, dealt with by the Court. But the words here used, although few and simple, appear to me dangerously large—"any claim arising out of an industrial agreement." The industrial agreement may embrace not only hours and wages, but privileges, rights, duties, or the employment and the non-employment of particular classes of persons. These agreements, therefore, may be extremely complex, and range over a great variety of technical particulars, all of which may be brought before the Court. We have, first of all, to ask: what are the industrial agreements referred to? They are, I take it, not agreements relating only to a particular State, but agreements which have a Federal bearing. If that be so, we have next to in-

quire in what sense does a breach of them extend beyond a State? In what sense do the words "extending beyond any one State" confer upon us power to give authority to the Arbitration Court over agreements locally broken.

Mr. WATSON.—There is nothing to prevent an agreement being made which would cover more than one State.

Mr. DEAKIN.—But how would a breach of such an agreement in one State only constitute sufficient ground to enable us to give our Court authority over it.

Mr. HIGGINS.—The Bill would not do that. It relates only to such agreements as contemplate more than one State.

Mr. DEAKIN.—My honorable and learned friend and myself are entirely in agreement upon that point. But will he go further? We have federal organizations in Victoria and New South Wales which may make agreements common to both States? One of these agreements may be broken in only one State, and power is now being sought to bring such a breach, which cannot be said to extend to another State, before the Court.

Mr. WATSON.—That would come under the definition of "prevention," because the dispute might spread to other States.

Mr. DEAKIN.—Then we should be treading on very dangerous ground: because, if we could go so far by way of prevention, we could go the whole distance, and justify any step that might be taken to put a stop to any dispute, even though it might occur in a hamlet of only one State. This difficulty has been in my mind in relation to several provisions in this measure, and I am now enabled to give a concrete and practical application to my apprehensions. Unless we are to extend the meaning of the word "prevention," as the Prime Minister suggests, we cannot claim that the power conferred by the rest of the sub-section would enable us to deal with a breach in only one State, though it was of a Federal agreement. If any disputes, under a Federal agreement, would come within the words "extending beyond any one State," simply because they might so extend, we should have practically unlimited power in regard to conciliation and arbitration, quite apart from the extension, and the limitation in the Constitution would cease to have force. I entertain great doubt whether there is power to take this view. Under Federal agreements we might provide that the Court shall interpret them in certain cases, but even these must

be cases in which the breach itself extends beyond any one State.

Mr. WATSON.—In that case the word "prevention" would lose all its ordinary significance.

Mr. DEAKIN.—Then the Prime Minister must take the other alternative. If he could "prevent" in this direction, he could "prevent" in every other direction, and there might as well be no constitutional limitation to our powers, because any dispute, however simple—a dispute in a baker's shop at Port Darwin, at Kalgoorlie, in the electorate of Maranoa, or in any other corner of the continent—which might extend beyond any one State would come within the purview of the Court.

Mr. THOMAS.—That would be a very good thing.

Mr. DEAKIN.—We should have to amend the Constitution in order to bring that about. Even if my argument upon that point is not supported, would not the words "any claim arising under an industrial agreement" be too wide? Would they cover a claim for damages? I suppose that they would cover a claim for damages arising out of a breach of an agreement.

Mr. HIGGINS.—I would direct the honorable and learned member to clause 86A, in the list of amendments.

Mr. DEAKIN.—I have noted the provision in that clause. I understand that the object of the Government is to give the Arbitration Court full control over all industrial disputes which naturally arise under its jurisdiction—all matters immediately affecting its awards, or even agreements, which are to have the effect of awards. To that extent I am in sympathy with them, but the definition of "industrial matters" is so extensive as to suggest agreements of the greatest complexity, touching a great variety of issues, and possibly giving rise to a great variety of claims. Consequently, if my view of the very narrow margin which is permitted for the Court's action upon Federal agreements, is not sustained, if Federal agreements can be made, and any breach or claim arising under them in one State can be brought before the Arbitration Court, that tribunal will be required to transact an immense amount of what may be very trivial business. These agreements can be made in all parts of the Commonwealth. I look forward to the time when

a large number of agreements will be entered into, and relieve the Court of a great deal of work. Does the Attorney-General consider that they can all be dealt with by the Federal Arbitration Court?

Mr. HIGGINS.—I think the honorable and learned member is confusing the functions of the Police Court and the Arbitration Court. The Arbitration Court has only very limited and exceptional jurisdiction as to industrial agreements. Offences against industrial agreements or awards can be dealt with by the Police Courts.

Mr. DEAKIN.—That is the very point to which I was endeavouring to direct the attention of my honorable friend. I wish to know whether this ousts to any extent the summary and other jurisdictions of the ordinary Courts.

Mr. HIGGINS.—No.

Mr. DEAKIN.—It is a supplementary jurisdiction?

Mr. HIGGINS (Northern Melbourne—Attorney-General).—I would point out, with the permission of the honorable and learned member, that there are two Courts to be looked at. One of these is the Conciliation and Arbitration Court, which will deal only with what ought to be the relations of employer and employed. That is the only Court which can deal with such questions, but there are the ordinary Courts, which will be enabled to inflict penalties for wrong doings. If the honorable and learned member turns to the proposed new clause 86A, he will find that we propose a mode of dealing with a breach of industrial agreement. If there is an offence committed by reason of a breach of an industrial agreement, the ordinary Court will be able to inflict a penalty, in the case of an organization, not exceeding £500; in the case of an employer, not exceeding £250; and in the case of an employé, not exceeding £10. The new Court to be created—the Conciliation and Arbitration Court—is not to have general jurisdiction over industrial agreements, and very rightly so, because if persons have made their own agreements, those agreements should be adhered to as far as possible. Under clause 83 no person is to be affected by an industrial agreement other than the parties to it. An industrial agreement must be filed, and then it may be varied or rescinded by the same parties. Then the principal jurisdiction which the Conciliation and Arbitration Court will have will

be conferred upon it under new clause 87A, which provides that—

On the application of an organization the Court may order that any industrial agreement be varied so far as is necessary to bring it into conformity with any common rule declared by the Court.

It was found in New Zealand that when the local Arbitration Court endeavoured to apply a common rule over an industry, it was brought to a standstill by a stone wall in the shape of an industrial agreement, made among persons in, perhaps, a small district.

Mr. WATSON.—It was found that those persons had contracted themselves out of it.

Mr. HIGGINS.—Quite so. In such a case, if this measure has any virtue at all it will enable the common rule to be declared all over the country. The Bill does not compel the Court to do so; it only allows the Court, when it sees fit, to declare the common rule. It would never do to have one manufacturer in one town subject to one rule, and the rest of the manufacturers of the Commonwealth under like conditions under another rule. Thus the principal power to be conferred upon the Conciliation and Arbitration Court with regard to a grievance is simply this: that if, for the purpose of applying a common rule, it considers it expedient to break an industrial agreement, it may do so. This matter will come up for consideration when we deal with the proposed new clause 87A, which has already been circulated. I do not think that those grave and important questions to which my honorable and learned friend has referred would be well debated during the consideration of the clause now before us. We are now dealing merely with an interpretation clause.

Mr. DEAKIN.—I did not rise with the intention of addressing myself to those questions; it was an interjection by the Prime Minister that led me to refer to them.

Mr. HIGGINS.—I understand the honorable and learned member's position. There is an important matter that will have to be faced before we dispose of this Bill, but we need not deal with it at this stage. Before resuming my seat, I wish to show that where we use the phrase "industrial matters" in certain clauses, we also mean to include a claim arising under an industrial agreement.

I would invite the Committee to look, for example, at clause 30, which provides that—

A certificate by the Registrar that any dispute relating to industrial matters is an industrial dispute extending beyond the limits of any one State shall be *prima facie* evidence that the fact is as stated.

If the certificate shows that a dispute relating to an industrial agreement is an industrial dispute extending beyond the boundaries of any one State, it is to be accepted as *prima facie* evidence that the fact is as stated. It is for the registrar in the first place, although not conclusively, to say that a dispute in relation to an industrial agreement has become so widespread and so grave in its operation and consequences that he regards it as having extended beyond one State, and as being a matter the Court may properly entertain.

Mr. DEAKIN (Ballarat).—I am very glad to have the discussion limited to the words immediately before us. When I rose to question them, it was not with any idea of entering on any of the larger issues that I was led to discuss, in reply to an interjection by the Prime Minister. No harm has been done, however, by the reference for it reminds us how closely we tread these greater issues. If I may be pardoned for saying so, the point which I rose to move still remains. I do not wish to object to an amendment that will enable the Conciliation and Arbitration Court to have power when necessary to deal with any difficulties arising out of industrial agreements. I realize that it is necessary that the Court should have such a power.

Mr. WATSON.—That is all that we have attempted to do.

Mr. DEAKIN.—These words give the power, but they do a great deal more. I have taken two points. We know, first of all, that these agreements will be extremely complex. Many of them may cover a great variety of circumstances. They may relate, not only to hours or wages, but rights, difficulties, privileges, priority of employment, and non-employment of persons, and other matters will doubtless be dealt with by them. We may expect a great number of these agreements. We may also expect disputes as to their interpretation to arise not infrequently. If they occur all over the Commonwealth, and we have, as the Government propose, only one Court, which, no matter how rapidly it visits the various States, will be in only one State at the one time—

Mr. HIGGINS.—We shall need a motor-

Mr. DEAKIN.—We shall need many. It will be impossible for one Court to deal with all these matters. I think that the Government propose to sweep away some of the supplementary Courts, for which the Government provided in this Bill. In any case, have the Government considered the practical question whether they have not thrown open a door of appeal which will render it impossible for the Court to answer the expectations that may be formed with regard to it by us, or those outside? Have they taken into account the impracticability of any one Court dealing with all the questions that may conceivably arise in regard to the industrial agreements that may be made all over Australia? There is that strong practical objection. In order to meet it, it seems to me that, although I must confess that the Government proposal is the easiest way of dealing with the subject, it will be necessary for them to consider whether, instead of these wide, general words, language cannot be employed that will indicate more clearly those questions of interpretation, and those agreements that will be important enough to engage the attention of a Federal Court. I waive all other difficulties.

Mr. WATSON.—The Court will still have the right to waive the privilege.

Mr. DEAKIN.—I consider that it would have been better if for this purpose the Bill had been taken as it stood. Our Court could have refused minor complaints, while this Court cannot. The whole responsibility now will be thrown upon the Judge, who, until he hears the case, may not be acquainted with the nature of the business with which he has to deal. Until he hears the evidence, he will not know whether the case to be determined involves a question of importance, or a comparatively trifling matter. All these considerations are related.

I think that these wide words, simple as they are, take in a great deal more than the Government intend them to cover. If they take in the whole, they will embrace more matters than one Court will be able to manage. One of the dangers of the Court will be that it may be called upon to have before it disputes that are of a comparatively and relatively trifling character, and safeguards ought to be devised for confining its attention to great questions, such as it is really constituted to cope with. Appeals

which could be dealt with by the local Courts or other tribunals more speedily and quite as effectively should not be encouraged to come to the Federal Court. These wide words are full of danger, and I cannot, in my own mind, put a limit to the classes of cases that might be presented as claims arising out of agreements when those agreements cover the ground provided for by this Bill.

Mr. ISAACS (Indi).—I think that a great deal of importance is attached to these words, but it strikes me that they are better in the clause than out of it.

Mr. DEAKIN.—Yes; but my point is that these words are too wide.

Mr. ISAACS.—That may be. But I think that the idea of the Government, if I caught it aright, is to do away with private boards under industrial agreements, and to see that the Court which is to deal with arbitration matters generally shall also deal with industrial agreements. The fear of the honorable and learned member for Ballarat is that the Arbitration Court will be engaged in doing work which otherwise would be done by private boards.

Mr. DEAKIN.—By private boards, and it might be done by the States boards in many cases, I think.

Mr. ISAACS.—As I understand the Government's proposal, no limit is put on an industrial agreement which may well relate to private boards.

Mr. DEAKIN.—I think not.

Mr. ISAACS.—There is nothing to prevent an employer and his employes when making an industrial agreement as I understand the matter—

Mr. GLYNN.—They are going to amend that.

Mr. ISAACS.—No; I understand that they propose to strike out clauses 81 and 82, but that will not affect what I am saying in the smallest degree. If we strike out clause 81, we merely strike out the provision that the private board is to have exclusive jurisdiction. But, as I understand the proposal of the Government, they intend to leave the matter in this position, that an employer and his employes may make their own industrial agreement, which may include the creation of a private board, and that if that private board succeeds in settling any dispute which may arise under the industrial agreement between employer and employes, they will not need to go to the Arbitration Court at all.

Mr. DEAKIN.—But the Government are going to give them the alternative, I think, of going to the Court.

Mr. ISAACS.—Certainly, the Government will give them that alternative. But if the parties choose to make their own agreement for a private board, naturally they will go to that private board if they possibly can. If the private board, having their powers of determination, can voluntarily, so to speak, conciliate the two disputants, let them do so, and I hope that they will succeed. But there is an advantage it seems to me in the Government's intention over the proposal in the Bill. In clause 81 it is provided that the board shall have sole jurisdiction and possess all the powers and discretion vested in the Arbitration Court.

Mr. WATSON.—That is the point of our objection.

Mr. ISAACS.—The powers of summoning witnesses and of entering into investigations ought not to be intrusted to any private tribunal that any body of employers and employés might like to constitute. It is putting into the hands of private individuals who choose to make their own industrial agreement the power to constitute a tribunal which may roam all over Australia and investigate private concerns and do things that we do not contemplate.

Mr. DEAKIN.—Only between those who have agreed to accept them.

Mr. ISAACS.—No; they are empowered to take evidence when and where they like, to sit where they like, and to make a common rule for the trade. There is no more limit to the power of that private tribunal created between private persons by their private agreement than there is to that of the Arbitration Court. I think it is a distinct advantage to strike out that proposal, and if we are to have any tribunal to deal with these matters and investigate the business concerns of Australian people let it be done in open Court.

Mr. DUGALD THOMSON.—Is it not proposed to do away with private agreements?

Mr. ISAACS.—It is proposed to do away with the public authorization of these private boards, the investiture of these private boards with all the powers of the Commonwealth Court. I think that most of us would have been astonished if we had found that private individuals could make industrial agreements, and at their own sweet will, create private boards, which would be

clothed with all the powers and discretion of the Arbitration Court.

Mr. DUGALD THOMSON.—Cannot an industrial agreement be taken to a State Court?

Mr. ISAACS.—I do not quite see how that question bears on this point. The proposal of the Government, as I understand it, will leave the parties to make their own agreement as they will, to create their own arbitrator as they will. It leaves the arbitrator to decide dispute if it can be done, and if not, the parties can go to the Arbitration Court.

Mr. DUGALD THOMSON.—But cannot an industrial agreement be taken to a State Court?

Mr. ISAACS.—That is a matter which the Prime Minister can answer. For the reasons I have given, I welcome the declared intention of the Government, and the addition to the interpretation.

Mr. LONSDALE (New England).—I understood the Attorney-General to say that an offence can be taken before the Police Court, and he seemed to differentiate between the Arbitration Court and the Police Court. I take it that an offence which will go before the Police Court will be an offence against an award of the Arbitration Court, and that the former cannot fix the conditions of labour, so that it does not get over the objection of the honorable member.

Mr. WATSON.—An industrial agreement might become an award, and, therefore, the Attorney-General is quite right.

Mr. LONSDALE.—The Police Court can deal with no question unless it arises out of a breach of an award of the Arbitration Court. It is absolutely clear that it cannot fix any conditions of labour.

Mr. HIGGINS.—Yes.

Mr. LONSDALE.—That does not affect the position. One other remark that the honorable and learned gentleman made was that under an industrial agreement it would not be right to have in one city or town rates of wages or other conditions which did not exist in adjacent towns.

Mr. HIGGINS.—I did not say so as absolutely as that. There may be different conditions in different towns, but we ought not to prevent the Commonwealth from applying the common rule because of some overriding agreement.

Mr. LONSDALE.—I quite understand that. We should pass a Bill which would be fair to all portions of the Commonwealth. Certain manufacturers in Sydney are trying to get an advantage over countries

manufacturers in their line of business. They are trying to get an award of the Court made a common rule in an industrial agreement, so as to control every business throughout the country; really to throw the business into their own hands. The conditions in small towns are so different from those in large cities that we should in some way or other guard against any attempt of that kind. In an industrial agreement made in New South Wales between the master tanners and curriers and their employes fixes the wages outside the county of Cumberland at  $11\frac{1}{2}$  per cent. more than those paid inside that county. It will be seen that the employers and the employes in the metropolis are working together to crush out the industry in the country towns. This places in the hands of not only the men, but the masters, in large cities the power to cripple small industries in country districts. Our experience in New South Wales is that the Arbitration Act is hitting the small man severely. We should encourage the extension of employment in the country rather than in the cities if possible. It is not possible to have a common rule applied all over this great Commonwealth. But, under this Bill, if a dispute arises in Victoria, and extends into New South Wales, and the two States take it in hand, a common rule may become the award of the Court. It would not be fair to extend that rule to Tasmania or some other State where entirely different conditions apply.

Mr. SPENCE.—No one proposes it.

Mr. LONSDALE.—It is being done in New South Wales.

Mr. SPENCE.—No; it is not.

Mr. LONSDALE.—If the common rule creates a difficulty in one State, it must create a great difficulty in other States, where the conditions are different.

Mr. SPENCE.—It is not done in New South Wales.

Mr. LONSDALE.—The honorable member for Darling should speak about things which he knows and understands. After the saddlers' dispute a common rule was made in New South Wales. When the bootmakers' dispute was settled by the Court, a common rule was applied. The effect of that is to injure the small factories in the country towns. If the common rule made by the Federal Court were to apply in one State only, there might be something to be said for it. A remark made by the honorable and learned member for Ballarat left me doubtful as to the meaning of

industrial agreements. It seemed to me that the idea was that, supposing Victoria had a dispute, and an award of the Court were given, it would apply in other States.

Mr. WATSON.—No; the Court would not give that common rule application to an industrial agreement without entering into the whole subject afresh.

Mr. LONSDALE.—It seems to me that if, when a dispute arises in one State, this Bill makes the common rule apply in all the States, we shall be acting against the whole spirit of the Constitution. We should not put into this Bill provisions which are intended to deal with State industrial disputes, apart from Federal industrial disputes. My point might be met if the provision were made to read—

No claim arising under an industrial agreement having a Federal bearing.

Or some such words as those. The lawyers could put the idea into legal phraseology.

Mr. WATSON.—There is no necessity to do that; the whole Bill is subject to the Constitution.

Mr. DEAKIN.—That is implied.

Mr. LONSDALE.—If the meaning is that a State can bring its industrial disputes before the Court, we should make it absolutely clear that the award of the Court in such a case does not apply to other States. I want to make this Bill as perfect as it can be made. Of course, I do not believe in the measure.

Mr. WATSON.—The honorable member is distinctly humorous.

Mr. LONSDALE.—I cannot defeat the Bill. Not being able to defeat it—

Mr. WATSON.—The honorable member would cripple it.

Mr. LONSDALE.—No; I wish to make it as perfect as possible, so that it may accomplish a good end.

Mr. GLYNN (Angas).—I should much prefer that the Prime Minister would deal with this matter in the part of the Bill dealing with industrial agreements; because I fear that the measure will have a far wider effect than is contemplated. I do not want to repeat what I have already said, but I will mention another matter. The Court will have full jurisdiction, amongst other things, if a claim is made under an industrial agreement, to make an award; and there will also be power under clause 33, if one of the parties brings the matter to the Court to have a common rule made in accordance with the agreement

The thirty-third clause refers to agreements entered into after a dispute has arisen. It will enable ordinary voluntary agreements to come within the region of disputes, and then everything else will follow. Amongst other things, what was an industrial agreement on voluntary lines may become an agreement after a dispute. What will be the result of that? It will have the effect of an award, and instead of being binding as the old agreement was between the parties, it will bind everyone. Under clause 37 it is provided that the award of the Court shall be binding on, amongst others, the parties, organizations, and persons "on whom the award is declared by the Court to be binding."

Mr. HIGGINS.—We are proposing an amendment to that clause.

Mr. GLYNN.—The effect will be that after parties have entered into an industrial agreement, one party can bring the matter before the Court, and then the award will be made binding, and the common rule can be applied right through the State. An "industrial agreement" made under this part of the Bill will be a perfect farce, because it could be broken the day after it was entered into. I would ask the Prime Minister to deal with these private agreements in the proper place. An amendment can be made giving some jurisdiction to the Court to entertain certain disputes that may arise as to the wording of the agreement, or as to the enforcement of it, but surely it is not intended that after a voluntary agreement is entered into, the matter may be brought by one of the parties before the Court, which will deal with it as though there had been a dispute.

Mr. WATSON.—Has the honorable and learned member noticed clause 30? If this provision is not inserted, we shall have to enlarge that clause.

Mr. GLYNN.—I do not pay much attention to that clause. It merely deals with the certificate of the Registrar.

Mr. WATSON.—Look at paragraph *f* of clause 46. There again is a question affected by this industrial matter.

Mr. DEAKIN.—That is the common rule.

Mr. GLYNN.—My objection to the whole provision is that industrial agreements under this Bill are not industrial agreements entered into under litigation. They are distinct from it. They are entered into voluntarily before any dispute has arisen.

Mr. WATSON.—Such an agreement is not affected unless the Court is properly given cognizance of it.

Mr. GLYNN.—But after a voluntary agreement between the parties to whom it refers is entered into, immediately one of the parties can make a claim, and cannot be stopped by the other party to the agreement; but the matter comes before the Court, and the Court can adjudicate, by award, as though there were a dispute. They can apply under that industrial agreement a common rule throughout the State. No doubt that is a legitimate development of the insertion of these words in the definition clause. If the Prime Minister would confine the amendment to the part of the Bill dealing expressly with these agreements, it would have no effect outside that part of the Bill, and the limitation I suggest would be perfectly easy.

Mr. SPENCE (Darling).—Unless there is some provision in the Bill giving the Court power to review industrial agreements it will be of very little use. The point is one which has cropped up already in New South Wales.

Mr. DEAKIN.—No one has yet objected to that being done, if it is not done in this wide way, which may take in a great deal more.

Mr. SPENCE.—Objection has been taken by the honorable member for New England, who evidently has not the remotest idea of what is meant by a common rule. For instance, when a reference is made to a common rule as regards wages, it must be remembered that equality in wages depends on the purchasing power of money, and not on the exact amount of money received. A common rule with respect to wages might give an equal amount to wage-earners in different parts of a State without giving each an equivalent in value. I do not know whether the honorable member had any foundation for the case to which he referred, but he seemed to me to answer his own contention, when he said that 11½ per cent. more was allowed in the country than in the city. The honorable member should know that conditions in town and country are different. The Post and Telegraph Department, for instance, recognises that, by giving allowances to salaried officers in the country in excess of those given to officers of the same class in the towns. If honorable members take, for instance, the industry with which I am connected, the shearing industry, they will see that we may have a com-

mon wage over the whole of the Commonwealth, though entirely different conditions exist in different States; notably as between New South Wales and Victoria the customs and practices in the industry are different. The price paid per 100 sheep may be different in different States.

Mr. HUTCHISON.—In South Australia there are two different prices.

Mr. SPENCE.—Under different conditions in the same State we find different prices; one price is paid where men find their own rations, and another price where they are found for them.

Mr. PAGE.—The same thing applies in Queensland.

Mr. SPENCE.—The common rule should take into consideration varying conditions; and, though the Court may have to deal with an industry which is followed throughout the Commonwealth, it does not follow that they will not be able to do justice by making proper allowances. Some of the statements which were made by the honorable member for New England as to the working of the Arbitration Court in New South Wales were not quite fair. The honorable member, for instance, made it appear that the bread-carters appealed to the Court in that State. The matter in question was a special matter, and arose because there was some doubt about the extra delivery in the morning, and both employers and workmen appealed to the Court to know what they should do. The Judge told them that they could do as they liked without breaking the law, and the employers and their men fixed the matter up without an appeal to the Court. It is unfair that honorable members should make misleading statements on such a subject. A reference was made to a common rule in connexion with the tanners being almost confined to the county of Canterbury, and not to the whole State of New South Wales; but, surely, we can leave it to the people specially concerned to look after their own interests without being alarmed that something evil is going to happen. I venture to say that, so far, the operation of the Act in New South Wales, has given immense satisfaction, and it ought not to be misrepresented in the way it has been. I think that the amendment is a very necessary one, because I think we should so define "industrial matters" as to make sure that all will be dealt with. I can hardly understand the alarm of the honorable and learned member for Ballarat, that

the provision may give greater powers than we intend. I think we can leave that to the parties concerned. It is clear from the start that only certain big cases can come before the Federal Arbitration Court, and minor details may safely be left to be dealt with by the Judges of the Court and the parties concerned.

Mr. WATSON.—I think the honorable and learned member for Angas has, to some extent, misunderstood the bearing of this particular amendment. He seems to assume that if it is carried it will allow the Court to vary an industrial agreement without any further provision being made in this measure. No such result, so far as I can see, can possibly ensue. As I read it, the provision allows the Court to take cognisance of disputes arising over the proper carrying out of an agreement voluntarily arrived at between private individuals. It may involve large matters, but it does not appear to me to give any power to the Court to vary an agreement. We propose, in a later amendment, to give power to the Court to vary an agreement, where it stands in the way of the application of a common rule to which the Court may deem it necessary to give effect.

Mr. GLYNN.—The Court can only act by an award.

Mr. WATSON.—If we give the Court jurisdiction in respect of carrying out industrial agreements it can act by means of penalties in larger matters which it may not be thought proper to leave to the determination of a Police Court.

Mr. GLYNN.—It can impose them, but I do not think the honorable gentleman intended that the Arbitration Court should be a medium for assigning penalties.

Mr. WATSON.—I do so intend in regard to the larger breaches. Just as we apply to the Supreme Court rather than to a Court of minor jurisdiction, for a penalty against a private individual in a civil action where a large amount is involved, so, in this case, I think the Arbitration Court may be the proper body to determine the penalties to be imposed in certain cases.

Mr. DEAKIN.—There is no distinction between large and small indicated in the words used here.

Mr. WATSON.—Not in these words, perhaps, but the general idea of the Bill is to give jurisdiction to minor Courts, while it does not preclude larger breaches being considered by the Arbitration Court itself. In New South Wales that is the



practice followed. Breaches are dealt with by the Arbitration Court, and also by the minor Court, the ordinary Police Court. Of course they do not allow honorary magistrates to adjudicate in such cases, and we intend to propose amendments in a similar direction here. I fail to see the bearing of this provision on clause 33 referred to by the honorable and learned member for Angas, because that clause deals with an agreement arrived at after a matter has been entered upon in the Arbitration Court.

Mr. GLYNN.—I assume that the claim will give rise to a question; that is the point.

Mr. WATSON.—I do not think it will. The words I propose now to insert will not, I think, have the effect the honorable and learned member imagines. We propose later to take steps in the direction he speaks of; but they will take the form of a substantive motion, which the Committee will be able to decide upon its merits.

Mr. JOHNSON (Lang).—It seems to me that the honorable and learned member for Ballarat has made out a strong case against the proposed addition to the clause in its present form, he has shown that the apparently innocent proposed addition is by no means so innocent as it looks, and should, therefore, be considered with extreme caution in view of its possible latest potentialities. We should be particularly careful to make the interpretation clause so clear that there shall be no room for doubt as to the meaning of anything contained in the Bill. The honorable and learned member for Ballarat has certainly shown that the words proposed to be added to the clause are capable of a very much wider interpretation than apparently ever was intended by those responsible for the amendment. Clause 30 provides—

A certificate by the Registrar that any dispute relating to industrial matters is an industrial dispute extending beyond the limits of any one State shall be *prima facie* evidence that the fact is as stated.

By way of friendly suggestion, rather than by way of amendment, I ask the Prime Minister to add the following words to those which have already been moved:—

certified by the Registrar to be a claim within the meaning of this Act.

That, it seems to me, would get over any difficulty in the way of unduly extending the provisions of the Bill beyond the boundaries intended by its framers.

Mr. SPENCE.—Then the honorable member would give the Registrar judicial functions?

Mr. JOHNSON.—The Registrar is supposed to be familiar with the provisions, and, as we do not know what the subsequent clauses may be, it is all the more necessary to be particularly careful that the interpretation clause is all right, and leave no room for doubt by reason of ambiguity. Anything which follows will bind the Registrar himself, so that no claim of this kind will be considered unless it be certified to as coming within the meaning of the Bill.

Mr. SPENCE.—Let the Judge decide that.

Mr. JOHNSON.—My suggestion, if carried out, will throw the onus of responsibility on the Registrar, and will leave no doubt whatever as to the scope of the interpretation clause.

Mr. HUTCHISON (Hindmarsh).—I hope the Government will pay no heed to the suggested amendment, which would be most unwise, inasmuch as it would leave the decision with the Registrar instead of with the Court.

Mr. JOHNSON.—Surely the honorable member does not desire to go beyond the scope of the Bill?

Mr. HUTCHISON.—All these matters must come before the Court. The honorable and learned member for Ballarat seems afraid that the clause, as proposed to be amended, would be too wide. I am just as much afraid that the clause might be too narrow.

Mr. DEAKIN.—This discussion is not as to jurisdiction, but only as to the business which ought to come before a Federal Court—business which, in my opinion, ought to come before the States Courts.

Mr. HUTCHISON.—As there are no Arbitration Courts in some of the States it is necessary to give power in the Bill to deal with these matters in dispute. I do not think there is any likelihood of the time of the Court being unduly taken up, because there is the restriction that the measure can deal only with disputes extending beyond the limits of any one State. I do not want to go into the arguments which the honorable and learned member raised as to disputes so extending, especially with regard, for example, to shearing disputes. The honorable and learned member pointed out that if a dispute arose, and an award were given, there might be a difficulty if the dispute arose only in one State. A shearing dispute is one which would not only be likely to extend, but probably would extend, beyond the limits of any one State, and no doubt the Court would have

jurisdiction. I hope that the Government will stick to the Bill as it stands.

Mr. DUGALD THOMSON.—Not as it stands.

Mr. HUTCHISON.—Well, I hope that the Government will stick to the clause as it stands. I am glad that the clause is not to be altered materially, because I am quite sure that the right honorable member for Adelaide, who originated the Bill, has given this question years of thought.

Mr. DEAKIN.—And the honorable member, to prove his appreciation, would strike out two of the chief clauses which were inserted by the right honorable member for Adelaide.

Mr. HUTCHISON.—The honorable and learned member for Ballarat desires to amend the very Bill which he previously accepted.

Mr. DEAKIN.—The honorable member is quite wrong; this is an amendment proposed by the Government.

Mr. HUTCHISON.—But the honorable and learned member for Ballarat wishes to amend the interpretation clause.

Mr. DEAKIN.—As a pure matter of drafting.

Mr. HUTCHISON. — That is the wish of the honorable and learned member, although he accepted the clause when he was in charge of the measure. Under the circumstances, there has not been sufficient reason shown for any extensive alteration.

Mr. DEAKIN.—It is a mere drafting alteration, as the Attorney-General realizes.

Mr. HUTCHISON. The honorable and learned member for Ballarat wished to go further a few minutes ago.

Mr. DEAKIN.—That was as to the amendment proposed by the Government, an amendment which was not in the Bill before.

Mr. HUTCHISON.—But that was before the Prime Minister moved the addition of the words which the honorable and learned member for Ballarat is afraid may have too wide a meaning. I hope that the words will be retained, because I prefer that the meaning should be rather too wide than too narrow.

Mr. HIGGINS (Northern Melbourne—Attorney-General).—The honorable member for Lang has made a thoughtful suggestion, which shows an appreciation of the Bill, and

which should not be passed over without some notice. I followed the honorable member very closely, and I can see that his motive is to make it clear that the only industrial agreement which is to be within the ken of the Court is an industrial agreement as to matters in dispute extending beyond one State. I should at once readily accept the suggestion, only I think that, further on, the Bill contains provisions which may allay the honorable member's apprehension.

Mr. JOHNSON.—I want to see the point made clear in the interpretation clause.

Mr. HIGGINS.—If the honorable member's object is simply to avoid any extension of the provisions of the Bill beyond what the Constitution allows, his apprehensions may be allayed by looking at clause 80. In that clause the only kind of industrial agreement which is contemplated, is an agreement for the prevention and settlement of industrial disputes.

Mr. JOHNSON.—But clause 80 may be altered?

Mr. HIGGINS.—We must deal with the clauses as we reach them. I am only dealing with the Bill as proposed by the late Government and approved by the present Government; and before there was any change of Government "industrial dispute" was defined as a dispute extending beyond the limits of any one State. I thank the honorable member for Lang for his suggestion; but I think his object is attained by subsequent clauses.

Mr. LONSDALE (New England).—I wish it to be made clear that there is no ulterior object behind the amendment, and the acceptance of the amendment of the honorable member for Lang would make it so. It is evident that there has been some conversation about the term "prevention of disputes" used in the Constitution. The Prime Minister asked, "What is the use of the term 'prevention,' if we cannot do this kind of thing?" I wish it to be made clear that no one State shall be able to cause an industrial dispute. For instance, there might be a dispute in the confectionery business in Victoria, and one of the parties might get the employes of a New South Wales firm to come out, and that might be regarded as an industrial dispute extending beyond the limits of one State. State agreements should not be made industrial agreements, so as to bring them within the Bill. We should make that absolutely clear. If that is done, I shall be satisfied. I cannot see why the amendment of

the honorable member for Lang should be objected to if the Ministry intend the Bill to deal with Federal disputes only. Of course, if they have another intention, they must object to the amendment of the honorable member for Lang.

Mr. JOHNSON (Lang).—Notwithstanding the speech of the Attorney-General, I am still of opinion that it would be better to add, for the reasons I have already given, the words which I desire to add. I should be willing to let the matter go if the definitions in the interpretation clause were to be considered after the other clauses had been dealt with, but we are following the reverse order, and we have no guarantee that the other clauses in the Bill will not be amended, perhaps out of all recognition. This makes it all the more necessary to see that the definitions are properly drawn. I am afraid that there is behind the proposals of the Government an intention to make the Bill more far-reaching than it appears to be.

Mr. HIGGINS.—I assure the honorable member that that is a mistake.

Mr. JOHNSON.—At any rate, it is possible that the definition may be construed so as to include matters not now within the purview of this House. It is desirable that there shall be no ambiguous phraseology in the interpretation clauses. If the words "certified by the Registrar to be a claim within the meaning of the Act" are added, we shall be perfectly safe, because it will then rest with the Registrar to see, before the Court is moved, that the claim is a legitimate one. I see no objection to the insertion of those words. The acceptance of that amendment could not hurt the Bill, if the intention is not to go beyond the scope of the present definition.

Mr. HIGGINS.—Does the honorable member desire that the Registrar shall have the same power as the President of the Court?

Mr. JOHNSON.—In clause 30, it is provided that a certificate of the Registrar shall be *prima facie* evidence that a dispute relating to industrial matters is an industrial dispute extending beyond the limits of any one State.

Mr. HUTCHISON.—The honorable member's proposal makes the Registrar the final arbiter.

Mr. JOHNSON.—Not more than clause 30 does. Why should he not have power to examine a claim, before the Court is moved, to see that it is legitimate? In many cases it is the Registrar who moves the Court, and he should have power to look into these matters to see that the claim is

one in regard to which the Court should be moved. If the Attorney-General sees no objection to the words themselves, there can be no reason against their acceptance, unless there is an intention to extend the application of the clause beyond what is at present contemplated.

Mr. SPENCE (Darling).—I am surprised at the position taken up by the honorable member for Lang. What would he accomplish by putting in the words which he wishes to insert? The Registrar would not have power to hear a case. It may be very difficult for the President of the Court to say how far the jurisdiction shall extend. Surely we should not vest in the Registrar, who may have no legal knowledge, and who has no power to hear the case or to make inquiries, the power to decide. Under clause 30 the Registrar will deal merely with matters of fact; the matters now under consideration are matters of law. It seems to me that the acceptance of the honorable member's amendment would accomplish the end which some honorable gentlemen have in view—that is, that it would make the measure a failure. I look with suspicion upon amendments suggested by those who, whenever they speak, declare themselves opposed to the measure. The Bill may be capable of improvement, but I think that amendments coming from its enemies should be regarded with distrust. In my opinion this is one of their plots.

Mr. DUGALD THOMSON (North Sydney).—If anything could surprise me in connexion with the consideration of this measure it is the speech of the honorable member for Darling. He has taken exception to any one but himself criticising, or even speaking upon the Bill, though I think he has spoken already three or four times on the clause now before us. And, further than that, he asks—"Why should we trust the Registrar to decide whether a claim is within the provisions of the measure? Are we going to make him a Judge?" But the honorable member has been a party to passing a paragraph which says that—

An "industrial dispute" means a dispute in relation to industrial matters . . . certified by the Registrar as proper in the public interest to be dealt with by the Court.

Mr. SPENCE.—Certainly.

Mr. DUGALD THOMSON.—Yet the honorable member exclaims at the audacity of the honorable member for Lang in proposing that it shall be left to the Registrar to certify that an agreement is one coming under the Bill. Is not a dispute as

important as an agreement? I say that it is more important, because an agreement may be enforced in other Courts.

Mr. SPENCE.—But in this case it is proposed to give the Registrar the power of decision in cases which do not go before the Court.

Mr. DUGALD THOMSON.—Not at all. The Registrar is to have power to decide whether a matter upon which persons are about to appeal comes within the terms of the Act. That is only what he is empowered to do in connexion with disputes, which are far more important than agreements. I do not object to honorable members replying to criticisms, but I take exception to remarks which impugn the *bona fides* of honorable members on this side of the Chamber. If the accusation against the honorable member for Lang is well founded, the honorable member for Darling has also impugned his own motives by his own act in supporting the provision to which I have referred in the interpretation clause. The Attorney-General sees no objection to the amendment, except that it is covered by a subsequent clause.

Mr. HIGGINS.—Oh, yes, I do. I thought it sufficient to say that the amendment was covered by a subsequent clause, but I could have mentioned grave objections to it.

Mr. DUGALD THOMSON.—I am quite willing to accept that explanation. It seems to me that the Bill will afford better opportunities to the legal profession than any measure we have passed. Some of the Acts now on our statute-book are proving very profitable to the lawyers, and the High Court itself finds the work of interpretation very difficult.

Mr. HIGGINS.—If the amendment is adopted, we shall have still more work to do.

Mr. DUGALD THOMSON.—I do not think so. The Bill before us represents the second attempt of the late Government to construct a workable measure, and now, in addition, we have submitted to us a list of eighty or ninety amendments proposed by the present Government.

Mr. BATCHELOR.—The amendments will shorten the Bill.

Mr. DUGALD THOMSON.—Perhaps they will, and perhaps they are good amendments; but it is very difficult for honorable members to understand what is proposed and to speak accurately on the different clauses. I rose to protest against the imputation that honorable members on this side of the Chamber desired to make the Bill

unworkable. It appears to me that the effect—I do not say the object—of many of the proposals which have emanated from the other side would be to defeat the aim of its promoters. I do not think any undue objection should be taken to the efforts of honorable members to improve the measure and to avoid friction in its administration.

Mr. KENNEDY (Moira).—I would ask the Government whether it would not be possible to place the Bill and the proposed amendments before us in some more convenient form? It is very difficult to understand the Government proposals, and still greater confusion has been produced by the second list of amendments which has been placed before us this afternoon.

Mr. HIGGINS.—The second list did not emanate from us.

Mr. KENNEDY.—No, but still we have to deal with it. There appears to be a little confusion in the minds of some honorable members as to the issue raised by the amendment of the honorable member for Lang. As I understand it, the amendment would vest a somewhat arbitrary power in the Registrar of the Court, and would make him, to some extent, the interpreter of the Act. Neither in clause 30 nor in the interpretation clause is that attempted. In the interpretation clause referred to by the honorable member for North Sydney, the Registrar has to certify whether a dispute is a proper one in the public interest to be dealt with by the Court, and one extending beyond the limits of any one State. In clause 30, it is very clearly and distinctly laid down that the certificate issued by the Registrar, that any dispute relating to industrial matters is an industrial dispute extending beyond the limits of any one State, shall be *prima facie* evidence that the fact is as stated. That is very different from deciding whether the claim of any organization is a proper one to submit to the Court.

Mr. JOHNSON.—He has that power.

Mr. KENNEDY. — And that power alone. He has no authority to act as the arbiter of what is a fit and proper subject to be dealt with by the Court. As I understand the suggested addition to the amendment, it would practically make the Registrar the arbiter of what should be submitted to the Court. I do not think that the honorable member for Lang desires to go as far as that. His intention is that the definition shall be as

clear as possible. In stating my objection to the honorable member's amendment, I must say that I am inclined to fully agree with the contention raised by the honorable and learned member for Ballarat. It seems to me that the wording is altogether too wide, and will throw on the Conciliation and Arbitration Court an immense amount of detail work that should come within the purview of the minor Courts. It will require the Court to deal with the enforcements of awards and penalties.

Mr. HIGGINS.—Only minor Courts will deal with penalties.

Mr. KENNEDY.—I desire to have a clear statement with regard to that point. This is purely a question of interpretation, and we shall have an opportunity later on to obtain further information as to what will be the full effect of this proposal in its application to agreements that may be arrived at between organizations of employers and employes. We shall then be able to learn at what point they will, so to speak, come within the provisions of the Bill. I cannot at present see the necessity for the amendment proposed by the honorable member for Lang and I quite agree with the contention that it would place the registrar in the position of being the interpreter of the Bill itself.

Mr. JOHNSON.—Under clause 67 he will have that power.

Mr. KENNEDY.—I shall refer later on to the clause mentioned by the honorable member. The two clauses, to which reference has already been made, certainly do not justify the action taken.

Mr. WATSON.—Complaint has been made by several honorable members as to the difficulty of thoroughly grasping the effect of the printed amendments in the way in which they have been put forward, and I must say that I quite appreciate its justice. I inquired from the Government Printer what would be the cost of making the proposed alterations in the Bill itself, and ascertained that it was set up, nearly twelve months ago, in type that has since been discarded, so far as the printing of Bills is concerned, and that consequently to have all the amendments inserted in the Bill would cost as much as did the original setting.

Mr. CROUCH.—What was the cost of the original setting of the Bill?

Mr. WATSON.—I had to hurriedly consult the Government Printer, and he was unable, on the spur of the moment, to give me an estimate. He said, however, that it would cost £10 to print copies of the Bill

as proposed to be amended by us, and that it would cost considerably more at a later stage to put the Bill in order for transmission to the Senate.

Mr. CROUCH.—One mistake on the part of this Committee might involve the loss of thousands of pounds.

Mr. WATSON.—I do not think that the present conditions are likely to lead to any mistake. I appreciate the difficulty which honorable members experience in reading following the debate, and the general propositions made by way of amendment to the Government; but I do not at present think that we should be justified in incurring the expense that would be involved under present circumstances, in causing the proposed amendments to be shown in the Bill.

Mr. McCOLL.—Would the honorable gentleman like the House to authorize the expenditure?

Mr. WATSON.—I should be quite willing to incur the responsibility; but, if we could do without this additional expense, it would be better for us to do so.

Amendment agreed to.

Mr. CROUCH (Corio).—I desire to know whether the Prime Minister would agree to insert, before the word "employment," the words "Naval, Military, or other." The addition of these words would make the Bill complete; but if the Government are not prepared to accept my suggestion, I do not propose to move an amendment.

Mr. WATSON.—I do not regard naval and military service as being industrial service in the ordinary sense of the term, and I am not prepared to accept an amendment that would have the effect of bringing the naval and military servants of the Commonwealth under this Bill. We have exempted them from the operation of the Public Service Act, and I understand that they are so exempted in nearly every country.

Mr. CROUCH.—They seem to be exempt from everything.

Mr. WATSON.—Quite so; they are looked upon everywhere—and, I think, correctly—as being a special and somewhat arbitrary service. I do not think that they are a class of servants that ought to be brought under the operation of this measure.

Mr. CROUCH (Corio).—I do not propose to move an amendment to give effect to my suggestion, for I know that it would not receive the support of the members of

the late Ministry. As I cannot obtain general support for it, it would be useless for me to press it.

Mr. DEAKIN (Ballarat).—I wish to remind the Committee of the great change that has been made in the circumstances of the situation, owing to the determination of the Government to relegate the Navigation Bill to a Royal Commission. Honorable members are, doubtless, aware that one part of that Bill dealt with the whole of the coasting trade of Australia, whether undertaken by Australian ships, by British ships not coming within the scope of the Constitution, or by foreign vessels. To that end, elaborate machinery was provided. That measure, however, is now about to be considered by a Royal Commission, and, consequently, the Attorney-General might well be asked to give us his view of the meaning of the words "land or water" in this clause, assuming that this measure is passed without any Navigation Bill. He might further indicate whether the Government propose to supplement these words by a provision in any other measure, or by an addition to this Bill, that will restore practically the same condition of affairs that obtained when we had the Navigation Bill, and Conciliation and Arbitration Bill, going, so to speak, hand in hand.

Mr. HIGGINS (Northern Melbourne—Attorney-General).—I think it is due to the honorable and learned member, as leader of the Opposition, that I should reply at once to his questions. It is the intention of the Government to submit new clauses to the Committee.

Mr. DEAKIN.—In this Bill?

Mr. HIGGINS.—Yes; new clauses for the purpose of making it perfectly clear how far this provision for Arbitration Courts is to operate in regard to ships, whether interstate or over-sea. The honorable and learned member has asked me to express my view as to the interpretation of the words as they here stand, "on land or water." My view, right or wrong, is that the words "on land or water," would not cover over-sea ships; that the word "water" would be limited to the water over which we have direct jurisdiction, and that that would mean all the ships and boats on our rivers, or within three miles of our shores. But we shall require to put in this Bill some supplemental clauses in order to fill the gap which the withdrawal of the Navigation Bill has caused in the legislation which was

proposed by the late Government, and is approved by the present Government.

Mr. GLYNN (Angas).—I gave notice of an amendment, which, on consideration, I do not think I shall move. I wish to draw from the Government and the honorable and learned member for Ballarat a statement as to what is really meant by the words which have just been referred to. Honorable members will remember that the words found their way into the Bill, I think, after the resignation of the honorable and learned member for Adelaide, as Minister of Trade and Customs, and there seems to have been a difference of opinion between Ministers regarding it. The first draft confined the operation of the clause to—

British ships, the Queen's ships of war excepted, whose first port of clearance, and whose port of destination are in the Commonwealth.

Those words were struck out, and the words "on land or water" inserted, so that there must be a significance in the difference, or, I suppose the Bill would not have been amended. I do not think that either the provision in the Navigation Bill, or any provision which may be put into this Bill, can possibly give jurisdiction over ocean-going vessels, whether foreign or British.

Mr. DEAKIN.—No vessels outside the scope of the Constitution.

Mr. HUTCHISON.—Can we not prevent foreign vessels from coming here if we like?

Mr. GLYNN.—That is a matter which rests with the Imperial Government. No doubt we have power to prevent an alien from landing on our shores. But surely we would not arrogate to ourselves the right to stop a vessel coming from a foreign country from entering the three-mile limit. If we did, it would be an absolute breach of our obligation to the Imperial Government, who deal with these external affairs. There is a provision in the Constitution giving us the right to deal with "external affairs;" but the man has not yet been born who can tell what it means. I know that at Home they had great doubt as to what it meant, and I do not think there is anyone in the Commonwealth who can say what is covered by the use of the words "external affairs." There is no doubt that foreigners are subject to our laws when they come within the limit of our jurisdiction; but, at the same time, our laws are such as we can pass by delegation from the Imperial Government, and we have not the power to do more within our territorial limits as regards vessels than to regulate the coasting trade. What is the coasting trade? It certainly is not any

trade which commences in a foreign country or in the United Kingdom, and which simply takes our ports in on the way. In other words, a vessel sailing from London to Fremantle, and afterwards unloading at Sydney, would not come within the meaning of a coasting vessel. And if so, neither the Navigation Bill, which attempted to deal with such vessels, nor this Bill, if it should hereafter by an amendment deal with them, would be constitutional.

Mr. HIGGINS.—Does the honorable and learned member say that a vessel which comes from London, and calls at Fremantle, Adelaide, Melbourne, and Sydney, and thus trades along the coast, is not doing coasting trade in Australia?

Mr. GLYNN.—I think I can prove that it is not out of a memorandum which was submitted, not only by Sir Edmund Barton, but also by the honorable and learned member for Adelaide. As a matter of fact, there was a great dispute in England as to the meaning of covering section 5 of the Constitution, which extends the operations of our laws to vessels whose first port of clearance and whose port of destination are in the Commonwealth.

Mr. HIGGINS.—Will the honorable and learned member help us with regard to coasting trade, because that is the difficulty?

Mr. GLYNN.—First and foremost, I shall take the definition of "coasting trade" from the last edition of Abbott's *Law of Merchant Ships and Seamen*, at page 317—

The term "coasting trade" has never been defined by the Legislature; but the Courts have held that in the following cases vessels were not engaged in the coastal trade:—(1) a vessel which, after making a voyage from Calcutta to London—

that is from one part of the British Dominion to another—

proceeded to Liverpool;

that is exactly the case in point put by the honorable and learned member.

Mr. HIGGINS.—Oh no. I am speaking of a vessel carrying cargo or passengers from Fremantle to Sydney.

Mr. GLYNN.—It does not matter whether the vessel is carrying cargo or passengers—

(2) a vessel which, in the course of her voyage to a foreign port, proceeded from one port to another in Great Britain for the purpose of completing her cargo; (3) a vessel which arrived from a foreign port, and discharged one part of her cargo at one port in Great Britain, and proceeded with the residue to another port in the British Isles.

Mr. HIGGINS.—There was no carrying of cargo or passengers from port to port there.

Mr. GLYNN.—There was cargo taken on in one case and landed in another at an intermediate port.

Mr. HIGGINS.—Not from port to port.

Mr. GLYNN.—There is no distinction between taking on cargo at London and going to Liverpool, and discharging cargo at London and proceeding with the balance to Liverpool.

Mr. BAMFORD.—There is a vast difference.

Mr. GLYNN.—There is not. I shall now get to the interpretation put on the words by the late Government. There was a very big dispute about this matter at Home, and a memorandum was submitted in answer to the objection of the Imperial Government that the section, even as it now stands, was giving us too great a jurisdiction.

Mr. DEAKIN.—The first objection was to the clause as it stood—that is, to the clause we borrowed from the Federal Council of Australasia Act.

Mr. GLYNN.—I do not think that the clause stood in that way when the Bill went to England.

Mr. DEAKIN.—Yes.

Mr. GLYNN.—Under the Federal Council of Australasia Act there was much wider jurisdiction than under the Constitution as it now stood.

Mr. DEAKIN.—The honorable and learned member is right.

Mr. GLYNN.—Under the Federal Council of Australasia Act any vessel which commenced or ended her voyage here, not both, was amenable to our law. But covering section 5, as it now stands, merely extends the operation of the coasting trade, and the laws which we can pass, and which will be in force on vessels beyond the three-mile limit as long as a voyage is commenced and ended in the Commonwealth. Before that the coasting trade was limited, not only to a trade which commenced and ended in the State, but to one which began within the three-mile limit, and the only extension then made of that power, as explained by the delegates, was that there was a bigger loop which went beyond the three-mile limit. The memorandum, which was signed, I suppose, by all the delegates, including the honorable and learned member

ber for Adelaide, contains a definition of the term "coasting trade."

Under the present measure the provision is made to apply only to cases in which a British ship begins and concludes her voyage within the limits of the Commonwealth.

That is the provision as it now stands.

Mr. HIGGINS.—I do not think that that defines "coasting trade."

Mr. GLYNN.—A little later on there is a definition of "coasting trade." The delegates go on to say—

The expression "coasting trade" is not defined in any of the Acts cited: it may be taken to include the trade of vessels plying merely between the ports of a Possession within territorial limits.

That is the interpretation put on the term "coasting trade" by the late Prime Minister, Sir Edmund Barton, and by the ex-Prime Minister, the honorable and learned member for Ballarat. That is probably the definition of coasting trade given by *Abbott*; and, if so, what power have we to apply the clauses in the last Navigation Bill—subject to the exception of the trade between Fremantle and Adelaide—to any vessel that came from beyond? In that case the difference between the right honorable member for Adelaide and the late Ministry was, in my opinion, as the difference between tweedledum and tweedledee; because these words mean practically nothing. The powers claimed by the right honorable member for Adelaide could not, under the Constitution, be enforced either in the Navigation Bill or in this Conciliation and Arbitration Bill. I state this for the purpose of inquiry. I think, however, that I am right. We have had about the biggest fight on this question as affecting coastal vessels that has taken place in this Parliament. It led to the resignation of a Minister. Yet it seems to me that our powers are exceedingly limited, and that the definition put upon "coasting trade" in the Navigation Bill is not in accordance with the Constitution. Foreign vessels are in a different position. They may be in a better position; because, in section 736 of the Merchant Shipping Act, sub-section c, there is a provision that, while we have power as regards British ships, our powers in regard to foreign ships are subject to treaty rights created prior to 1869. Therefore foreign ships may have a right to come here without being subject to the limitations which we can place upon British ships. I do not think there can be any good in proceeding with the amendment of

which I have given notice, because my amendment is to the effect that we cannot, either in this Bill or in a Navigation Bill, touch ocean-going vessels, whether foreign or British.

Mr. HIGGINS (Northern Melbourne—Attorney-General).—I, of course, listened with interest to the honorable and learned member for Angas, because I know that he is an authority upon the Merchant Shipping Acts, and has studied this question with care. I am glad that he has seen his way not to propose an amendment at this stage. I do not think this would be the stage at which to carry out his objects, if he wished to carry them out. I do not intend to do more at the present time than to assure the Committee that, so far as I can see, we need not be apprehensive that, in dealing with the vessels which we are proposing to deal with—vessels which take in cargo at Fremantle and leave cargo in Melbourne, and which take in passengers at Adelaide and leave those passengers in Sydney—we are infringing the Constitution. The honorable and learned member referred me very kindly to a passage in *Abbott*, page 317, but he has not referred to the context of the cases there cited, with regard to the meaning of "coasting trade."

Mr. GLYNN—I was aware of them.

Mr. HIGGINS.—I want other honorable members to be aware of them. In the first place, in speaking of what is not "coasting trade," there are three instances given by *Abbott*, but they are not such cases as taking in cargo on the English coast, and leaving that cargo on the English coast, of taking in passengers on the English coast and leaving those passengers on the English coast.

Mr. McWILLIAMS.—Does the honorable and learned gentleman mean simply filling up?

Mr. HIGGINS.—Exactly. It is not coasting trade for a vessel to go from Calcutta to London, and after discharging part of her cargo in London, to discharge the remainder in Liverpool. Nor is it coasting trade to fill up in London partly, then to fill up for the remainder in Liverpool, and then to come on to Australia. It is also to be remembered that this deals with a particular section of the English Merchant Shipping Act. It has reference to exemptions from compulsory pilotage. The English Merchant Shipping Act says that a vessel shall be exempt from



compulsory pilotage in certain cases. One of the cases is that of foreign ships employed in the coasting trade, but not carrying passengers.

Mr. GLYNN.—Those cases are under the general definition. The honorable and learned member will find a particular definition on that very page.

Mr. HIGGINS.—I can only deal with one case at a time. In these cases why are vessels exempt from pilotage when employed in the coasting trade, and not carrying passengers? Because they are supposed to know the harbors and ways better than ocean-going vessels. That is one of the very strongest reasons. And then the Judges go on to say what is meant by employment in the coasting trade. They state that they will apply that term only to those ships which are exclusively engaged in the trade. And that is the reason for the limitation. But the whole question will have to be discussed at a later stage. I have indicated the opinion of the Government with regard to it.

Mr. DEAKIN.—When shall we have the new clauses?

Mr. HIGGINS.—As soon as we can possibly get them ready. There is no doubt that honorable members will have them in their hands for some time before they are dealt with.

Mr. WATSON.—We will give plenty of notice.

Mr. DEAKIN.—A week's notice?

Mr. HIGGINS.—I cannot possibly promise, because this week may bring forth many things.

Mr. DEAKIN.—Will it bring forth these amendments?

Mr. HIGGINS.—I can only say that we shall make every expedition, and give honorable members every opportunity of discussing the clauses?

Mr. DEAKIN.—Shall we have them a long time before they come on for discussion?

Mr. HIGGINS.—Honorable members will have them a long time before they come on, and will have every opportunity for considering them.

Mr. DEAKIN (Ballarat).—I do not propose to detain the Committee, but I also agree that this is a question which will need to be dealt with when we are face to face with the proposals of the Government. But I owe it to my honorable and learned friend the member for Angas, as one of the delegates who signed the document from which he has quoted, to say that

I think that, on a careful perusal of the whole paragraph relating to the section of the Constitution which we discussed with the Imperial Authorities, he will see that it does not convey the limitation which he has suggested. The whole point is put very briefly and clearly in the memorandum. It says—

The delegates turn now to the suggested amendment of clause 5, by the omission of the part of that clause which prescribes that "laws of the Commonwealth shall be in force on all British ships, the Queen's ships of war excepted, whose first port of clearance, and whose port of destination are in the Commonwealth." It will be observed that this provision is much more restricted than that of section 20 of the Federal Council Act of 1885. Under the present measure the provision is made to apply only to cases in which a British ship begins and concludes her voyage within the limits of the Commonwealth.

This is not a question of coasting trade. It is dealing with clauses applying to British ships trading to and from the Commonwealth.

Mr. GLYNN.—It is only over those vessels that the honorable and learned member says that we have jurisdiction.

Mr. DEAKIN.—That is under the Constitution. We said further—

But section 20 of the Federal Council Act applied to every British ship which commenced her voyage in any one of the Colonies concerned, and also to any British ship which concluded her voyage in any one of them. In the former case the Federal Council law would apply to a British ship on the whole of her voyage from Australia to a port beyond the Commonwealth—in the latter case to a British ship on the whole of her voyage from any point beyond the Commonwealth to Australia.

The expression "coasting trade" is not defined in any of the Acts cited; it may be taken to include the trade of vessels plying merely between the ports of a Possession within territorial limits.

The honorable and learned member will observe that that is not a definition of what it means; it is only an indication of something it includes. We went on to make the contrast—

But the provision in the Commonwealth Bill, to which exception has been taken, would apply to such ships, on a voyage solely between two ports of the Commonwealth, even if they drifted or were blown outside the three-mile territorial limit; the beneficial effect, therefore, would be that a vessel on such a voyage would not be exposed to the anomaly of being subject to one set of laws at two and three-quarter miles from the coast, and to another set of laws at three and a quarter miles from the coast.

Mr. GLYNN.—That must be read in the light of the English objections to giving jurisdiction.

Mr. DEAKIN.—Exactly; we were replying to the English objections.

Mr. GLYNN.—The reference is to ocean-going vessels, and it does not say that we have not the power within the Constitution.

Mr. DEAKIN.—That is not the point we were arguing. We knew better than to raise a new point which would raise fresh difficulties. We were satisfied to meet their point. We were asking, under the Constitution, for far less than they gave to the old Federal Council.

Mr. GLYNN.—Does the honorable and learned member say that ocean-going vessels are touched by the land and water clause?

Mr. DEAKIN.—No; I think not, except as expressly provided in clause 5. They require to be dealt with by another measure.

Mr. McDONALD (Kennedy).—I move—

That the words "excepting only persons engaged in domestic service," line 25, be left out. With the exception, perhaps, of the farm labourer domestic servants are worked for longer hours than any other class of workers I know. If we are agreed that this measure will be of benefit to those employed in various industries, it is manifestly unjust that we should exclude from its operation the women who are employed in domestic service. I quite realize that it would be very difficult, if not impossible, to apply the beneficial operation of the Bill to domestic servants engaged in private families; but the persons in whose interests I have chiefly proposed the amendment are the women employed in restaurants, boarding-houses, and hotels.

Mr. DAVID THOMSON.—What about the men?

Mr. McDONALD.—Of course I think it should apply to the men as well.

Mr. DUGALD THOMSON.—What about wives?

Mr. WATSON.—Some wives are working for wages.

Mr. DUGALD THOMSON.—Some are working sixteen hours a day.

Mr. McDONALD.—We cannot bring them within the scope of the Bill.

Mr. DUGALD THOMSON.—Yes we can.

Mr. McDONALD.—I am aware that the genius and ingenuity of the honorable member for North Sydney are such that he would include all in the Bill, except what we did not wish to include in it. The honorable member is aware that his proposition is about as ridiculous as any proposition could be. I can quite understand that the honorable member may be one of those who desire that these domestic ser-

vants should be worked from seventy to eighty and even ninety hours a week.

Mr. DUGALD THOMSON.—The honorable member is justified in saying that, of course?

Mr. McDONALD.—As justified as is the honorable member in trying to make the amendment; I propose ridiculous by suggesting that wives should be included.

Mr. JOHNSON.—Any one who suggests an amendment is, of course, an enemy to the Bill.

Mr. McDONALD.—As we are aware that the honorable member for Lang voted in a certain way in order to kill the Bill, we may be sure that any amendment which he moves will not be for the good of the Bill.

Mr. JOHNSON.—I voted with honorable members opposite to turn out a Government. The honorable member's party would not be where they are if I had not helped them.

Mr. McDONALD.—When the Bill was previously before the Parliament there was a great deal of discussion upon it, and I have no wish now to labour this matter. It would appear that at present time is being deliberately wasted in connexion with the Bill, and I do not wish to have that charge laid at my door. The people whom I desire to benefit by my amendment have to work from seventy to ninety hours a week. That is inhumane, and it ought not to be allowed to continue. If they are brought under the operation of this Bill they may be given an opportunity of obtaining relief.

Mr. McWILLIAMS.—Are they working all that time?

Mr. McDONALD.—I have known girls in hotels here to be at work for ninety hours a week.

Mr. DUGALD THOMSON.—They will come under the Bill as it stands.

Mr. McDONALD.—It is a question whether domestic service is an industry. I am not sure that the work of hotels, boarding houses, and restaurants would be considered industrial, and in order to make sure that the workers to whom I refer benefit by the Bill I propose that these words of exception be left out. If they are held to be working in industries it will be no harm to have these words struck out, whilst if they are allowed to remain, the Bill might be interpreted in such a way that they would not get the benefit of it.

Mr. HUTCHISON.—Thousands of persons would be excluded by those words.

Mr. McDONALD.—If it were not in order to exempt the persons to whom I have referred, I do not think that these words would be in the Bill. As I have said, I do not intend to labour the question, as I feel sure that honorable members have their minds made up in regard to it.

Mr. WATSON.—I have no objection to the amendment, although I do not regard it as a matter of very great importance. In the first place, the Government are advised that all employes of persons engaged in business will come under the Bill without the amendment. In New South Wales, the Arbitration Court, fortified, on appeal, by the Full Court, has decided that cooks and waitresses are not domestic servants within the meaning of the Act; that is, cooks and waitresses are held to be engaged in an industry.

Mr. McDONALD.—Does that apply to waitresses?

Mr. WATSON.—Yes. The Government are advised that on that decision of the New South Wales Courts, the opinion is held that all servants, men and women, of employers who are engaged in conducting a business, as distinct from private individuals who employ domestic servants for household duties, are within the purview of the New South Wales Act. Consequently, the exemption of domestic servants only affects those who are engaged in private homes. I do not think it is likely that the exemption in line 19, which it is proposed to omit, will prevent other than purely domestic servants from coming within the operation of the measure. Of course, as a matter of principle, I do not desire to see any large class of the community exempted from the operation of the Bill, always keeping in view the Constitution; and, for that reason, I am willing to accept the decision of the Committee on the amendment. I do not think it likely, in view of the law as declared in New South Wales, that many cases, if any, will arise which will bring this particular class of person under the operation of the measure, even if the amendment be carried. The Government simply take the same stand they have taken in regard to other portions of the Bill, as, for instance, in their opposition to the exemption of the agricultural class. The Government think that the operation of the Bill ought to extend as far as the Constitution will allow; and, in consonance with that view, I have no objection to the amendment, except that I do not think

it will have the far-reaching consequences which the honorable member for Kennedy may at first have been inclined to suppose. The New South Wales decision is that all who are employed, though it may be in a domestic capacity, in the carrying on of a business for profit, come within the measure, despite the fact that in the New South Wales Act, as is proposed in this Bill also, domestic servants are exempted. The phraseology is very similar.

Mr. CROUCH (Corio).—I am very glad this amendment has been proposed. A few days ago, observing that no notice of any such amendment had been given, I asked the Prime Minister whether he had any objection to a proposal of the kind. I feel that the objection raised in regard to the non-inclusion of waitresses of a special class—an objection raised by interjection by the honorable and learned member for North Sydney—loses its weight when looked at from a just and equitable stand-point. I do not see that it matters whether a waiter or a waitress be employed in an hotel or in a private house at Toorak; I can see no reason why there should not be equal treatment. I do not see why a groom in private employment should not have the same advantages as are enjoyed by another groom employed at a livery stable. If we start making these distinctions we might as well give up the whole spirit of the Bill, which is that every person shall have equal treatment before the law. Why should a gardener who is a domestic servant, not have equal treatment with the gardener who is employed by the man who grows produce for market? Then, again, there is the case of the servant who shaves his employer at home; and I ask whether he ought not to have the same treatment as that accorded to a barber employed in a shop.

Mr. DAVID THOMSON.—How are disputes in relation to such people to extend beyond the limits of any one State?

Mr. CROUCH.—It is contemplated that disputes in relation to waitresses and cooks employed in hotels may extend beyond the limits of any one State, and I do not see why we should not take the same view in regard to waitresses and cooks in private employment. My own opinion is that a good many of the class which come within the sweeping definition of the Bill will never come before the Court, for the simple reason that disputes of the kind will not extend beyond a State. On the other hand, if there is a possibility of such domestic ser-

vants being brought within the operation of the Bill, their chance ought not to be extinguished by any excluding words. It has been said that some waitresses work ninety hours a week, but we know that domestic servants, who are not waitresses, have to work sometimes as long as fifteen and sixteen hours a day. It is such conditions which make domestic service so very unpleasant, and drive many girls to factory life. If domestic servants had reasonable hours, under the direction of a Court, it would be possible for them to enjoy life, and to devote themselves to domestic duties, for which women are specially fitted.

Mr. McWILLIAMS.—Are domestic servants working all the time?

Mr. CROUCH.—I consider that domestic servants are working if they are compelled to remain waiting for orders. Their services are at the disposal of their employers during the whole of the time; and, as I say, it is such conditions which make domestic service so utterly distasteful to many men and women. I do not feel that to-night I represent the "Cook Ladies' Union," but I may say that during the election, a body, largely composed of mistresses, called the National Women's League asked me some question on the point at Geelong, and my answer—which, I may say, gave rise to a certain amount of dissatisfaction—was that, in my opinion, every class of worker, including the domestic worker, ought to come within the operation of a measure of this kind, and that my vote would not be directed to excluding any special class. If any class needs protection, it is the domestic servants. Time after time efforts have been made to organize those engaged in domestic service, and I only trust that in the future their organization may be such as to make it possible for them to take advantage of this Bill. By the vote we give to-night on this clause, we have it in our power to do much good to a large number of unprotected workers.

Mr. ROBINSON (Wannon).—We are witnessing another lightning change of front on the part of the Government, who are accepting a provision which a few days ago did not appear in the Bill, and which they did not propose to insert.

Mr. McDONALD.—Last session there was an amendment proposed on the same point.

Mr. ROBINSON.—Then, why does it not appear in the Bill? The Labour Party are now in the position of power, and as they have dropped a number of public ser-

vants, so, I presume, they are prepared to drop the domestic servants. It has been suggested that the amendment only has reference to waitresses, and so on.

Mr. WATSON.—No.

Mr. ROBINSON.—It has been pointed out that waitresses come under the New South Wales Act, and honorable members who make that assertion are apparently ignorant of the fact that in Victoria the same class come under the Shops and Factories Act. The Victorian Shops and Factories Act of 1896, in sections 39, 40, and 41, makes provision for the employment of waitresses, and so forth, by providing that—

For the purpose of the two last preceding sections of this Act every waitress employed in a restaurant, coffee palace, hotel, eating-house, or fish and oyster shop, shall be deemed to be a person employed in a shop, and the keeper, proprietor, or occupier of every such restaurant, coffee palace, hotel, eating-house, or fish and oyster shop, shall be deemed to be the occupier of a shop within the meaning of the said sections.

It goes on to fix the hours during which persons employed in these shops shall work, showing that protection is given in Victoria as well as in New South Wales. Does the Prime Minister seriously propose that the Commonwealth Court shall have its time taken up in settling disputes between mistresses and maid servants relating to hours of work and rates of pay? How can there be an organization of employers of domestic servants, or an organization of domestic servants? How can the thousands of employers of domestic servants in Australia become members of one union? The honorable gentleman knows that it is absolutely impracticable, and that this is a claptrap amendment accepted for claptrap purposes. Then how could a dispute between a mistress and a maid extend beyond the limits of a State? By no possible means could that happen. It is about time that honorable members stopped loading the Bill with these claptrap provisions. We have had the pleasure of drawing the teeth of the Government in regard to one of these proposals, and I hope that the Committee will prevent this present fraud from being accepted.

Mr. McDONALD.—It is no more a fraud than is the honorable and learned member.

Mr. ROBINSON.—The amendment would not have been moved had I not earlier pointed out that the Government, while professing to be ready to apply the provisions of the Bill to all classes of the community, had not so applied them.

Mr. WATSON.—Notice of this amendment was given before the honorable and learned member entered the House; before he was thought of politically.

Mr. ROBINSON.—Then why did not the Prime Minister include it in his sheaf of amendments? His notices fill six closely-printed pages, and show that every line of the Bill has been scanned.

Mr. McDONALD.—The Prime Minister knew that I intended to move the amendment.

Mr. ROBINSON.—The Prime Minister knew that the Bill was not meant to, and could not, apply to domestic servants, and, therefore, he did not propose to include them. Now, however, to get back upon those who defeated him a few hours ago, he is about to accept this precious amendment. I hope that there will be a sufficient number opposed to it to prevent it from being carried. It must appear to all honorable members to be absolutely unworkable. Is a mistress to be cited for a breach of the measure? Are we going to have under the Commonwealth legislation what we have had in New South Wales, where the secretary of a union has been travelling about the country, acting as a spy, and charging persons who have committed offences of the Act four times the amount of his travelling expenses? Are we going to have the secretary to the Cook Ladies' Union calling at suburban houses, and saying, "Pay my tram fare, and give me something for my day's expenses, or I shall bring you before the Arbitration Court"? The idea of having a common rule for domestic service throughout Australia is the most crazy one that ever entered the brain of man. Fancy having a rule which would apply in Port Darwin and at Hobart!

Mr. WATSON. — The honorable and learned member does not know what a common rule is. The same rate of wages need not apply throughout the Commonwealth.

Mr. ROBINSON.—I am quite aware of that. Is the time of the Court to be taken up in the consideration of common rules for Port Darwin, Rockhampton, Newcastle, Brisbane, and every city and town in the Commonwealth?

Mr. CROUCH.—Why not?

Mr. THOMAS.—These matters are as important as some of those which have come before the High Court.

Mr. ROBINSON.—If matters so unimportant are to come before the High Court,

it is a pity that it was instituted. This kind of legislation will bring the Federal Parliament into contempt and disrepute. Honorable members must know that these disputes cannot extend beyond the limits of a State.

Mr. O'MALLEY.—Why not?

Mr. ROBINSON.—If the honorable member can show that they will, he will greatly excel the illustrious individual after whom his constituency was named. I shall have great pleasure in listening to him, or to any other honorable member who attempts to show how a dispute between a mistress and a maid may extend beyond any one State. I trust that the Committee will not accept the amendment. It is a ridiculous one, and its acceptance will make us contemptible. It is impossible to conceive of a dispute between mistresses and maid-servants extending beyond the limits of any one State, or of an organization of mistresses and maid-servants. Fully 40,000 persons in Melbourne employ domestic servants. How they can organize to put their claims before the Court I cannot conceive. The conditions of domestic service vary in every town in every State, and how can these conflicting conditions be reconciled? There is, of course, a way out. The Court is empowered to refuse to consider a matter which it thinks is not in the public interest, and no doubt will shelter itself behind the plea that these matters are too trivial to discuss. I hope that the Prime Minister will consent to progress being reported, as the hour is late. I should like to resume my remarks to-morrow, and there are many other honorable members who wish to speak.

Mr. HUTCHISON.—They should be here.

Mr. WATSON.—The honorable and learned member himself has stated his case pretty fully. Perhaps he will give some one else a chance.

Mr. ROBINSON.—If the Prime Minister will not consent to report progress, I shall continue my remarks, and call for a division. I am not ready to have the gag applied. I hope, however, that he will remember that it has been a busy day, and that the representatives of two of the States at least have travelled long distances to get here.

Mr. WATSON.—If there are others who wish to address themselves to the amendment, I shall be willing to report progress, as this is Tuesday evening; but it is hardly fair for an honorable and learned member who has occupied a considerable length of

ne, and apparently exhausted his arguments, to ask for an adjournment.

Mr. DUGALD THOMSON (North Sydney).—I support the request for an adjournment, for several reasons. One is that I am sure that there will be a dozen more speakers on this subject. Another is that honorable members were not aware at the Government intended to accept the amendment. Honorable members should be in possession of that information. If we are forced into continuing the debate now, we may feel compelled to resort to action which would give rise to ill-feeling, and that had better be avoided.

Mr. O'MALLEY (Darwin).—I rise to enter a protest against the manner in which the business of the House is being interfered with. We come here every day at 3.30 p.m., and are called upon to listen to a lot of doubly-distilled rubbish. We have listened to references to everything beneath the heavens and above Hades from the honorable and learned member for Wannon. He has discussed every subject on earth except the question before the Committee, and I think it is about time that honorable members entered their protest. If the Opposition have the necessary numbers, let them eject the Government from office. I could ask the Prime Minister to stiffen his back and fight the matter out. Honorable members opposite get up whenever they feel disposed, and talk of everything and nothing, and then at 10.30 p.m. ask for an adjournment. We have been going on for several months now, and not one honorable member has earned his allowance. I have watched the peculiar methods adopted by honorable members, which are unlike those of Christians or heathens, and I hope that a stop will be put to the present mode of procedure.

Mr. HUTCHISON (Hindmarsh).—I hope that the Prime Minister will oppose the adjournment. It may be quite true that several honorable members wish to speak, but it is also true that a number of honorable members are prepared to go on with the business. I have listened to dozens of second-reading speeches in connexion with the discussion of the Bill in Committee. This objectionable practice has been pursued with the evident intention of wasting time. I trust that the Prime Minister will be firm, and push on the business as quickly as possible.

Mr. McDONALD (Kennedy).—I do not offer any objection to the proposed adjourn-

ment at this stage, because it has been the rule to adjourn about this time on Tuesday evenings. I do, however, take exception to the attitude assumed by honorable members opposite. Some honorable members are only marking time, and the business of the country is being delayed until a certain event takes place.

Mr. DUGALD THOMSON.—That is not the case.

Mr. McDONALD.—I have been told by several honorable members, on whom I can rely, that they are only marking time, in order to allow the right honorable member for East Sydney to return to Melbourne. It is a scandal and a disgrace that we should be required to come here day after day and waste valuable time simply because one right honorable member is absent earning money in New South Wales. If the attendance list be examined, it will be found that certain honorable members are hardly ever here, and now we are called upon to delay the business on their account.

Mr. DUGALD THOMSON.—Where are some of the Ministers?

Mr. McDONALD.—They are not very far away.

Mr. DUGALD THOMSON.—One Minister is in Sydney now.

Mr. McDONALD.—There are special reasons for his absence. Some of the honorable members to whom I have referred are appearing in the Courts in Sydney, and attending to their own business instead of looking after public affairs. I quite agree that this is a matter between such honorable members and their constituents, but we are not justified in deliberately wasting our time in order that these gentlemen may be enabled to get back to Melbourne.

Sir JOHN FORREST.—I do not think that any time is being wasted.

Mr. McDONALD.—Then some honorable members must have told a deliberate falsehood. I believe that it has been the custom to adjourn on Tuesday evening at 10.30 p.m.

Mr. McCOLL.—Then why does the honorable member object to progress being reported now?

Mr. McDONALD.—I am objecting to the methods that are being adopted by some honorable members. The honorable and learned member for Wannon asked for an adjournment, because he thought that he would not have sufficient honorable members to support him if a division were taken

fr. WATSON.—Notice of this amendment was given before the honorable and learned member entered the House; before was thought of politically.

fr. ROBINSON.—Then why did not Prime Minister include it in his sheaf of amendments? His notices fill six easily-printed pages, and show that every of the Bill has been scanned.

fr. McDONALD.—The Prime Minister w that I intended to move the amendment.

fr. ROBINSON.—The Prime Minister w that the Bill was not meant to, and should not, apply to domestic servants, and, therefore, he did not propose to include it. Now, however, to get back upon one who defeated him a few hours ago, is about to accept this precious amendment. I hope that there will be a sufficient number opposed to it to prevent it from being carried. It must appear to all honorable members to be absolutely unworkable. A mistress to be cited for a breach of the law? Are we going to have under the Commonwealth legislation what we have had in New South Wales, where the secretary of the union has been travelling about the country acting as a spy, and charging persons who have committed offences of the Act four times the amount of his travelling expenses? Are we going to have the secretary to the "Ladies' Union" calling at suburban houses, and saying, "Pay my tram fare, and give me something for my day's expenses, I shall bring you before the Arbitration Court"? The idea of having a common law for domestic service throughout Australia is the most crazy one that ever entered the brain of man. Fancy having a rule which would apply in Port Darwin and at Port Phillip!

fr. WATSON.—The honorable and learned member does not know what a common rule is. The same rate of wages would not apply throughout the Commonwealth.

fr. ROBINSON.—I am quite aware of that. Is the time of the Court to be taken up in the consideration of common rules for Port Darwin, Rockhampton, Newcastle, Brisbane, and every city and town in the Commonwealth?

fr. CROUCH.—Why not?

fr. THOMAS.—These matters are as important as some of those which have come before the High Court.

fr. ROBINSON.—If matters so unimportant are to come before the High Court,

it is a pity that it was instituted. This kind of legislation will bring the Federal Parliament into contempt and disrepute. Honorable members must know that these disputes cannot extend beyond the limits of a State.

Mr. O'MALLEY.—Why not?

Mr. ROBINSON.—If the honorable member can show that they will, he will greatly excel the illustrious individual after whom his constituency was named. I shall have great pleasure in listening to him, or to any other honorable member who attempts to show how a dispute between a mistress and a maid may extend beyond any one State. I trust that the Committee will not accept the amendment. It is a ridiculous one, and its acceptance will make us contemptible. It is impossible to conceive of a dispute between mistresses and maid-servants extending beyond the limits of any one State, or of an organization of mistresses and maid-servants. Fully 40,000 persons in Melbourne employ domestic servants. How they can organize to put their claims before the Court I cannot conceive. The conditions of domestic service vary in every town in every State, and how can these conflicting conditions be reconciled? There is, of course, a way out. The Court is empowered to refuse to consider a matter which it thinks is not in the public interest, and no doubt will shelter itself behind the plea that these matters are too trivial to discuss. I hope that the Prime Minister will consent to progress being reported, as the hour is late. I should like to resume my remarks to-morrow, and there are many other honorable members who wish to speak.

Mr. HUTCHISON.—They should be here.

Mr. WATSON.—The honorable and learned member himself has stated his case pretty fully. Perhaps he will give some one else a chance.

Mr. ROBINSON.—If the Prime Minister will not consent to report progress, I shall continue my remarks, and call for a division. I am not ready to have the gag applied. I hope, however, that he will remember that it has been a busy day, and that the representatives of two of the States at least have travelled long distances to get here.

Mr. WATSON.—If there are others who wish to address themselves to the amendment, I shall be willing to report progress, as this is Tuesday evening; but it is hardly fair for an honorable and learned member who has occupied a considerable length of

time, and apparently exhausted his arguments, to ask for an adjournment.

Mr. DUGALD THOMSON (North Sydney).—I support the request for an adjournment, for several reasons. One is that I am sure that there will be a dozen or more speakers on this subject. Another is that honorable members were not aware that the Government intended to accept the amendment. Honorable members should be in possession of that information. If we are forced into continuing the debate now, we may feel compelled to resort to action which would give rise to ill-feeling, and that had better be avoided.

Mr. O'MALLEY (Darwin).—I rise to enter a protest against the manner in which the business of the House is being interfered with. We come here every day at 2.30 p.m., and are called upon to listen to a lot of doubly-distilled rubbish. We have listened to references to everything beneath the heavens and above Hades from the honorable and learned member for Wannon. He has discussed every subject on earth except the question before the Committee, and I think it is about time that honorable members entered their protest. If the Opposition have the necessary numbers, let them eject the Government from office. I would ask the Prime Minister to stiffen his back and fight the matter out. Honorable members opposite get up whenever they feel disposed, and talk of everything and nothing, and then at 10.30 p.m. ask for an adjournment. We have been going on for several months now, and not one honorable member has earned his allowance. I have watched the peculiar methods adopted by honorable members, which are unlike those of Christians or heathens, and I hope that a stop will be put to the present mode of procedure.

Mr. HUTCHISON (Hindmarsh).—I hope that the Prime Minister will oppose the adjournment. It may be quite true that several honorable members wish to speak, but it is also true that a number of honorable members are prepared to go on with the business. I have listened to dozens of second-reading speeches in connexion with the discussion of the Bill in Committee. This objectionable practice has been pursued with the evident intention of wasting time. I trust that the Prime Minister will be firm, and push on the business as quickly as possible.

Mr. McDONALD (Kennedy).—I do not offer any objection to the proposed adjourn-

ment at this stage, because it has been a rule to adjourn about this time on Tuesday evenings. I do, however, take exception to the attitude assumed by honorable members opposite. Some honorable members are only marking time, and the business of the country is being delayed until a certain event takes place.

Mr. DUGALD THOMSON.—That is not the case.

Mr. McDONALD.—I have been told several honorable members, on whom I rely, that they are only marking time, in order to allow the right honorable member for East Sydney to return to Melbourne. It is a scandal and a disgrace that we should be required to come here day after day and waste valuable time simply because one right honorable member is absent earning money in New South Wales. If the attendance list be examined, it will be found that certain honorable members are hardly ever here, and now we are called upon to delay the business on their account.

Mr. DUGALD THOMSON.—Where are some of the Ministers?

Mr. McDONALD.—They are not very far away.

Mr. DUGALD THOMSON.—One Minister is in Sydney now.

Mr. McDONALD.—There are special reasons for his absence. Some of the honorable members to whom I have referred are appearing in the Courts in Sydney and attending to their own business instead of looking after public affairs. I quite agree that this is a matter between such honorable members and their constituents, but we are not justified in deliberately wasting our time in order that the gentlemen may be enabled to get back Melbourne.

Sir JOHN FORREST.—I do not think that any time is being wasted.

Mr. McDONALD.—Then some honorable members must have told a deliberate falsehood. I believe that it has been the custom to adjourn on Tuesday evening at 10.30 p.m.

Mr. McCOLL.—Then why does the honorable member object to progress being reported now?

Mr. McDONALD.—I am objecting to the methods that are being adopted by some honorable members. The honorable and learned member for Wannon asked for an adjournment, because he thought that he would not have sufficient honorable members to support him if a division were taken.



to-night. As a matter of fact, the honorable and learned member does not know of one honorable member who desires to speak to-morrow.

Mr. ROBINSON.—I know of several.

Mr. McDONALD.—I question it very much.

Mr. ROBINSON.—I say that I do know of several.

Mr. McDONALD.—I am willing to accept the honorable and learned member's statement, if he can name three honorable members who desire to speak.

Mr. ROBINSON.—I can name them. The honorable member for North Sydney is one.

Mr. DUGALD THOMSON (North Sydney).—I am rather astonished at the display made by an honorable member who, when another Government was on the Treasury benches, always desired to adjourn at the usual hour.

Mr. McDONALD.—I always objected.

Mr. DUGALD THOMSON.—I remember on one occasion assisting the honorable member for Kennedy to secure adherence to that practice.

Mr. McDONALD.—I remember the occasion of which the honorable member speaks; but it was then 11 p.m.

Mr. DUGALD THOMSON.—The honorable member says that he is prepared to accept the word of certain honorable members that the debate is being continued for the convenience of the right honorable member for East Sydney. I can give that statement an absolute denial. There is not a scintilla of truth in it.

Mr. McDONALD.—Then we are associated with a very funny lot.

Mr. DUGALD THOMSON.—No such attempt as that indicated has ever been made. In proof of this, I may mention the effort made by honorable members on this side of the Chamber to have a division taken before tea, rather than afterwards, upon the amendment proposed by the honorable and learned member for Wannon. It must be remembered that we have been discussing, and have decided, a very important matter, and that several others have also been dealt with.

Mr. THOMAS.—I think that we have done a very good day's work.

Mr. DUGALD THOMSON.—I certainly do not consider that there is any cause for the statement made by the honorable member for Kennedy, and I am sure that when he has freed himself from the little bit of warmth due to the fact that the amend-

ment in question is his own, his judgment and his usual good nature will lead him to see that he should not have made the attack.

Mr. McCAY (Corinella).—I was sorry to hear the statement made by the honorable member for Kennedy. We know that he is sincere in the object which he has in view, but, even if it were earlier than it is, and even if this were not Tuesday evening, honorable members would be justified, in the circumstances, in asking for an adjournment. An amendment has been proposed, and I do not know whether the Government are prepared to accept it or whether they say that they will not fight strenuously for it.

Mr. WATSON.—We raise no objection to it.

Mr. McCAY.—I do not know whether the Government propose to vote for it?

Mr. WATSON.—I intend to do so.

Mr. McCAY.—Then it is an open question with the Cabinet?

Mr. WATSON.—I think that we shall all vote for it.

Mr. McCAY.—In these circumstances we may say that there has been an informal acceptance of the amendment, and when a Government unexpectedly agrees to accept a proposal after honorable members have left the chamber, under the impression that they would not do so, it is an ordinary rule of debate to allow an adjournment until the following day. I am sure that the honorable member for Kennedy, although he may have temporarily felt annoyed because he thought the manner of asking for the adjournment did not exactly meet his views—

Mr. McDONALD.—Honorable members distinctly told me outside that they were only beating time.

Mr. McCAY.—Those who make that assertion must speak only for themselves. I have taken part in to-day's debate, and I certainly have not done so simply because of a desire to mark time. I do not see what could be gained by doing so, and I do not think there is any such general feeling on the part of honorable members on this side of the Committee. I must confess that I wish to have time to think over this proposal. I feel rather in a difficulty in regard to it. No class in the community deserves more sympathy than the domestic servants. A large number of women, whose husbands cannot afford to engage domestic servants—

Mr. O'MALLEY.—We must bring them under the Bill.

Mr. McCAY.—I believe that some honorable members would even go that far. A woman who has to attend to her children and her home, and whose husband's means do not permit her to obtain the services of a domestic, has very often much more arduous duties to perform than has a servant. I sympathize very much with domestic servants. Their duties are in many ways as hard and as unpleasant as are those of almost any class in the community. On the other hand, I am oppressed by the knowledge that to include them in this Bill would be to hold out an utterly illusory hope to them. No doubt other honorable members are in the same position. Their judgment moves them in one way, and their sympathy in another. I think it is reasonable, as the honorable member for Kennedy and the Prime Minister admits, that we should—

Mr. THOMAS.—Leave it to the High Court to deal with.

Mr. McCAY.—There is too much talk of leaving this and that to the High Court, but I am glad that the Prime Minister has agreed to report progress, so that we shall be able to resume the consideration of the question to-morrow, when none of us will be angry, no matter which way the vote goes.

Mr. STORRER (Bass).—I should not have spoken to-night, but for the remark made by the honorable and learned member for Wannon that this amendment would not have been moved but for the fact that some days ago he drew attention in this Committee to the exemption of domestic servants. I would inform honorable members that I made a note of this exemption some weeks ago, and would have moved for the inclusion of domestic servants had not the honorable member for Kennedy done so. It was only because I desired to correct the statement made by the honorable and learned member for Wannon that I considered it necessary to speak at this stage.

Mr. WATSON.—I desire to say that the Government recognise that it has been usual to adjourn about 10.30 p.m. on Tuesdays, and that my only reason for offering any objection to the request that progress be reported was that I was not satisfied that there was a large number of honorable members, in addition to the honorable and learned member for Wannon, who desired to discuss this question. If an important amendment is suddenly accepted

by the Government it is only fair to afford an opportunity to those who have left for their homes to consider the new condition of affairs created by that acceptance. I personally do not regard the amendment as being very important. I have already expressed the opinion that a proposal to bring domestic servants under an Arbitration Court is not likely to be brought into operation under a Federal law. I do not see any probability of such a provision in a Federal law being likely to operate, at least for a long time to come. It was rather because of the reason that has just been expressed by the honorable and learned member for Corinella that we did not make this a Government question. I believe that all the members of the Cabinet are in perfect harmony with the principle underlying the amendment proposed by the honorable member for Kennedy, but it seems a somewhat illusory hope to hold out to a number of servant girls that under the Constitution Federal machinery can be brought to their assistance.

Mr. McCOLL.—Then why participate in a sham?

Mr. WATSON.—It may not be a sham. Our impressions may be wrong, but when the honorable member for Echuca says that this is a sham I do not think he is doing justice to those who differ from him.

Mr. PAGE.—The honorable member for Echuca is a sham.

The CHAIRMAN.—It is not in order for the honorable member to say that an honorable member is a sham, and I call upon him to withdraw the remark.

Mr. PAGE.—I do not know whether I will withdraw it; he is nothing more than a sham. No, I will not withdraw it.

The CHAIRMAN.—Order. I must ask the honorable member to recognise his duty to the Chair, and to withdraw the remark. It was a reflection on the honorable member for Echuca.

Mr. PAGE.—I shall not withdraw it.

The CHAIRMAN.—I ask the honorable member once more if he is prepared to withdraw the remark.

Mr. PAGE.—Very well, I will withdraw it.

Mr. WATSON.—I was about to say that the honorable member for Echuca is hardly justified in suggesting that one is participating in a sham.

Mr. McCOLL.—But the honorable gentleman himself admits that it is a sham.

Mr. WATSON.—No; I say that I do not think it likely that the machinery of the

to-night. As a matter of fact, the honorable and learned member does not know of one honorable member who desires to speak to-morrow.

Mr. ROBINSON.—I know of several.

Mr. McDONALD.—I question it very much.

Mr. ROBINSON.—I say that I do know of several.

Mr. McDONALD.—I am willing to accept the honorable and learned member's statement, if he can name three honorable members who desire to speak.

Mr. ROBINSON.—I can name them. The honorable member for North Sydney is one.

Mr. DUGALD THOMSON (North Sydney).—I am rather astonished at the display made by an honorable member who, when another Government was on the Treasury benches, always desired to adjourn at the usual hour.

Mr. McDONALD.—I always objected.

Mr. DUGALD THOMSON.—I remember on one occasion assisting the honorable member for Kennedy to secure adherence to that practice.

Mr. McDONALD.—I remember the occasion of which the honorable member speaks; but it was then 11 p.m.

Mr. DUGALD THOMSON.—The honorable member says that he is prepared to accept the word of certain honorable members that the debate is being continued for the convenience of the right honorable member for East Sydney. I can give that statement an absolute denial. There is not a scintilla of truth in it.

Mr. McDONALD.—Then we are associated with a very funny lot.

Mr. DUGALD THOMSON.—No such attempt as that indicated has ever been made. In proof of this, I may mention the effort made by honorable members on this side of the Chamber to have a division taken before tea, rather than afterwards, upon the amendment proposed by the honorable and learned member for Wannon. It must be remembered that we have been discussing, and have decided, a very important matter, and that several others have also been dealt with.

Mr. THOMAS.—I think that we have done a very good day's work.

Mr. DUGALD THOMSON.—I certainly do not consider that there is any cause for the statement made by the honorable member for Kennedy, and I am sure that when he has freed himself from the little bit of warmth due to the fact that the amend-

ment in question is his own, his judgment and his usual good nature will lead him to see that he should not have made the attack.

Mr. McCAY (Corinella).—I was sorry to hear the statement made by the honorable member for Kennedy. We know that he is sincere in the object which he has in view, but, even if it were earlier than it is, and even if this were not Tuesday evening, honorable members would be justified, in the circumstances, in asking for an adjournment. An amendment has been proposed, and I do not know whether the Government are prepared to accept it or whether they say that they will not fight strenuously for it.

Mr. WATSON.—We raise no objection to it.

Mr. McCAY.—I do not know whether the Government propose to vote for it?

Mr. WATSON.—I intend to do so.

Mr. McCAY.—Then it is an open question with the Cabinet?

Mr. WATSON.—I think that we shall all vote for it.

Mr. McCAY.—In these circumstances we may say that there has been an informal acceptance of the amendment, and when a Government unexpectedly agrees to accept a proposal after honorable members have left the chamber, under the impression that they would not do so, it is an ordinary rule of debate to allow an adjournment until the following day. I am sure that the honorable member for Kennedy, although he may have temporarily felt annoyed because he thought the manner of asking for the adjournment did not exactly meet his views—

Mr. McDONALD.—Honorable members distinctly told me outside that they were only beating time.

Mr. McCAY.—Those who make that assertion must speak only for themselves. I have taken part in to-day's debate, and I certainly have not done so simply because of a desire to mark time. I do not see what could be gained by doing so, and I do not think there is any such general feeling on the part of honorable members on this side of the Committee. I must confess that I wish to have time to think over this proposal. I feel rather in a difficulty in regard to it. No class in the community deserves more sympathy than the domestic servants. A large number of women, whose husbands cannot afford to engage domestic servants—

Mr. O'MALLEY.—We must bring them under the Bill.

Mr. McCAY.—I believe that some honorable members would even go that far. A woman who has to attend to her children and her home, and whose husband's means do not permit her to obtain the services of a domestic, has very often much more arduous duties to perform than has a servant. I sympathize very much with domestic servants. Their duties are in many ways as hard and as unpleasant as are those of almost any class in the community. On the other hand, I am oppressed by the knowledge that to include them in this Bill would be to hold out an utterly illusory hope to them. No doubt other honorable members are in the same position. Their judgment moves them in one way, and their sympathy in another. I think it is reasonable, as the honorable member for Kennedy and the Prime Minister admits, that we should—

Mr. THOMAS.—Leave it to the High Court to deal with.

Mr. McCAY.—There is too much talk of leaving this and that to the High Court, but I am glad that the Prime Minister has agreed to report progress, so that we shall be able to resume the consideration of the question to-morrow, when none of us will be angry, no matter which way the vote goes.

Mr. STORRER (Bass).—I should not have spoken to-night, but for the remark made by the honorable and learned member for Wannon that this amendment would not have been moved but for the fact that some days ago he drew attention in this Committee to the exemption of domestic servants. I would inform honorable members that I made a note of this exemption some weeks ago, and would have moved for the inclusion of domestic servants had not the honorable member for Kennedy done so. It was only because I desired to correct the statement made by the honorable and learned member for Wannon that I considered it necessary to speak at this stage.

Mr. WATSON.—I desire to say that the Government recognise that it has been usual to adjourn about 10.30 p.m. on Tuesdays, and that my only reason for offering any objection to the request that progress be reported was that I was not satisfied that there was a large number of honorable members, in addition to the honorable and learned member for Wannon, who desired to discuss this question. If an important amendment is suddenly accepted

by the Government it is only fair to afford an opportunity to those who have left for their homes to consider the new condition of affairs created by that acceptance. I personally do not regard the amendment as being very important. I have already expressed the opinion that a proposal to bring domestic servants under an Arbitration Court is not likely to be brought into operation under a Federal law. I do not see any probability of such a provision in a Federal law being likely to operate, at least for a long time to come. It was rather because of the reason that has just been expressed by the honorable and learned member for Corinella that we did not make this a Government question. I believe that all the members of the Cabinet are in perfect harmony with the principle underlying the amendment proposed by the honorable member for Kennedy, but it seems a somewhat illusory hope to hold out to a number of servant girls that under the Constitution Federal machinery can be brought to their assistance.

Mr. McCOLL.—Then why participate in a sham?

Mr. WATSON.—It may not be a sham. Our impressions may be wrong, but when the honorable member for Echuca says that this is a sham I do not think he is doing justice to those who differ from him.

Mr. PAGE.—The honorable member for Echuca is a sham.

The CHAIRMAN.—It is not in order for the honorable member to say that an honorable member is a sham, and I call upon him to withdraw the remark.

Mr. PAGE.—I do not know whether I will withdraw it; he is nothing more than a sham. No, I will not withdraw it.

The CHAIRMAN.—Order. I must ask the honorable member to recognise his duty to the Chair, and to withdraw the remark. It was a reflection on the honorable member for Echuca.

Mr. PAGE.—I shall not withdraw it.

The CHAIRMAN.—I ask the honorable member once more if he is prepared to withdraw the remark.

Mr. PAGE.—Very well, I will withdraw it.

Mr. WATSON.—I was about to say that the honorable member for Echuca is hardly justified in suggesting that one is participating in a sham.

Mr. McCOLL.—But the honorable gentleman himself admits that it is a sham.

Mr. WATSON.—No; I say that I do not think it likely that the machinery of the

Court will be applied to domestic servants ; but that is not to say that it is impossible. I hold that it is quite possible to have an organization of domestic servants formed throughout the Commonwealth, and possibly brought under this measure. I do not think that it is probable, but it is certainly possible. As a matter of principle, therefore, I have no objection to the amendment, neither, so far as I am aware, has any member of the Cabinet. The point at issue, now, is the question of whether progress should be reported. On the whole, we have not done badly to-day. We have discussed a large number of important matters, and I quite believe that there is no organized attempt to delay the passing of the Bill. The debate, so far, has been mostly due to a desire to elucidate the bearing of a number of different points which must inevitably crop up, more especially when, as in our case, we have a written Constitution governing our actions. I do not complain of the progress that has been made to-day, although I should like the headway to be a little more rapid. I hope that when we next resume the consideration of this Bill, we shall be able to make a little better progress, and that there will be no undue delay.

Progress reported.

## ADJOURNMENT.

### MILITARY UNIFORMS AND WORKS.

Motion (by Mr. WATSON) proposed—

That the House do now adjourn.

Mr. McCAY (Corinella).—I wish to ask the Prime Minister if he has been able to see his way to deal with the matter of the clothing allowances for the Defence Forces, about which I asked a question the other evening?

Mr. WATSON (Bland—Treasurer).—After the honorable and learned member made his representation last week, I asked the Minister of Defence to look into the matter, and advise me as to how it stood. I am informed by him that—

The Financial and Allowance Regulations, paragraph 89, provides as a safeguard that certain Clothing and Corps Contingent Allowance "will, subject to provision being made by Parliament," be credited to Officers Commanding. The practice of issuing such allowance has varied in the different States, but where Commanding Officers have required advances to enable them to tide over financial difficulties, such advances have been frequently made when funds have been available. As these amounts are really due "at the commencement of the financial year," provision could be made in the first Supply Bill pre-

sented to Parliament for payment of same to those Corps who require them, and thus both maintain the Regulation (which is advisable), and to enable Commanding Officers to pay cash for their supplies.

My honorable colleague supplied me with a statement of the total sum paid for clothing during 1903-4, and the sum proposed in the Estimates for 1904-5. The total sum for the different States and Thursday Island comes to £46,765 for this year, and practically a similar amount is proposed for next year. I do not see any difficulty in the way of making the allowance available earlier than the voting of the Estimates. It is worthy of the attention of the Government and the House whether it would not be possible to make some better arrangement in regard to works and buildings, and I dare say that the right honorable member for Swan has recognised its necessity. In regard to the matter which the honorable and learned member for Corinella has brought up, if we have to wait until the Estimates have been passed before we can attempt to make use of the money voted, it will mean that very little time will then be available in which to arrange contracts and spend the money that is voted for the whole year. In the same way with military and other works and buildings, the Estimates are passed, perhaps, four months after the financial year has begun, with the result that there is only a period of eight months in which to make all the arrangements for the spending of a vast sum. It means that we have to increase the staff, perhaps to abnormal strength, or to have at the end of the year a large unexpended balance, which has to be re-voted year after year. It is worth while to consider whether, in the future, it would not be wise to have a special estimate for works, which might be brought up and be authorized for operating on at an earlier period of the financial year.

Sir JOHN FORREST.—The same difficulty has been experienced in all the States.

Mr. WATSON.—It is a difficulty which I always noticed in the Parliament of New South Wales. But in our case it is accentuated by the cash system under which the expenditure of the vote ceases immediately the financial year ends. If we could carry on the expenditure out of a vote already passed for, say, several months of the financial year, there would not be much difficulty.

Sir JOHN FORREST.—That could easily be done by an Act.

Mr. WATSON.—That is objectionable from another point of view, because we

should never know what the actual expenditure in the year would be. I think we might consider for action at a later period the possibility of making some provision for works that take a long time to carry out at a date much earlier than the passing of the Estimates. I see no difficulty, however, in making arrangements to meet the case suggested by the honorable and learned member for Corinella. And I do not believe that there will be much objection on the part of the House to vote in a Supply Bill the sum which is usually voted for the purpose of clothing, and which this year it is desirable should be made available at an earlier period, owing to the fact that new uniforms are being adopted throughout the Forces. It will mean no greater expenditure than has previously been incurred in this relation. But to have it available at an early date will be, I have no doubt, a great advantage to the commanding officers. I hope that we shall be able to make some arrangement to meet the position put forward by the honorable and learned member.

Question resolved in the affirmative.

House adjourned at 10.57 p.m.

## Senate.

Wednesday, 8 June, 1904.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

### PAPERS.

Senator MCGREGOR laid upon the table the following paper:—

Report upon the Water Supply and Water Power for the proposed Federal Capital site at Dalgety.

Ordered to be printed.

The CLERK laid upon the table the following paper:—

Return to an order of the Senate of the 26th May relating to the selection and approval of the Commonwealth flag.

### PRINTING OF DOCUMENTS.

Senator MACFARLANE asked the Vice-President of the Executive Council, *upon notice*—

If the Government will take steps to endeavour to have the printing of necessary documents done more expeditiously than is often the case, notably

in connexion with the evidence of witnesses before the Select Committee on "Privilege"—that which was sent to the Printer early on 2nd May not being printed till 6th May, whilst that forwarded at mid-day on 30th May was not delivered to Senators till 2nd June?

Senator MCGREGOR.—The answer to the honorable senator's question, as supplied by the Government Printer, is as follows:—

It is admitted that the evidence first referred to, occupying twenty-one pages of print, was not put into type as rapidly as it might have been. In extenuation of the delay it should be mentioned that this Department had to edit or prepare the ms. for the Printer before it could be proceeded with. That involved the making of several inquiries to ascertain what portion of the accompanying exhibits was to be inserted in the evidence and where. Despite these inquiries, it was afterwards discovered that a full page of printed matter had been set up which was not required. Had urgency been notified, proofs would have been furnished earlier. The evidence next referred to came to hand about mid-day on the 30th May, and proofs were delivered at 9.30 a.m. on 2nd June. Four or five hours were again occupied in preparing the ms. for the printer. The proofs of this evidence, comprising eighteen pages of print, were, therefore, produced in two days. Greater expedition shall be observed if desired. But in order to assist this Department in that direction, it is suggested that the ms. of evidence should be sent here in a state in which it can be put into the operators' hands without preliminary preparation.

Senator MACFARLANE.—I desire to ask the Vice-President of the Executive Council if the Government, instead of merely asking for an explanation from the Government Printer, will do their best to expedite the printing of documents?

Senator MCGREGOR.—The Government will do all they possibly can to expedite the work.

### OATHS ADMINISTRATION BILL.

Motion (by Senator Lt.-Col. NEILD) agreed to—

That leave be given to bring in a Bill to enable the Parliament and any Committee thereof to administer oaths and affirmations to witnesses.

Bill presented, and read a first time.

### SEAT OF GOVERNMENT BILL.

Motion (by Senator MCGREGOR) proposed—

That the report be adopted.

Senator DOBSON (Tasmania).—I do not feel myself at liberty to support the motion. A number of honorable senators, including, of course, the members of the Labour Party, have, with commendable

candour, told us that they desire, not the minimum area for the Federal Capital, but a much larger area, in which to try a scheme of land nationalization. Whether that is right or wrong is not the question. I cannot conceive that we have any right to take nine times the minimum area, unless it be with the consent of the Government of New South Wales. In Committee I moved an amendment that the taking of this large area of not less than 900 square miles should be subject to the consent of that Government, and it was negatived by a majority of only fourteen votes to thirteen. Since that occasion a very strong opinion has been expressed in New South Wales by the Premier, on the one hand, and the leader of the Opposition on the other, that no such area as that will be granted by its Government. I am inclined to think that, if good reason can be shown, the Government of the mother State will be inclined to deal liberally with us, to sweep away all troubles, and that we shall have very little difficulty in coming to terms. I should like to see the negotiations on this very important and delicate subject commenced with some show of success. Is it wise for Ministers to commence them with the assertion of a right which many of us believe cannot be maintained, and which we know does irritate and annoy the Government of New South Wales? It appears to me that if the Bill leaves the Senate in its present form, it will place Ministers under a disability when they come to negotiate, because when they begin they will find that the Parliament has passed an Act in spite of all warnings, in spite of the fact that all the senators from New South Wales said that the people of their State regard this as a kind of grab-all policy or description of robbery. With their eyes open, honorable senators insist on passing a Bill, as if we had the right to take nine times the minimum mentioned in the Constitution. I only intended moving that the Bill be re-committed, for the purpose of considering clause 3, but if there is any hope of such an amendment being passed, it might be well to consider the whole Bill, because I find that in clause 2, the words "the State of New South Wales" are used twice, which is, I think, a mistake. We might well improve the verbiage of that clause. Therefore, I move—

That all the words after the words "That the" be left out, with a view to insert in lieu thereof the words "Bill be recommitted for the reconsideration of clauses 2 and 3."

*Senator Dobson.*

I desire to lessen in every possible way I can the friction which seems to be constantly arising between the Commonwealth on the one hand, and individual States on the other. I do not think that this friction can be got rid of if we claim in the Bill certain rights which appear to most of us to be unreasonable, and to many of us to be absolutely unconstitutional. It is no argument to reply that the High Court will decide, or to say, "We shall do what we can with our friends in New South Wales." If at the beginning of negotiations one party insists that he is right, there will be very little hope of the parties coming to an understanding. If we adhere to the words of the Constitution, and say that we want an area of not less than 100 square miles, and, subject to the consent of the Government of New South Wales, such larger area as, including that area, will make an area of 900 square miles, we shall commence to negotiate on fair terms, instead of holding a pistol to the head of the mother-State, and asserting rights which are disputed, and which irritate the people with whom we have to deal.

Senator MILLEN (New South Wales).—I support the amendment, for reasons very much the same as those alleged by Senator Dobson, and for other reasons also. In my opinion, the Bill is absolutely lacking in candour. Anyone who listened to the debate which took place here last week must be thoroughly convinced that the Senate favours Dalgety as the site for the Federal Capital. Anyone outside who reads the Bill may well ask why it was that the Senate did not mention Dalgety, but, on the contrary, selected a point and said that the Seat of Government should be within a certain distance of that point? That is where the Bill, in my opinion, lacks candour. We know the object of that provision. The object was to secure Dalgety on the one side, and Eden on the other, without putting in the Bill a demand for the enormous area which would be required to bring those two points within the Federal Territory. Roughly speaking, a distance of 100 miles separates Eden from Dalgety, and in order to have an area of only 900 square miles we should require a strip of country about 100 miles long by nine miles wide—just a tongue of country driven into that corner of New South Wales. That would be an impracticable proposal. The Bill is lacking in candour in not having affirmed, as Senator Findley asked the

Senate to affirm, that the area should be 5,000 square miles.

Senator STANFORTH SMITH.—Which the Senate negatived.

Senator MILLEN.—The Senate negatived the amendment, but that is what was in its heart all the while. What is wanted is an area which will give Dalgety on the one side and Eden on the other, and the Senate should have been honest and said so.

The PRESIDENT.—I do not think the honorable senator is in order in imputing dishonesty to the Senate.

Senator MILLEN.—I withdraw the word, sir, and say that it would have been better had the Senate been sufficiently candid and stated exactly what it wanted, that is, Dalgety one the one side and Eden on the other. I defy any honorable senator to say how we can embrace those two points in an area of 900 square miles if that area is to have anything like a shape which will commend itself to anybody here or in State politics. If I am right in the assertion that it is desired to have the Federal Capital somewhere in the neighbourhood of Dalgety, and at the same time to have Eden within the Federal Territory, then it follows that what is required is not an area of 900 square miles, but an enormously enlarged area. My first objection to the Bill, in its present form, is that it is not frank and candid; that underneath it there is some reservation, that there is evidence of an effort to get something which is not clearly shown on the surface. I submit that that is a form of legislation which ought not to commend itself to this or any other legislative body. Now, as regards the area which we ought to ask for, I submit again for the consideration of the Senate, whether it would not have been wiser to adopt the simple terms of the Constitution, which provides for an area of not less than 100 square miles. Had that been done, in no sense would the hands of the Government have been tied in their effort to obtain a larger area. They could have approached the Government of New South Wales, buttressed by the fact that they were acting in entire accordance with the Constitution, and they might have been able to show that there were substantial reasons why that area should be increased.

Senator STANFORTH SMITH.—Without a mandate from the Senate for it?

Senator MILLEN.—Yes; as it is now, the Government cannot negotiate for an area of 899 square miles.

Senator STANFORTH SMITH.—The inference would be that the Senate wanted an area of only 100 square miles.

Senator MILLEN.—What is the inference now?

Senator STANFORTH SMITH.—That they want an area of 900 square miles.

Senator MILLEN.—The honorable senator had nothing to say about an inference when I was dealing with Dalgety and Eden.

Senator STANFORTH SMITH.—The honorable senator is full of inferences, and they are not correct.

Senator MILLEN.—I was pointing out when I was met with the interruption, that had the Bill simply adopted the language of the Constitution, the hands of the Government would not have been in any way tied, but their position would have been stronger. The Senate ought to have indicated with some approach to definiteness what area it did want. So far as the Bill being a mandate to the Government is concerned, does it tell the Government to negotiate for any particular area? Does it give the Government any guide at all as to where the Senate desires the Federal Territory or the Federal Capital to be? Had we just stated in the Bill that the Federal territory should be on the plains of Southern Monaro, it would have been just as clear an indication of what we want as is now given. As the Bill stands, the Government have absolutely no guide. I submit that if it were placed before any person not familiar with our proceedings of last week, and he were asked to judge from its provisions where we wanted the Federal Capital or the Federal territory to be, what particular parcel of land it authorized the Government to negotiate for, he could not say. Surely the Senate can make up its mind as to what it does want for a Federal territory. Surely it can say where it thinks that the Federal Capital ought to be, and so give the Government some definite directions as to the form which the negotiations are to take, and the particular parcel of land which it is authorized to negotiate for. As it is now, the Government can roam all round over a radius of 100 miles in any given direction. Unless it is intended that the Government should endeavour to get the whole of the area contained in that radius of 100 miles, the Bill is absolutely valueless as a direction to Ministers and an indication



of the wish of the Senate. Senator Dobson has referred to some expressions of opinion given in New South Wales about the action of the Senate in asking for the enlarged area. I suppose that honorable senators are familiar with them. Speaking as a representative of that State, I can only say that the utterance of its Prime Minister very fairly echoes the sentiment which is generally held there. I repeat what I said on the second reading, that I do not believe New South Wales will be found niggardly in granting any area which we can show to be necessary for Federal purposes. Beyond that the Federal Parliament has no right to ask New South Wales to go. But to express an opinion that New South Wales will meet any legitimate demand for Federal purposes is very different from passing a Bill in which we say that the area "shall be not less than 900 square miles," when the Bill carries on the face of it evidence that what we really desire is not 900 square miles, but 5,000 square miles. If the Senate be, as I believe it is, desirous of terminating this matter, I would ask honorable senators to agree to put the Bill in such a form that the Government will be enabled to open negotiations with New South Wales with some reasonable prospect of success. There is no reason why they should not be left with an absolutely free hand to obtain any area over and above the minimum prescribed by the Constitution. When it is found that the Senate is prepared to multiply the constitutional minimum by nine, there is a not unreasonable fear in New South Wales that when the Government begins to negotiate they will endeavour to multiply the minimum fixed in the Bill by nine. It is a big jump from 100 square miles to 900 square miles, and the people of New South Wales are concerned to know where this will end, and what the next jump may be.

Senator DAWSON.—Have they got a bad argument?

Senator MILLEN.—The Premier of New South Wales gives an answer when he tells members of the Federal Parliament that they will not get this larger area.

Senator DAWSON.—He may not be Premier for long.

Senator MILLEN.—Whoever is Premier he will say the same thing. The gentleman who is likely to succeed Sir John See, should a change of Government take place in New South Wales—I refer to Mr. Car-

ruthers—is equally emphatic in resisting the demands of the Federal Parliament for an unduly large area. I venture to say that there is no public man in New South Wales who will be prepared to concede what is asked for in this Bill if it is put forward in the shape of a demand.

Senator O'KEEFE.—There is one in the House of Representatives.

Senator MILLEN.—Does the honorable senator refer to Mr. Watson?

Senator O'KEEFE.—No; but to an honorable member who has said that he believes that if New South Wales is asked for the larger area she will be prepared to grant it.

Senator MILLEN.—One swallow does not make a summer, and it is the exception which proves the rule. All the evidence we have on the subject tends to support my statement. Now and again an eccentric individual may express an opinion opposed to that held by the majority, but the opinion which I am expressing will be accepted by the State as fairly representing the view of New South Wales. If the words of the Constitution describing the area had been adopted, the Government could have entered into negotiations with the Government of New South Wales; they could have gone into details as to the particular area desired, which at the present time we do not know, and then they could have ascertained exactly the area that would be required. That is information that we are entirely without at present. Whilst we do not know what particular area is to be acquired, we do know, as well as this Bill can tell us, that the Senate desires that we should acquire not less than 900 square miles, and that the Federal area should include the territory from Dalgety to the sea coast. If that is insisted upon we may just as well throw this Bill under the table, because no Federal Territory will be granted in New South Wales upon such terms.

Senator Lt.-Col. NEILD (New South Wales).—I rise to support the amendment moved by Senator Dobson. I do so for the reasons which have been very clearly enunciated by Senator MilLEN, and for the further reason that I have not the least doubt that if this Bill be passed in its present form it will be a nullity, because a stand and deliver proposal of this kind is one which no Parliament or Ministry, present or future, in New South Wales will agree to. If

in this Bill we had said in the terms of the Constitution that we required an area of "not less than 100 square miles"—which means 100 square miles, or as many more as may be needful without limitation—I feel sure that, as Senator Millen has said, the Parliament and Government of New South Wales would have sought to meet in a free and open-handed manner any legitimate request put forward by the Parliament of the Commonwealth. But if, instead of complying with the provisions of the Constitution, an inordinately large demand is made, it is inevitable that there will be such an opposition to the proposal by the Government and people of New South Wales as will prevent the intention of honorable senators being given effect to. It should not be forgotten that this question will be prominently before the electors of New South Wales during this or next month, in connexion with the general election about to take place in that State. Do honorable senators for a moment suppose that any candidate for the State Parliament will be successful at the poll if he advocates what is regarded in New South Wales plainly as an effort in the direction of a "big steal." That is how the proposal is regarded in New South Wales; that is what the newspapers call it; and it is what candidates, who desire to be in touch with local feeling, will also call it. "Not less than 100 square miles" is practically the same as "not less than 900 square miles," because an area of "not less than 100 square miles" may be extended to any degree necessary. The minimum included in the Bill is, therefore, unquestionably a useless minimum and when it is set so high, as Senator Millen has observed, we cannot go back on it by a square mile. Speaking without heat, but with positive assurance, I say that if passed in its present form, this Bill will remain a dead-letter, and I do not think that can be the intention of honorable senators. I urge upon the Senate the advisability of more moderation in the minimum demand, whilst leaving the maximum demand as free as it is under the Constitution. I desire to do what is proper and lawful but I consider that to fix a needlessly high minimum will be to create a difficulty which will most assuredly stand in the way of the friendly settlement of this question, that I am sure we all desire. Let me suggest another view of the matter. Those who desire to secure the splendid water power of Dalgety, and also the port of Eden, are suggesting the acquisition of a strip of country of an extraordinary form. The

acquisition of that country would leave a part of New South Wales at the back of the Federal Territory—a sort of no man's land, between the Federal Territory and the State of Victoria.

Senator O'KEEFE.—No; New South Wales could throw that in, too.

Senator MILLEN.—That is exactly my contention; that what honorable senators want is 5,000 square miles.

Senator Lt.-Col. NEILD.—That is what it would come to.

Senator O'KEEFE.—Senator Neild is objecting to that strip of land being left over.

Senator Lt.-Col. NEILD.—I am objecting to it, and if that land is included in the Federal Territory, the area acquired will be needlessly large for a centre of Government.

Senator DAWSON.—What is New South Wales doing with that territory now?

Senator Lt.-Col. NEILD.—That is not the question. Senator Dawson is probably the possessor of real estate in some part of Australia, out of which he is not making very much money at the present time. I dare say there are many honorable senators in a similar position; but, though we may not be making money out of our property, we may not be able to see any fun in some one else taking that property from us.

Senator DAWSON.—Surely it would be better to give up a portion of your property, if, by so doing, you enhanced the value of the rest.

Senator Lt.-Col. NEILD.—It has not been shown that that would be the effect. Apart from details, I say, as Senator Millen has said, that the needlessly high minimum fixed in the Bill will meet with undoubted opposition of a serious character. I most courteously urge upon the Government and upon my fellow honorable senators that to set forth in the Bill a needlessly high minimum will be to provide for that which is not only unnecessary, but is also mischievous, especially in view of the fact that a low minimum would accomplish all that is required. I pledge my word, for one, that I shall not attempt to interfere with the granting of all the territory that may be necessary for a handsomely provided and buttressed Capital, with every possible advantage of communication, and particularly of water supply. But to tie down the negotiations by the Federal Government to an abnormally high minimum will be to create difficulties for which there is no necessity, and which will eventually become paramount.

Senator STANIFORTH SMITH (Western Australia).—It is regrettable that some honorable senators should accuse other members of the Senate of want of frankness and want of candour in the legislation we have been enacting.

Senator MILLEN.—It is regrettable that they should have to do it.

Senator STANIFORTH SMITH. — Such an accusation can have no good result, and it must have a very bad effect as far as the people of New South Wales are concerned. The suggestion is that we are engaged in a sort of plot to hoodwink the people of New South Wales, and that we have some ulterior design in this legislation, which I am sure was never in the minds of honorable senators. I personally regret that, in indicating that we desire an area of not less than 900 square miles, we did not add the words, "with the concurrence of the Government of New South Wales," because we must meet the New South Wales authorities in the matter, and both parties must be agreed before we can acquire any area beyond the limit of 100 square miles mentioned in the Constitution.

Senator DAWSON.—It would only be surplusage to include those words.

Senator STANIFORTH SMITH.—I believe it was necessary to mention in the Bill the area which, in the opinion of the Senate, should be acquired. Senator MilLEN has said that we should adopt the words of the Constitution, and provide for an area of "not less than 100 square miles." But if we were now to alter the area proposed to 100 square miles, the representatives of New South Wales would probably say that, after further consideration, the Senate deliberately altered the area from 900 square miles to 100 square miles, and it would be said that we did not desire the acquisition of any larger area. We should tie the hands of the representatives of the Commonwealth in their negotiations with the New South Wales Government; a false impression would be created; and it would be suggested by certain newspapers that the representatives of the Commonwealth were not carrying out the wishes of the Federal Parliament if they asked for any larger area. The position I have taken up all along is that we should indicate the area we desire.

Senator MULCAHY.—By resolution of the Senate.

Senator STANIFORTH SMITH.—I think it would have been better to have done

it by resolution of the Senate. But, in any case, the area we desired should be indicated, and I think we should add the words, "with the concurrence of the Government of New South Wales." If we may judge by what appears in the Sydney press, which is not always reliable, the Commonwealth is desirous of taking a huge area, and the majority of the members of the Federal Parliament are in favour of that in order to carry out some scheme of land nationalization, irrespective of the requirements of the Federal city.

Senator MILLEN.—The honorable senator moved in the last Parliament to do that.

Senator STANIFORTH SMITH.—I asked that we should have an area of not less than 1,000 square miles. I am still of that opinion, and I am supported in that view by the report which has just been submitted, and in which we are told that the catchment area of Delegate is 1,600 square miles in extent. If Delegate were selected, we should not be asking an acre too much in asking 1,000 square miles, in order that we might secure our water supply and prevent it being fouled by being under another jurisdiction.

Senator MILLEN.—Would that other jurisdiction foul it?

Senator STANIFORTH SMITH. — What I mean is, that it should be entirely under our control, that we may be able to see that the source of our water supply is not vitiated. From the statements which have been made, the idea prevalent in New South Wales would appear to be that the Senate is desirous of doing something which, I am sure, we have no desire to do. Surely New South Wales representatives should be anxious to have this question settled as soon as possible?

Senator DAWSON.—It does not look like it.

Senator STANIFORTH SMITH.—Is it not better that they should endeavour to smooth over difficulties, and acquaint the people of New South Wales with the true position, than that they should raise factious opposition; inflame the spirit of provincialism already existing in some quarters of New South Wales; and appeal to what I may call the anti-national feelings of certain people and of certain newspapers in that State? Having indicated the portion of New South Wales within which we desire the Federal Capital to be located, contour surveys will require to be made, and a great deal of information furnished before we can take a step in the actual selection of

the site for the Capital, which cannot subsequently be retraced. If we can induce honorable members in another place to agree to the area which we have proposed as that within which the Capital shall be located, we shall have taken a step forward, and there is no doubt that within a short space of time the actual site of the Capital will be selected.

Senator MILLEN.—Is the honorable senator personally in favour of Eden being included in the Federal Territory?

Senator STANFORTH SMITH.—I am coming to that question. One of the most extraordinary statements made by Senator Millen was that the Senate had chosen Delegate, and desired to have the whole of the area from that site to Twofold Bay included in the Federal Territory. I have not heard a majority of the members of the Senate say anything of the kind.

Senator MILLEN.—The honorable senator said so himself last week.

Senator STANFORTH SMITH. — I beg the honorable senator's pardon; I have never said such a thing during this debate.

Senator MULCAHY.—The majority of honorable senators desire to have a port.

Senator STANFORTH SMITH.—That is very different from fixing on the Monaro tableland, taking a site in the western portion of it, and seeking to connect that site with Twofold Bay, within the Federal Territory.

Senator MILLEN. — Does the honorable senator deny that he wishes to have Eden included within the Federal Territory?

Senator STANFORTH SMITH.—It all depends where the Capital site is to be. Honorable senators will recollect that I objected to the provision with respect to fifty miles from Delegate being included in the Bill, because I considered that it might be possible to select a site nearer to Twofold Bay, if it were considered essential that a port should be included in the Federal Territory. For my part, I do not believe we could justify a claim to have Delegate selected as the Capital site, and to have the Federal Territory extending from that site to Twofold Bay. I think that we are bound by the intention and spirit of the Constitution. While I should like to see an area of 5,000 square miles acquired, and should prefer to include in the Federal Territory the whole of the Monaro tableland and Twofold Bay, I do not think that under the Constitution we have the right to ask

that that should be done. We are not justified under the Constitution in asking for a larger area for the Federal Capital than may be considered reasonably necessary for the expansion of the Federal city and suburbs, including parks, water supply, and essentials of that kind. While I say that I should like the Commonwealth to acquire 5,000 square miles, I do not think that we have a right to ask for such an area. If we are to carry out honorably our compact with New South Wales, we should not ask for an area which it is extremely unlikely that New South Wales will grant. But we can go to New South Wales in a proper spirit, and ask the Government of that State to grant a reasonable area which we can very well claim as being necessary to safeguard the Federal Capital against some portion of its territory being under a divided authority. I am hopeful that the representatives of New South Wales and the people of that State will not be inflamed with the feeling that we are trying to rob them of a huge area. Senator Neild said that we are entering upon a "big steal." It is regrettable that such expressions should be used. We admit that we cannot take more than 100 square miles, unless with the consent of that State. Of course, we have always the strong position that we need not choose any site, unless we get what we believe to be a reasonable extent of territory. But we want to be able to approach New South Wales without inflaming that provincial spirit, and that hostility which it is so easy to kindle in all young Commonwealths. That spirit prevailed in the early days of the United States, just as it prevails in Australia to-day. We want to be able to approach New South Wales in a friendly spirit, and to point out that we require more land for various purposes. I think that it can be clearly shown to be a reasonable proposal, that it would be unsafe for us to take an area less than 900 square miles, if we desire the Capital city and suburbs to be, for all time, under Commonwealth jurisdiction. That is the only ground that this Government can take up as to why a larger area is necessary. When we have acquired the territory, it will be for the Federal Parliament to decide by legislation how it is to be managed. If we decide that, in the interests of Australia, it is advisable that the fee-simple should not be parted with to private individuals, that can be done. But it is unnecessary to mention it in the negotiations. Nothing has be-

decided by this Parliament in regard to that point, nor have we come to a determination as to what kind of a water supply we shall have, or whether we shall provide lakes and parks. I hope that the New South Wales Government and people will not take up the position that we are dishonest in placing certain provisions in the Bill, when we have an ulterior intention to do something else. I think that it would have been better to have said in the Bill that we desired to acquire 900 square miles "with the concurrence of the Government of New South Wales," because that would have tended to obviate any provincial feeling of hostility; but, as the Senate has decided not to insert such words, and as it has shown its desire to see the Federal Capital erected as soon as possible, I hold it to be regrettable that New South Wales senators should allege motives which I do not think the Senate will for a moment indorse.

Senator DAWSON (Queensland—Minister of Defence).—The supposed loquacity of the Labour members sinks into utter insignificance when contrasted with the real loquacity of the New South Wales senators when they talk on a Seat of Government Bill. There has been one huge deluge of talk, and so far as we can see, it is still raining hard. It comes somewhat peculiarly from Senator Neild, Senator Millen, and other of their colleagues, that they should take advantage of every opportunity that is offered to them by the Standing Orders or the customs of Parliament, to delay the settlement of this question, which they tell their constituents in New South Wales they are striving their very utmost to expedite.

Senator MILLEN.—Does the honorable senator say that we should accept any Bill that this Government chose to propose?

Senator DAWSON.—The honorable senator pointed to the evil influence exercised by the Victorian representatives in the last Parliament, on the late Government, in order to tie up and prevent a number of areas in New South Wales from being thrown open for settlement. They urged then that it was necessary to select the Capital Site in order that the other sites now being reserved might be released. They alleged that a grave offence was committed by the Victorian representatives, who used their influence with the last Government so as not to expedite this Bill. There is equally as grave an offence now on the part of the present

Government, because they are trying to expedite the settlement.

Senator MILLEN.—That is absolutely untrue.

The PRESIDENT.—Order! The honorable senator must not impute untruths to another honorable senator.

Senator MILLEN.—Of course I shall conform to your ruling; but if Senator Dawson is going to make statements of that kind, I ask for some opportunity to tell the Senate that they are not correct.

The PRESIDENT.—The honorable senator can say that the statement is incorrect; but he must not say that it is an untruth.

Senator DAWSON.—I say deliberately that in my opinion these moves have been made in order not to expedite the settlement of this question.

Senator MILLEN.—Does the honorable senator say that we are "stone-walling" this Bill?

Senator DAWSON.—Undoubtedly.

Senator MILLEN.—I rise to a point of order. I ask whether the honorable senator is in order in launching accusations of "stone-walling"?

The PRESIDENT.—I do not think that it is unparliamentary to say that an honorable senator is "stone-walling."

Senator MILLEN.—Then I will take an opportunity of showing the Government what "stone-walling" means!

Senator DAWSON.—The honorable senator is entirely welcome to do what he pleases in that direction. He has suggested many things during the short career of this Government, and when he gets one or two shots back at him he does not seem to like it.

Senator MILLEN.—I like the truth, that is all.

Senator DAWSON.—It is a pity that the honorable senator likes the truth so much that he does not seem to care to part with it.

The PRESIDENT.—The honorable senator must not say that.

Senator DAWSON.—I withdraw that remark, Mr. President. So far as concerns my individual position, during the whole of the last Parliament I was at one with the New South Wales senators in assisting them in any movement they had on foot to secure a settlement of this question. There was no member of the New South Wales party who was more assiduous than I was in that direction. I adopted that attitude because I believed that we, as members of

the Commonwealth Parliament, are under a solemn and honorable obligation to the people of New South Wales to settle the locality where the Federal city shall be, in order that of the nine sites which the New South Wales Government has reserved, eight may be released. I therefore believed that expedition was absolutely necessary. This Government, realizing that obligation, have taken advantage of the very first opportunity that has presented itself to them to introduce the Seat of Government Bill as their first measure in the Senate. To our astonishment—to our amazement—the men who are placing obstacles in our way are not the Victorian senators who were blamed during the last Parliament—

Senator BEST.—Improperly blamed.

Senator DAWSON.—But those who come from New South Wales.

Senator MILLEN.—The honorable senator says that because we try to bring the Bill into conformity with the views that we hold.

Senator DAWSON.—Surely it is patent to every one that the New South Wales senators were offered every opportunity that they could have to bring the Bill into conformity with the views that they held. They availed themselves of those opportunities in the most liberal spirit. They had two recommittals. Now they want another one.

Senator MILLEN.—The Government themselves asked for one of those recommittals.

Senator DAWSON.—Out of deference to the wishes of the members of the Senate.

Senator MILLEN.—No; to patch up the clumsiness of the Government's Bill.

Senator DAWSON.—Not a bit of it. The representatives of New South Wales, with the assistance of their Tasmanian colleague, Senator Dobson, took every advantage of their opportunities, and debated the Bill in the fullest manner. It could not have been debated to a fuller extent. The very reason urged this afternoon as to why there should be a further recommitment was debated at length last Friday. This Bill is the outcome of those debates. Senator Millen says that the Senate is lacking in candour, as is evidenced by the Bill. But Senator Dobson, who has moved the recommitment, says that the Senate is candid, as is shown by the Bill. In fact he considers that we have been rather too candid.

Senator DOBSON.—The two points were not quite the same.

Senator DAWSON.—I never knew the honorable and learned senator to have one opinion for two minutes at a time. Senator Millen has said that it was evidently the desire of the Senate to accept Dalgety. I think that when a House of Parliament, after a full and free discussion, comes to a decision, that decision ought to be regarded as the expressed opinion of that House. I voted for Dalgety myself, but I was in a minority. The voting was thirteen to twelve. That is to say, the decision was arrived at in a House of twenty five senators, which Senator Millen will acknowledge, from his experience of the last Parliament, is a fairly high average of attendance. Deliberately, on a vote, by thirteen to twelve, it was decided that Bombala should be inserted.

Senator MILLEN.—That Bombala should be the site?

Senator DAWSON.—That Bombala should be the starting point, and not Dalgety. It is useless for Senator Millen or any one else to say that by leaving out the word "Dalgety" the Senate showed a want of candour or frankness. On the contrary, the Senate was perfectly open and frank, both in the expression of its opinion and in its voting. Personally, I regret that Bombala was inserted. I believe it to be the wrong place. But I bow to the will of the majority when I am beaten, just as I expect the minority to bow to me when I am in a majority. I wish to say a few words about the point which has been made concerning the value of the land which it is proposed to take. The New South Wales representatives seem to be very much alarmed about our asking for so large an area. But there is really no reason for fear concerning a large area in this particular locality. What has New South Wales ever done with the land that she has there? She cannot sell it. She cannot give it away. She cannot pawn it. But if the Capital site be selected there, and the Dalgety district becomes the centre of the Government of the Commonwealth of Australia, the value of the territory will rise, not because of anything that New South Wales of her own exertion has done, but because of something deliberately done by the Government of the Commonwealth of Australia. That added value must redound to the benefit of New South Wales. But the added value within the Federal area will belong to those who create it.

Senator MULCAHY.—We are not discussing that point.

Senator DAWSON.—But Senator Neild discussed it. I think that New South Wales will have a very good bargain; because, if the Federal Capital is established in such a place, and added value is given to the land in the locality, a large added value will certainly be given to the land outside that locality, which will benefit New South Wales and more than compensate for the territory which she is asked to give up, and which is useless and worthless to her now.

Senator MULCAHY (Tasmania).—I do not think there is any ground for heat in this discussion. We can very well make allowance for the representatives of New South Wales, who naturally endeavour to voice the feelings of the people of their State in reference to this matter, even if they express themselves as being dissatisfied with the Bill. I have risen to say that I do not like the Bill as it stands; but, at the same time, I am not in accord with the amendment moved by Senator Dobson for the recommittal of clauses 2 and 3. A very large majority has passed this Bill, which, therefore, expresses the opinion of the Senate. In the Bill we have certainly done one good thing. We have affirmed that the Capital site shall be established in the Southern Monaro district. But we have also affirmed something that, in my opinion, should have been declared by resolution rather than in an Act of Parliament. It would have been better had we passed a resolution declaring that we desired a larger area than 100 square miles.

Senator DOBSON.—I want to take the Bill back into Committee for that purpose.

Senator MULCAHY.—But the honorable and learned senator wants to have inserted in the Bill some words which I do not wish to see there. He wishes to declare that we desire to acquire an extended area "with the consent of the Government of New South Wales." While willing to consider New South Wales in every possible way, I should not like to put those words in an Act of Parliament. My own view is that 100 square miles is approximately the area to which we are entitled under the Constitution, and that we should acquire only as much more land as may be found to be necessary for the purposes of the Capital site. Therefore, right through the discussion I have been against mentioning any special area, although, like Senator Smith, I should like to see a large area acquired. I should prefer to leave the question of the area to be the subject of

negotiation between the State and the Commonwealth Governments. But I must vote against the recommittal of the Bill, on the ground that the majority of the Senate has affirmed its opinion, and a number of honorable senators who were here last week are away now, on the understanding that the third reading would merely be a formal matter.

Senator BEST (Victoria).—While feeling that there is an obligation upon this Parliament to select the Capital site with every reasonable expedition, I must also say that it seems to me that the Government have acted with promptitude in the matter, and have introduced a Bill which, on the whole, is eminently satisfactory. The question immediately before the Senate is as to the recommittal of the Bill, with a view to make some provision within its four corners for securing the consent of the Government of New South Wales. What is the object of that? The Federal Parliament simply indicates its desire on the face of the Bill. It is not binding on the Government of New South Wales in any shape or form. I do not believe that it is competent for the Federal Government against the will of New South Wales to take Crown lands for the territory which is mentioned in the Bill.

Senator MILLEN.—The Vice-President of the Executive Council says that it is.

Senator BEST.—Then I totally dissent from what the Vice-President of the Executive Council has said. I do not think that it is competent for the Federal Parliament compulsorily to take any area belonging to the Government of New South Wales. The position will be that, if the Federal Parliament expresses the view that it desires a site within a particular area, and the Government of New South Wales, after negotiation, does not see its way to grant the territory, the fixing of the Seat of Government will be delayed until the consent of that State is obtained.

Senator MILLEN.—Does that mean that if we cannot get 900 square miles we shall take nothing?

Senator BEST.—Parliament has the right to say that it desires a reasonable area of territory within which the Seat of Government shall be fixed. Consequently, if the Government of New South Wales are not prepared to yield to the wish of the Commonwealth Parliament in this connexion, then so much the worse it will be for the people of that State. It is not likely that we, as a

Federal Parliament, will select a territory wholly inadequate for the purposes of a Seat of Government. Although I think that every reasonable expedition is demanded by the terms of the Constitution, yet it would be unwise for this Parliament to ask for an area which it knew to be insufficient for its purposes, and consequently we have an unfettered right to express in an Act of Parliament our opinion as to the area of the territory. To recommit the Bill for the purpose of including in its provisions an indication that we recognise that the consent of the Government of New South Wales is required, would be simply a work of supererogation.

Senator MILLEN.—And more important still is the alteration of the minimum area.

Senator BEST.—The Senate has expressed its opinion so strongly on that point that it would be a sheer waste of time to recommit the Bill to further discuss it. The determination of the Senate is that there shall be an area of 900 square miles, and to re-affirm it would be a waste of time. Therefore, I think that we are asked to recommit the Bill for no useful purpose whatever.

Senator TRENWITH (Victoria).—I would submit that, whilst the Standing Orders provide for the recommitment of a Bill, they obviously only do so as a safety valve. It is not usual to recommit a Bill except for the purpose of discussing some matter which appears to have been overlooked. The question which we are asked to reconsider is, perhaps, the one which was the most fully discussed. It was fully and ably discussed by Senator Dobson, who introduced an amendment at our last sitting.

Senator MCGREGOR.—Able?

Senator TRENWITH.—Yes; I take the liberty of thinking that the honorable and learned senator is an able man, who puts his case with very great clearness and decision, as he did on that occasion. It was subsequently discussed by most members of the Senate. Senators Millen, Smith, and others, including myself, very fully discussed the question whether it would be wise, in a formal matter, to recognise the right of anybody outside this Parliament to deal with this subject. We recognise pretty generally that there must be, for a final solution of the question, some sort of negotiations with New South Wales; but we affirmed emphatically, with our eyes open, and after full discussion, that it was extremely unwise to put that thought into an Act of Parlia-

ment. Therefore, there can be no excuse for recommitting the Bill, on the ground that the point which is now presented has not been considered by the Senate. As regards the other point suggested by Senator Millen—that a reduction of the area is contemplated—that aspect of the question also was very fully considered, and a very strong feeling was expressed that the area mentioned in the Bill, large as it is, was insufficient. Therefore, there can be no object served in recommitting the Bill. I do not agree with the attitude assumed by the Minister of Defence towards the representatives of New South Wales. I do not consider that there has been any undue delay. In view of the importance of the measure, I do not think it can be said that there has been a lengthy discussion. I quite realize and sympathize with the feelings of the senators from New South Wales. Their mission here, while legislating for Australia, is to see that the interests of that State are not prejudiced. Therefore, we ought to be prepared to make great allowance to them, even if they were going beyond what might be called the limits of reasonable debate. I do not think that they have done so in this discussion. I am strongly opposed to the recommitment of the Bill, on the grounds which have been urged.

Senator PLAYFORD (South Australia).—I hope that, on further consideration, the Minister of Defence will withdraw all suggestion of "stone-walling" on the part of senators from New South Wales, and any other State. So far as I have been able to see, there has been no "stone-walling." A senator is entitled, under the Standing Orders, to move for the recommitment of a Bill, and although the Senate may hold a contrary opinion, still that is no reason why he should not urge the Senate to reconsider its provisions. I do not agree with Senator Millen that there has been a want of candour shown by honorable senators in framing the Bill. I think it is as candid as it can possibly be. We have stated to New South Wales that within a certain limit it is our desire that the Seat of Government shall, when we have obtained the Federal Territory, be fixed. We have released from further consideration all the other proposed sites in various parts of that State. We have stated explicitly what we consider should be the minimum area of the territory granted to us. The only objection that I have to the wording of the



Bill is that it contains the word "shall" in clause 3—

And shall contain an area of not less than 900 square miles.

There is considerable force in the contention that we either have or have not the right to take more than the area fixed by the Constitution—not less than 100 square miles. If we have the right to increase that area, of course we have the right to increase it indefinitely.

Senator MULCAHY.—Surely that does not follow?

Senator PLAYFORD.—My own opinion is that we have no right to increase the area, except with the concurrence of the Government of New South Wales.

Senator TRENWITH.—That is the important consideration.

Senator PLAYFORD. — Yes; and I think that we made a mistake in saying that the territory "shall" contain a certain area, as if we had the right to fix the absolute area.

Senator BEST.—That is only an expression of our own view. It does not affect New South Wales.

Senator PLAYFORD.—It is a view which the great majority of senators believe that the Senate has not the power to express. It is very much like passing a Bill, in which we say that certain things shall be, when we know very well that we have not any power to pass such legislation. Let us express our opinion as definitely and as candidly as we like, but do not let us use the word "shall" in clause 3, as if we had the determining power. Now, the determining power, after all, in regard to any area over the 100 square miles, rests entirely with New South Wales. We should merely in this clause express the opinion that the Federal Territory "should" contain not less than an area of 900 square miles.

Senator BEST.—Has the honorable senator ever seen the word "should" in an Act of Parliament under such circumstances?

Senator PLAYFORD.—Very possibly not, but these are exceptional circumstances.

Senator DRAKE.—Last year, unfortunately, it was used.

Senator PLAYFORD.—Very possibly it may have been used. I do not recollect at the moment.

Senator TRENWITH.—It is far too indefinite.

Senator PLAYFORD.—It is only going through a farce to use the word "shall" in this clause. A number of honorable senators have to admit that after all it will

depend on what the Government and the people of New South Wales are prepared to do. Although they are willing to admit that that is the position, yet, apparently, from what the Minister says, they insist on the word "shall" being used in the clause. Otherwise, it is as good and perfect a measure as we could pass in the circumstances. The mistake which we made last year was, in fixing a site for the Seat of Government before we had obtained a Federal Territory. It is plain from the words of section 125 of the Constitution that we cannot fix a site for the Federal Capital until a Federal Territory has been granted to or acquired by the Commonwealth. We are now going to work in the right way, that is, exactly as the Constitution requires. But we are not doing as it requires in the matter of the area. If we follow the Constitution in that regard we shall do what Senator Millen wishes us to do—put in the words of the Constitution relating to the area. I think that that would be a mistake. It is our plain duty to express to New South Wales a strong desire that under no circumstances should the area of the Federal Territory be less than 900 square miles, for that, I consider, will be little enough. In the last Bill we asked for 1,000 square miles. Possibly we may require considerably more than 900 square miles, if we have to take in those portions of the river which are necessary to supply electric power. I do not know sufficient of the country to be able to express a definite opinion on the subject. My own idea is that we should approach New South Wales, showing a strong desire for an area of not less than 900 square miles, but at the same time not setting up its back by saying that we "shall" acquire that area.

Senator DAWSON.—What is the difference between the language in section 125 of the Constitution and the language in clause 3 of this Bill?

Senator BEST.—The words "shall contain an area of not less than" are used in each case.

Senator PLAYFORD.—If we were to follow the language of section 125 of the Constitution, and say that the territory "shall" contain an area of not less than 100 square miles, there would be no trouble at all; but when we are asking for nine times that area we have no right to use the word "shall" in the clause. Under the terms of section 125 of the Constitution,

the Government of New South Wales would be bound to give an area of not less than 100 square miles, if it were asked for.

Senator DAWSON.—Which would be of no use.

Senator PLAYFORD.—We desire to obtain a larger area, but I contend that we have no power to take it from New South Wales. I do not wish, however, to recommit the Bill, even for the purpose of dealing with the word "shall," in clause 3, because no doubt the question of its use will be threshed out in another place, which, I think, will be wise enough to make the alteration I have suggested. I do not consider it advisable that the Government should approach New South Wales in a stand-and-deliver attitude, because, if they do, the chances will be that they will set up their backs and trouble will ensue.

Senator GIVENS (Queensland).—So far I have not had an opportunity to express my opinions on this Bill. It is somewhat strange, after having learnt that the Bill had been almost finally dealt with, to hear the whole question being re-discussed by various honorable senators. Before I was elected to the Senate, I was strongly of opinion that it was exceedingly desirable, in the interests of the Commonwealth, that the site of the Federal Capital should be fixed, and the Seat of Government established there with as little delay as possible; first, because I believed that it was the duty of the Parliament and the Government to give effect to the obligation imposed on them by the Constitution; and, secondly, because I recognised that it would be good for the Commonwealth to have the home of the National Government entirely removed from the provincial influences which so largely prevail in the metropolis of every State. That opinion has been very strongly confirmed by the knowledge I have gained since I became a member of the Senate. I am still of opinion that the sooner this question is finally settled the better it will be for the Parliament, the Government, and the Commonwealth. I am prepared to go a very long way in the direction of sinking my individual opinions as to what is necessary and desirable in connexion with the Federal Capital, in order to get the question settled as soon as possible. I approach the question, not from the point of view of New South Wales or Queensland, but rather from the point of view of Australia, because, so far as convenience is concerned, it would really not matter to the State I represent whether the

Capital was fixed in Sydney or in Melbourne, or in Southern Monaro, or any other part of New South Wales. For all practical purposes any one of those places would be as near to the larger portion of Queensland as the others would be. Therefore, the representatives of Queensland can discuss the question without any bias. A little while ago I visited Southern Monaro, and the district impressed me most favorably. I believe that if there is one portion of New South Wales more than another which is eminently fitted to make a suitable site for a Federal Capital, it is Southern Monaro. I shall speak as candidly as I can, so that Senator Millen, and the other senators from New South Wales, may know what are my opinions on this matter. He has said that in the Senate there is a sort of unexpressed desire that the Bill should embrace a very large territory, and include the port of Eden. Senator Neild went further when he said that the Senate had a desire to grab, in fact to steal, a greater territory than was necessary from New South Wales. Even if it had, my opinion is that it would be a very good thing for New South Wales, although it might not be a very good thing for Sydney, which, in the minds of a great many persons, seems to be New South Wales.

Senator GUTHRIE.—Australia!

Senator GIVENS.—And which, in the minds of some persons, seems to be Australia. I desire that the Commonwealth shall own a port.

Senator MILLEN.—And a large number of honorable senators agree with the honorable senator.

Senator GIVENS.—I say so straight out.

Senator MILLEN.—But the Bill does not.

Senator TRENWITH.—I think we have all said so straight out.

Senator GIVENS.—It would not do the slightest injury to New South Wales if the Commonwealth had its own port. It might perhaps do a little injury to Sydney, but it would do no injury to New South Wales. On the contrary, it would be an enormous advantage to New South Wales. I consider that if Southern Monaro is connected by railway with the port of Eden, and properly opened up, it will be capable—quite apart from the Federal Capital being fixed there—of supporting a population of 250,000 persons. Not only will that be a good thing for the Commonwealth generally, but it will be an enormously good thing for New South Wales as

a whole, although, as I have said, it may do a little intermittent injury to Sydney. It is ridiculous to suppose that the Senate should look on this question from the moral point of view. Now, with regard to the area, I am of opinion that an area of 900 square miles is not quite sufficient, because, as Senator Smith pointed out a little while ago, it is absolutely essential for the Federal Capital to have control over the catchment area for its water supply. One hundred square miles would be altogether insufficient to cover even the catchment area required for a water supply. According to a report laid upon the table this afternoon, if the synopsis of it which I have read be correct, the catchment area of the water supply for Delegate covers 1,600 square miles. A large portion of that area, as we know, is precipitous, mountainous country, of very little use for any other purpose, and New South Wales would not lose a great deal if she gave us a large area in that district. Senator Millen and his colleagues representing New South Wales will admit that it is essential that the Federal Capital should have control of its water supply. An idea seems to predominate in many minds that the Constitution specifies an area of 100 square miles. It does nothing of the kind; it specifies an area of not less than 100 square miles, and it may be as many more as the Parliament thinks necessary.

Senator MULCAHY.—Not this Parliament.

Senator GIVENS.—Yes; this Parliament, because this is the only Parliament that is entitled to legislate under the Commonwealth Constitution.

Senator MULCAHY.—It is easy to say "Yes," but it will not be so easy to prove it.

Senator STANFORTH SMITH.—Could we take the whole of New South Wales, outside the 100 miles limit, from Sydney?

Senator GIVENS.—No; there are certain reasonable limits beyond which reasonable men would not be inclined to go, and beyond which, I think, we should not be allowed to go.

Senator STANFORTH SMITH.—What are those reasonable limits—the absolute requirements of the city?

Senator GIVENS.—Yes; the requirements of the city. It is agreed that control of the catchment area of the water supply is essential, and 100 square miles would be

a ridiculous area for that purpose. The Constitution does not specify any particular area; it specifies "not less than 100 square miles," and that may be as much more as is required.

Senator TRENWITH.—Not merely for the requirements of the city, but for the requirements of the Federal Territory, which includes all the purposes of Government.

Senator GIVENS.—One hundred square miles would not give us even decent park room. With reference to the suggestion of "grab," I would point out that it is not this Parliament that has shown any desire to grab. When New South Wales, in the first instance, presented her pistol at the rest of Australia, and denied us any Federal Constitution until she had her demands conceded in respect to the location of the Federal Capital, she showed a desire to grab. When we propose to grant that demand she meets us with other demands, and says that the Capital shall be located in a limited area, in order that the results of the wealth-producing power created by the Federal Capital may be obtained by her. It is the New South Wales people who are continually desiring to grab. We propose to create the wealth, and they wish to grab it. I should have no objection whatever to the recommitment of the Bill in order that we might assert in it our conviction of the absolute necessity of acquiring even an increased area for the Federal Capital, because I am convinced that 900 square miles is not sufficient. But rather than have the question delayed I should agree to 500 square miles, and to almost anything, in order to prevent the letter and spirit of the Constitution being nullified, as some honorable senators would appear to desire. If honorable senators from New South Wales expect the help and sympathy of honorable senators from the other States, they should show a more magnanimous and a more generous spirit. We are asking them for nothing which we do not ourselves give. The Southern Monaro land proposed to be taken is almost useless to New South Wales at the present time. Some of the finest agricultural land it is possible to conceive of, endowed with a splendid climate, is to be found in the Monaro district, and it is being used merely as sheep runs. The country is held in enormous areas, is without railway communication, and is denied facilities for communication with its natural seaport, owing to the jealousy of Sydney and her desire to draw all the trade of the State to herself.

Senator MILLEN.—Where would the trade go if there were a railway from Monaro to Eden?

Senator GIVENS.—It would go to Eden.

Senator MILLEN.—Where then?

Senator GIVENS.—Very likely to Sydney.

Senator TRENWITH.—A good deal would go to Europe, as it does now.

Senator BEST.—A good deal would go to Tasmania.

Senator GIVENS.—I consider the Sydney policy in this respect short-sighted, as well as selfish. The trade of the district, if it had an outlet at Eden, might go to all parts of the world, and that would be an exceedingly good thing for New South Wales. The land in the district is at present useless to New South Wales for purposes of settlement; but if it were properly opened up and utilized, as it might be, and as I am hopeful it will be in the near future, when the Federal Capital is established there, it would accommodate an exceedingly large population, and that would be a good thing for New South Wales as well as for Australia. The climate of the district is exceptionally good, and is suited to the breeding and rearing of a hardy white race of people, who might compare with the people of the old country in physical strength and endurance. If the people of New South Wales are desirous of doing a fair thing by the Commonwealth, they will not approach this question in any carping spirit, and will not grudge us the little bit of territory we ask. After all, what is an area of 900 square miles within an enormous territory like New South Wales? It is a mere nothing. New South Wales has magnificent stretches of country, in which an area of 900 square miles would be lost; yet she grudges us that area, and says that we must have the Capital where she chooses—because that is the attitude taken up by many New South Wales people, and by sections of the press in that State. They contend that New South Wales has the right to choose the Capital, and that it should be chosen from the New South Wales, and not from the Australian, point of view. That I totally deny. I believe that it should be chosen by this Parliament absolutely from an Australian point of view, and without any undue consideration of the claims of New South Wales. That State, in common with the other States of the Commonwealth, is entitled to a fair deal, and to no more. Giving her that fair deal, we should do what is best for Australia, even

though what we do should not be pleasing to a section of the people or the representatives of New South Wales. If we do this we shall do good to New South Wales, in spite of herself, as well as do good to the rest of Australia. I shall vote against the recommitment of the Bill, because I believe that, after a full discussion, it now expresses the opinion of the Senate, and I am prepared to stand by that opinion.

Senator MCGREGOR (South Australia).

—I have listened to all the speeches delivered in support of the recommitment of the Bill, and in my opinion not one solid argument has been submitted for delaying the passing of this measure any longer. It was rather outside Senator Dobson's intention that we should again discuss the area, as his only object was to provide that what we proposed to do should be done with the consent of New South Wales. Senator Millen and Senator Neild have put forward the idea that the area set down in the Bill is excessive. With respect to obtaining the consent of New South Wales, I hope that its consent will be given to the acquisition by the Commonwealth of a very substantial area apart from anything we may do or say. We have no right to delegate our powers to New South Wales or to any other State. What it is our duty to do, we should do on our own responsibility. This is our work, and we should require no help in its performance. With respect to the area, I should like to emphasize what has been already said as to the absurdity of suggesting an area of not less than 100 square miles. If we inserted that in the Bill, after having inserted "not less than 900 square miles," it would be an indication to the Government of New South Wales that we believed we had made a mistake in asking for 900 square miles, and that we now thought that about 100 square miles would be quite sufficient. I have already referred to what has been done in connexion with other large cities—Sydney and Melbourne, for instance, although they are not by any means the largest cities in the world. We must recollect that we are now passing a measure intended to have effect for generations to come, and we can have no conception of what the development of the Capital of Australia will be. I have pointed out to honorable senators that the suburbs of Melbourne extend for seventeen miles to the east, west, north, and south. That gives a diameter of about thirty-five miles, and an area of about 1,200 square miles. That shows the absurdity of talking of

100 square miles. I ask honorable senators to view the question seriously. Within twenty miles of Sydney there are reserves for pleasure and recreation to the extent of 35,000 acres in one instance, and 36,000 acres in another. Then, almost in the city itself, there are reserves of 6,000 or 7,000 acres, and others of 3,000 acres. I believe that an aggregate area of almost 100 square miles has been reserved for these purposes within twenty miles of Sydney. How absurd then is the idea that the Federal Territory should have an area of only about 100 square miles. The suggestion is so absurd that we should not waste time in talking about it. Whilst speaking in this way, I have no desire that honorable senators from New South Wales should imagine that I think they have no right to put their ideas forward. They have the same rights as have honorable senators from the other States. If they consider that they have been acting in the interests of New South Wales, in conducting the discussion of this Bill in the manner in which they have conducted it, they are justified in the course they have taken. With Senator Trenwith, I agree that the time taken up in discussing so important a measure as this is, has been very reasonable indeed. I have just a word to say to Senator Playford with respect to the use of the word "shall." That word has been used because it is the word used in the Constitution. But the area of 900 square miles was adopted because it was thought that it was much more reasonable than an area of 100 square miles. We have had this Bill before us for a considerable time, and if Senator Playford had given the matter sufficient attention he would have discovered long ago that the word "shall" was being used. I mentioned the matter to some honorable senators before the Bill passed its second reading, but as they agreed that "shall" is the proper word to use in an Act of Parliament, no proposal was made to alter it. But whether the word used should be "shall" or "should," Senator Neild is making a mistake when he speaks of holding a pistol to anybody's head and demanding a large area of his territory. The honorable senator has asked us to consider what a private individual would do supposing someone demanded from him 10 or 20 acres of his property for any purpose. Every honorable senator present, who carries his memory back to the days of land speculation in Australia, will remember many cases of this kind: Syndi-

*Senator McGregor.*

cates and companies bought areas of 300 acres, 400 acres, or 500 acres in the suburbs of different cities, and I have two or three instances in my mind at the present moment where, from an area of 100 acres, they reserved 10 acres for a cricket ground, a football ground, or a recreation ground of some description. Why was that done?

Senator FRASER.—To gull the public and boom their transaction.

Senator MCGREGOR.—Certainly, and would it not be booming New South Wales if the people of that State were generous enough to do the same thing in this instance? Ten acres out of 100 acres is the tenth of the whole. But while we do not ask for one-tenth of New South Wales, we believe that it would be to the advantage of that State if she were so generous as to give the Commonwealth a sufficient area for development, because trade will spring up in the locality selected, which will be of very great benefit to the railways already existing in New South Wales.

Senator MILLEN.—She has not much room for the exercise of generosity when honorable senators use the word "shall."

Senator MCGREGOR.—If the Federal Capital were established in the locality indicated in this Bill, and the territory developed as it ought to be, there would be thousands of passengers travelling from Sydney and Melbourne, and from other parts of the Commonwealth, to the Federal Capital. We have only to go to other parts of the world to see what would take place. Senator Fraser sniggers because such a thing is mentioned.

Senator FRASER.—That is a very elegant word.

Senator MCGREGOR.—I cannot help it; the sound was just as elegant. The honorable senator has only to go to Canada to see the numbers of persons who travel to Ottawa, and to the United States to see the number of persons who travel to Washington. The result of the establishment of the Federal Capital would, undoubtedly, be that New South Wales would benefit to a very considerable extent, and I have not the least doubt that, ultimately, Victoria would benefit also. I hope that honorable senators will realize that all these statements are bound to become facts in the future, and will do all they possibly can to have this Bill passed. To refer it back to the Committee in order to insert a provision requiring the consent of New South Wales, would only be to delay it for two or three days more.

It is necessary that the Bill should pass this stage to-day, in order that we may be able to take the third reading to-morrow. The action of the Senate last week made it necessary for us to be here to-day. I do not intend to again ask for the suspension of the Standing Orders to pass the third reading of the Bill, and that stage will, therefore, come on to-morrow. I, therefore, hope that honorable senators will be satisfied with the Bill as it is, that in the other branch of the Legislature it will be dealt with from a broad and liberal stand-point, and that it will come back to the Senate in such a form that we shall be able to pass it unanimously.

Amendment negatived.

Original question resolved in the affirmative.

Report adopted.

## FRAUDULENT TRADE MARKS BILL.

### SECOND READING.

Senator MCGREGOR (South Australia—Vice-President of the Executive Council).—I move—

That the Bill be now read a second time.

In submitting this motion, I have pleasure in pointing out, as I did in moving the reading of the last Bill with which we dealt, that it involves entirely a non-party question. I am sure that there is not an honorable senator present who has not an earnest desire to see the business, the trade, and the manufactures of the Commonwealth carried on in accordance with principles of honesty. But the experience of the past and the necessities of our national life have made absolutely imperative the introduction of Bills such as that I am about to explain. Honorable senators will know, not only from what they have read from time to time in the newspapers, but from their own personal experiences, in Australia, as well as in other parts of the world, that trade and commerce are not at all times carried on in accordance with the most honest principles. We have heard how food stuffs, such as jams, preserves, sauces, cordials, and other goods of that description are tampered with or adulterated, either in the process of manufacture or during their course from the manufacturer to the consumer. There is probably not an honorable senator who has not heard of apple and other jams being manufactured largely from pumpkins, turnips, and other

descriptions of vegetable matter. It must be acknowledged that it is time something was done to protect the public. Honorable senators will also be aware that in connexion with the clothing of the people, frauds of every description have been perpetrated. There are instances where so-called linen goods have been entirely composed of cotton. They have been palmed off on an unsuspecting people as being nothing but linen. In other instances, articles labeled "linen" may have contained 10 per cent. of linen and 90 per cent. of some other material. We have also heard of goods supposed to be woollen fabrics, which contained more than 50 per cent. of cotton. It is time that something was done to protect the people against frauds of this description. There is a threefold object in such a measure. Our first duty is to protect the consuming public. That ought to be the first duty of every representative of the people, no matter whether he is a member of the Federal or of a State Parliament. It is almost equally our duty to protect the honest manufacturer and the honest trader. Our third duty is to do all we possibly can to expose and punish those who are guilty of fraudulent practices, no matter in what department of life they happen to be perpetrated. I have mentioned the adulteration of foods, and fabrics used for clothing. I could dwell for a considerable time on the possibilities, and even the actual facts, in relation to both those classes of commodities. But I desire, as rapidly as possible, to get over the different points to which I have to refer, so as to give honorable senators an opportunity of expressing their opinions. The next class of goods to which I desire to call attention in connexion with fraudulent practices is jewellery. In Australia, to some extent, the people are better off than are the people of any other part of the world. The result is that they indulge to a greater extent in ornamentation in the form of jewellery. It is our duty to protect them as far as we can, even in that line of business. I will point out some of the frauds which are practised in connexion with the jewellery trade, and which have come to my knowledge. I am certain that honorable senators will have many opportunities before the Bill comes up again for discussion to verify my statements, and even to acquire a greater amount of information. Of course, when a person makes a purchase from a jeweller he expects to

get a genuine article, and in nine cases out of ten I believe that when a person goes to a first-class firm in Melbourne, Sydney, or any other large city, he gets the article for which he pays, and probably receives his money's worth. But it is the one case out of the ten in which the dishonest practice takes place, and which makes it almost necessary for the honest man to become a rogue if he intends to pay his way in the world, and to live on his business. It is in this sense that we ought to do something for the protection of the honest trader, as well as of the public. The jewellery business in Australia is not at present, perhaps, very important in respect to a Bill of this character, because the population is not yet large enough to justify the establishment of very large manufacturing houses. Consequently, I have secured some returns from different sources showing the importations of jewellery into the Commonwealth. The returns differ somewhat, but I can furnish a very fair explanation of the difference. In 1902 there was imported into Australia, according to one authority, £483,000 worth of jewellery. According to information derived from the Customs Department, there was imported into Australia in the same year £250,785 worth of jewellery. In 1903, £325,227 worth of jewellery was imported. The difference between the £483,000 worth of jewellery, which is the estimate of the Victorian Statistical Office, and the £250,785 worth, which is the estimate furnished by the Customs Department, is explained as follows:—In the Victorian calculations, clocks and watches are included with jewellery. In the Customs estimate, jewellery is valued apart from clocks and watches. Therefore, honorable senators will observe that there is no real inconsistency in the figures. But both sets of statistics show the importance that must be attached to the importation of articles of this description. Especially must that be so when we remember that if the Customs valuation is fixed at £250,000, the value of the actual quantity of jewellery imported must be greatly in excess of that amount; because I have never known the importer—nor do I think has any one else ever known him—who would pay more duty than he could possibly help paying. Therefore, the probability is that jewellery to a much greater value than £250,000 was actually introduced to Australia in the year mentioned.

*Senator McGregor.*

Senator MULCAHY.—Is the honorable senator charging the importers with smuggling?

Senator MCGREGOR.—I am charging some of them with valuing the articles which they introduce at much less than the actual value.

Senator FINDLEY.—Some have been guilty of far more serious offences than smuggling. They have marked goods as 18 carat gold when there was not a particle of gold in them.

Senator MCGREGOR.—I am not going to discuss a question that concerns the Customs Department. We have Customs officers who, I hope, will do their duty in that direction. But I intend to point out what is sometimes done in the jewellery trade. Of course, these practices are not pursued by honest people, but honest people have to compete with others who are guilty of them. I do not wear a ring myself, and cannot give a personal illustration, but a great many gentlemen wear rings in which stones are set. The portion of the ring in which the stone is set is much more massive than the remainder of the ring. I am informed on the most reliable authority that the practice is for the manufacturers to send the rings in the rough to be marked. The British hall-mark, in which every Britisher shows such faith, is imprinted upon the smaller portion of the ring. It goes back to the manufacturer, and the custom has been, in some instances, to cut down the thick portion of the ring where the stone is fixed and replace it with an inferior metal. If the hall-mark indicated 18 carat gold, the probability is that the thicker portion of the ring—which constituted perhaps more than two-thirds of its value—would be cut out and replaced by a metal that would be, perhaps, 9 or 12 carat gold. It has been proved that these things have occurred, yet we have no power, so far as the Commonwealth is concerned, to deal with people who are guilty of such practices. I have here a small piece of metal which in gold is supposed to be the foundation portion of a brooch. These pieces of metal are stamped out in England, and sent to one of the three places established for hall-marking gold. They are hall-marked as being, say, 18 carat gold. An unprincipled manufacturer or jeweller gets these pieces of metal and replaces the broad portion—what is called the gallery of the brooch—by an inferior metal. Though the brooch is stamped as being 18 carat gold, the greater part of it is very

likely made out of metal which is only 9, 12, or 15 carat gold. Underneath some brooches there may be a series of small globes. These also may be made out of inferior metal. Sometimes these globes are made hollow. Instead of being solid gold, which the purchaser imagines them to be when he buys the brooch, they are filled with inferior stuff—it may be with a metal as cheap as lead, or even with cement. It is to be borne in mind that a brooch of this kind is sold by weight, and it is marked with the British hall-mark as 18-carat gold. I think that when frauds of this description come under the notice of the authorities they ought to have power to deal with those who practise them. There is another practice in connexion with jewellery which is very common. I have here a smaller brooch. It is gold. The back of this brooch is made in a hollow form, and the front is fastened on to it. There is a space nearly one-eighth of an inch wide between the face and the back of the article. In many instances that space is filled in with inferior metal, though the brooch is sold by weight as solid gold of whatever quality is indicated on the back of the article. These are some of the swindles to which the public are subjected, and to which I should like to call the particular attention of Senators Smith and Keating, who are young men, and may be in the habit of buying articles of this description for presentation to their lady friends. I think I have now given sufficient reasons why we should do something in the way of passing a Fraudulent Trade Marks Bill.

Senator FRASER.—Why not deal with foods, some of which really poison the people who purchase them?

Senator MCGREGOR.—Senator Fraser was engaged writing when I was informing the Senate about apple jam being made from pumpkins and turnips. I might also have referred to brands of cocoa, the greater portion of which consists of starch or some cheaper material.

Senator Sir WILLIAM ZEAL.—Does Senator McGregor believe that?

Senator MCGREGOR.—I know it to be a fact.

Senator Sir WILLIAM ZEAL.—Then the honorable senator will believe anything.

Senator MCGREGOR.—I have never gone to the extent of believing that sugar is sanded, but I know that inferior material has been mixed with tea, and there have been many evidences of such practices in Victoria itself.

Senator Sir WILLIAM ZEAL.—Nonsense! Senator MCGREGOR.—It is not nonsense.

Senator BEST.—The Customs Act covers such cases in Victoria.

Senator MCGREGOR.—We know that the public are very often swindled by the sale of tinned goods which are not of the weight described. If customers would take the trouble to weigh their purchases, they would find that in some cases, instead of a pound they have received only 14 oz.

Senator Sir WILLIAM ZEAL.—Nonsense!

Senator MCGREGOR.—We have had evidence in Melbourne that butter exported from Victoria to Western Australia weighed only 14½ oz., instead of 1 lb., as described on the tins. These are every-day matters, proof of which can readily be found in the newspapers.

Senator FINDLEY.—And has it not also been proved that butter agents deliberately remove brands from boxes?

Senator MCGREGOR.—To my personal knowledge, in other places in the world where butter was supposed to be cleansed, it has been mixed with inferior kinds of fat before being sold. It is in evidence in Victoria that very often brands are removed from butter-boxes, and other brands substituted. I am not, however, going to dwell on all the trickery that has recently been exposed in Victoria and other parts of Australia.

Senator Sir WILLIAM ZEAL.—Tell us something about South Australia for a change.

Senator MCGREGOR.—I do not need to say anything about South Australia. I do not pretend that there are not a few dishonest people in that State, but there are so many dishonest people in other parts of Australia that the South Australian examples have scarcely a chance to live. No honorable senator will, I think, deny that a Bill of this kind is necessary. I do not say that all the people in Victoria, New South Wales, or any other State of the Commonwealth are dishonest. I have already indicated that probably only one trader in ten carries on these dishonest practices. But these practices are to the detriment of the general public and to the injury of the honest traders. In the interests of both the public and the honest traders we ought to do all we possibly can to alter the present conditions. I should like now, as briefly as possible, to trace the history of



fraudulent trade marks legislation in Great Britain. A large number of people do not believe in legislation of any description, unless it follows that of the "grand old motherland," and I believe that in many directions the United Kingdom has set a noble example to the Empire. I believe that there are a number of very honorable and estimable people in the United Kingdom; but that country is, nevertheless, afflicted with the usual proportion of rogues and vagabonds. In the jewelry trade, for instance, legislation and the customs of the business have been developing there for the last 600 or 700 years, and have not arrived at perfection. The first Fraudulent Trade Marks Act in Great Britain was passed in 1862, after a very exhaustive inquiry by a Select Committee. That measure, however, was very imperfect, possibly owing to the fact that many of those who were promoters of it were themselves engaged in commerce. Probably one or two of those to whom I refer purposely left loopholes in the provisions, although the majority may have had the most honest intentions. Be that as it may, the measure then passed was made most imperfect by its opponents; and here I may express the hope that no honorable senator will be found desirous of making the Bill less perfect than it is. The measure is of a very technical character, and for this reason I hope to have the assistance of honorable senators who are members of the legal profession. I know that those honorable senators are able to give assistance, and I am sure they will be willing to do so. The British Act, passed in 1862, was so defective and impossible of administration, that the subject was referred to another Select Committee in 1887, on the recommendation of which certain amendments were made, dealing particularly with importations. Those amendments ought to be considered with some degree of seriousness by the people of Australia. It was in that year that a Conference was held in Great Britain on this same subject, and amongst those present were Mr. Deakin, Sir John Forrest, Sir John Downer, and Sir Samuel Griffith, the present Chief Justice of the Federal High Court. That Conference was presided over by Sir Henry Holland, who was then Colonial Secretary; and the general desire seemed to be that the legislation recommended should be made uniform throughout the Empire. Some of the then Australian Colonies took steps to model their legislation on that of Great Britain, and

*Senator McGregor.*

the late Mr. James Service, of Victoria, whose knowledge of the trading habits of the people of Australia may be admitted, strongly advocated uniformity. The authority of Mr. Service was recognised at the Conference, and I think it will be recognised here.

Senator BEST.—An Act of the kind was passed in Victoria.

Senator MCGREGOR.—But the Act of 1887 was defective, and it was found necessary to further amend it in 1891, and also in 1894. In these amendments a mistake was made which I hope will not be made in regard to the measure before us. When the British Act was passed, there was no Department which could take the responsibility of its complete administration, and the last amendment made was for the purpose of handing the control of certain matters over to the Department of Agriculture. Prior to that time the administration of the Act had been supposed to be with the Board of Trade and Customs Department, but it was not effective, and frauds continued. When we consider that it has taken such a length of time to bring legislation on this matter up to its present state in Great Britain, and when we realize that there are still defects in the legislation, we ought to be careful to avoid the mistakes of the past. The object of the Government in introducing the measure is to bring into Australian law all the best that is in the British law. Of course, there are critics who point out the defects in the measure before us. These defects, however, are matters for consideration when we arrive at the Committee stage; and if those critics are not then in a position to suggest improvements, or point out weaknesses, their duty is to allow the Bill to pass as rapidly as possible. It will be remembered that a similar measure was introduced earlier this session under the title of the Merchandise Marks Bill, but it has been found necessary to make certain alterations which are regarded as improvements. Some clauses which appeared in the previous measure are now altogether omitted.

Senator MULCAHY.—Are the Government going to introduce a Merchandise Marks Bill?

Senator MCGREGOR.—The Trade Marks Bill and this Bill are very different measures. This Bill is for the purpose of protecting the public, while the Trade Marks Bill is for the purpose of protecting those who register trade marks.

The Bill before us is divided into five parts. Clauses 1 to 7 inclusive are introductory, but clause 3, which is the definition clause, has legislative effect throughout. Clauses 8 to 11 deal with the offences under the Bill, and clauses 12 to 16 with the importation of fraudulently marked goods. Clauses 17 to 31 provide for legal procedure under the Bill, and in dealing with this part of the measure, I shall be glad of the assistance of honorable senators who are members of the legal profession. The last part of the Bill deals with miscellaneous matters, and includes a clause empowering regulations to be made for carrying the measure into effect. I have no desire to go into the details of this Bill. In introducing a measure of the kind, or in discussing it on the motion for the second reading, it is not necessary to deal with the details of every clause; that is a matter for Committee. The probability is that to-morrow we shall adjourn for a week or two, and, before the Senate again meets, the Bill, together with any remarks which may be made on its provisions to-day, will be circulated, so that honorable senators may charge their minds with information to be used in the interests of the people of Australia.

Senator DRAKE (Queensland).—I think we all agree with the opinion expressed by the Vice-President of the Executive Council, as to the desirability of protecting the public, and also the honest trader. I think, however, that Senator McGregor has rather exaggerated the scope of this measure, which is not one to prevent the adulteration of food. That is a matter we should expect to find provided for in what is ordinarily known as a Foods and Drugs Bill, a measure which it would probably not be within the competency of this Parliament to pass. The object of the measure before us is of a much more modest character, being simply to provide that goods sold shall correspond with the description given on the goods or packages.

Senator FINDLEY.—We can amend the Bill to compel traders to correctly describe all goods.

Senator DRAKE.—That is questionable. I doubt whether this Parliament could pass a law compelling traders to place any particular marks on goods; at any rate, the Bill does not attempt to do so. Without questioning the accuracy of the historical retrospect given by the Vice-President of the Executive Council, I am of opinion

that the earlier British measure to which he referred, was a Trade Marks Act, and not a Merchandise Marks Act. The British Merchandise Marks Act of 1887 was the outcome of an International Convention, which was held for the purpose of inducing all civilized countries to agree to a uniform measure to insure that articles sold should correspond with any marks placed upon them. That measure has been adopted by some other countries.

Senator BEST.—It was adopted in Victoria.

Senator DRAKE.—I understand that Victoria has an Act—I presume much on the lines of the Act of 1887.

Senator BEST.—That is so.

Senator DRAKE.—A Bill was introduced in Queensland in 1892, and it passed its second reading; but for some reason it was not carried any further. I was in Parliament at the time, and, speaking from the point of view of a self-governing Colony, I said I thought it was very desirable that its provisions should be extended to the marking of produce that was exported from that Colony; and also to the marking of furniture that was made by the Chinese. If that idea had been adopted in Queensland and other Colonies, probably the furniture trade in Australia would not have been in the condition in which it is to-day. It would have been well within the competence of a self-governing Colony to make such provisions. I am not arguing that such an extension could be made of the measure before the Senate; but, seeing that the Act of 1887 was the outcome of that International Convention, I think it must be recognised that it is desirable, if it is adopted by other countries, that it should be adopted as nearly as possible in its own words. When I spoke on the subject in Queensland, I pointed out that the people of that Colony, and the people of other Colonies in Australia, were all admittedly deriving great benefit from the fact of that Act having been passed in Great Britain. We are getting a benefit in Australia by being protected, in consequence of the law requiring that in Great Britain articles shall correspond with the marks that are placed on them. The advantage that we derive from the operation of that Act depends in a very large measure on the extent to which it is adopted by many countries. Where alterations have been made, even in the wording of this measure, the onus is

thrown on the Government, of giving us a reason for them. When they came into office they found ready to their hand a Merchandise Marks Bill, a very carefully-prepared, and I think, well-drafted measure; and although I am not in a position to say that the alterations which have been made in the language may not be improvements, still I think it is for them in each case to show us that they are improvements. The onus does not rest on us, because it would be very difficult sometimes, in discussing a measure in Committee, to show exactly what alterations of the law would be effected by a change in the language employed. I do not know, for instance, the reason why the title has been altered to the Fraudulent Trade Marks Bill. If we are adopting the legislation of Great Britain, we have to bear in mind that we are not dealing with a very old Statute in the English language of the time of James or Elizabeth, which it is necessary to translate into a language "understood of the common people." We have the Act of 1887 as the basis, and we must admit that in that year they knew something about Bill drafting in England. So where an alteration has been made, even in the title, the Vice-President of the Executive Council should be prepared at the proper time to show us what is the advantage of the change.

Senator MCGREGOR.—I thought it was self-evident—that it is a more appropriate title.

Senator DRAKE.—I think not. The object of the second division, as the honorable senator told us, is to protect the consuming public, and the honest manufacturer. Quite right. And the object of the third division is, he said, to expose fraud. The way in which we do protect the consuming public and the honest trader is by exposing fraud. But I think that the fraud is not the circumstance that is most apparent in a Bill of this nature. What we desire to do is to protect the people. We need not anticipate that there will be fraud. If there is fraud, let it be punished. But I do not think that the object of the Bill is so entirely to punish people that we need put the word "fraud" into its title. Of course, there is no reason why it should not be there. I do not for a moment say that it is incorrect. I only say that the honorable senator, having made this change in the Bill, should be prepared to show why that title is better than "Mer-

chandise Marks Act," which is adopted in Great Britain, and has been copied in other countries.

Senator MULCAHY.—Amongst other things, the Bill deals specially with the importation of fraudulently-marked goods.

Senator DRAKE.—It does. In nearly every Bill we state what shall be an offence, and what shall be the punishment for the offence; but we do not necessarily state the offence or the punishment in the title. There is one variation from the English Act of 1887 which was made in the Bill of the late Government, and which has been adopted in this Bill. It is an alteration of a very important character, although it is the insertion of only one word.

Senator MCGREGOR.—"Quality."

Senator DRAKE.—Yes. It was found in working the English Act that, although it was useful in insuring that the quantity of goods in a package should correspond with the quantity marked thereon, there was nothing to insure that the quality would be the same, especially in the case of jewellery. It happened that goods which were marked as being of a certain quality were very often of a quality very much inferior, and by inserting the word "quality" in the trade description in the interpretation clause we are able to insure that the quality shall correspond with the mark on the article.

Senator BEST.—There is a special case on that subject.

Senator DRAKE.—There is; but it is not necessary for me to refer to that now. Senator McGregor told us about the fraud that is worked in connexion with jewellery by having a certain part called the carriage, I think, marked with the quality, and then having built on that carriage a brooch of inferior quality. I was surprised that he did not tell us that he intended in this measure to do something to prevent that class of fraud.

Senator MCGREGOR.—That is what we wish to prevent.

Senator DRAKE.—For that purpose I thought that the honorable gentleman would want a clause which would state that when the quality was marked on one part of an article it should denote the supposed quality of the whole of the article. But what do I find? I find that, not only has he no provision of that kind, but he has struck out of the Bill of the late Government clause 10 that corresponds with section 7 of the English Act, which actually provides against fraud of a very similar character.

Senator MCGREGOR.—That is only in connexion with watches.

Senator DRAKE.—It is in connexion with watches.

Senator MCGREGOR.—That is provided for in the general scope of the Bill.

Senator BEST.—Why was it inserted as a separate section in the Imperial Act?

Senator DRAKE.—The honorable gentleman will, perhaps, tell us the reason of its omission from this Bill. In the English Act there is this special section to provide against frauds of that kind, because the practice has been to have the case of the watch stamped with the name of the country where it was made, and then to put in works which might or might not be of an inferior character, but which were probably made in a different country. Unless a provision of that kind is inserted in the Bill, traders will still, I apprehend, be able to stamp the watch case, and then put in works of an inferior character. Senator McGregor spoke of the Bill being shorter than the one introduced by the late Government. I find that five clauses, each of them of value, I think, have been omitted; but I cannot find anything to take the place of them. Of course, I shall be glad to be shown, if it can be shown, that the absence of those clauses is compensated for by some alterations elsewhere. I have compared the two Bills very carefully, but I have not been able to find in this Bill anything which would make up for the omission of those five clauses. With regard to the alterations, they may be only in language. They may not affect the sense, or they may be alterations which really make a substantial change in the law. I shall mention one case, just by way of illustration, and for the consideration of Senator McGregor. Clauses 9 and 10 of this Bill—that is, clauses 12 and 13 of the Bill of the late Government—are reenactments of sub-sections I. and II. of section 2 of the Act of 1887. Honorable senators will notice that under the first paragraph of the clause an offence is committed unless the person accused shows that he acted without intent to defraud. That is to say, intent to defraud is a necessary ingredient of the offence. If that is shown not to exist, then no offence has been committed. Then, under the next paragraph of the clause, the position is different. There the intent to defraud is not a necessary ingredient of the offence, and the offence may be committed where there is no intent to defraud. I remind

honorable senators that I am quoting from the Bill introduced by the late Government. Under clause 13 of that Bill the accused person would have been held to be guilty, unless he proved—

- (a) that having taken all reasonable precautions against committing an offence against this Act, he had at the time of the commission of the alleged offence, no reason to doubt the genuineness of the trade mark, or mark, or trade description; and
- (b) that on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained the goods or things; or
- (c) that otherwise he had acted innocently.

Senator BEST.—I think those are the words of the English Act.

Senator DRAKE.—They are exactly the words of the English Act, and they appeared in the Bill introduced by the late Government. In the Bill now before us those three paragraphs are struck out, and the paragraphs to which I have referred are substituted. At first blush it might appear that this was simply making the two clauses uniform, and it might also appear, as I have just said, that the defence that the accused person had acted without intent to defraud was equivalent to the defence stated in the English Act. However, it is not so, and I propose to illustrate that by reference to an actual case, from which I think honorable senators will be able at once to see the difference. An aerated water manufacturer had his bottles stamped with his name and address, as he had a right to do. A rival manufacturer of aerated waters got those bottles, filled them up with his own stuff, put his own label on top, and sent them out in that way. A complaint was laid against him under the sub-section to which I have referred for having sold his goods with a false trade description on them. The magistrate found that he had acted without intent to defraud, but that he had acted knowingly—that is to say, that he knew that he had used the other man's bottles—and he held that no offence had been committed, because there was no attempt to defraud. On appeal the Lord Chief Justice of England said "No." That was a defence under the first sub-section, but not under the second sub-section, because the intent to defraud under the second sub-section is not a necessary ingredient of the offence, and for this reason it was not only the person to whom the goods had been sold, called the purchaser, who required to be protected,

but also the honest trader. The Vice-President of the Executive Council has told us that he proposes to protect the honest trader; but he will have no protection whatever if, in a case like that which I have quoted, it could be held that no offence had been committed. The Lord Chief Justice of England held in the case to which I have referred that, although there was no intent to defraud, still, as this man had been selling the goods knowingly in another man's bottles, he had committed an offence under the second sub-section of the English Act.

Senator BEST.—It was held in that case, I believe, to be an offence against what is paragraph *b* of clause 8 in this Bill.

Senator DRAKE.—Under the English Act it is not sufficient for the accused person to show that he has acted without intent to defraud; he has also to show that he has acted innocently.

Senator MCGREGOR.—Under this Bill he would have to show that he used those bottles with the other man's consent.

Senator DRAKE.—Oh no. Under the English Act it is not a defence for him to say that he had no intent to defraud—that is to say, to defraud the purchaser—but the Act also provides that he must not use bottles containing the distinctive trade mark of another man. If he does, though he may do it without intent to defraud, he does it knowingly, and, therefore, does not act innocently. That is the difference. In this Bill, that defence has been struck out, and the other defence substituted—that he acted without intent to defraud.

Senator BEST.—Notwithstanding that, there would be a conviction under this Bill in such a case, because it is covered by paragraph *b* of clause 8—"falsely applies a trade mark to any goods."

Senator DRAKE.—No; it would not come under that at all, because he would not apply a false trade mark. He would be simply using bottles upon which there was another man's trade mark; he would not apply it himself.

Senator MCGREGOR.—According to the Bill, the trade mark is attached to or woven into something. It would apply to the cover, and the cover in the case referred to by the honorable and learned senator would be the bottle, and the man would, therefore, be liable.

Senator DRAKE.—These two paragraphs in the Bill before us are contained in one sub-section of the English Act.

Senator BEST.—I think the honorable and learned senator is making a mistake.

Senator DRAKE.—No. The first mentions it as an offence to falsely apply a trade mark, and the next says—

Whoever sells or exposes for sale or has in his possession for sale or for any purpose of trade or manufacture any goods to which any forgery of a registered trade mark or any false trade description is applied or to which any trade mark is falsely applied shall be guilty of an offence against this Act.

In the case to which I have referred, the man was accused of having in his possession for sale articles with another manufacturer's trade mark on them.

Senator BEST.—My memory of the case is not the same as that of the honorable and learned senator.

Senator DRAKE.—I can give honorable senators the reference. It was the case of *Webb v. Burgess*, 24 Q.B., Division 162. I have shown honorable senators what the Lord Chief Justice of England held to be the law, and I point out to the Vice-President of the Executive Council that if the Bill introduced by the late Government be altered in the way here proposed, there could be no conviction in a case such as that to which I have referred. The decision of the magistrate would have been upheld, and the person accused would have escaped any punishment for having knowingly used the other man's bottles. If it were desired to make that alteration in the law, I could understand it, but if the Government wish that, in this respect the law shall be the same as it is in England, I point out that it will be necessary in Committee to restore the clause to the form in which it appeared in the Bill introduced by the late Government. I may not have gone very deeply into the matter, but I do not think it is necessary to refer at length to any of the other alterations of language proposed in this Bill. I am not prepared at the present time to say with regard to any of the other alterations, that they would lead to undesirable consequences. I repeat that, in my opinion, the onus is on the Government to give us reasons for all the alterations of the measure previously introduced, that have been made in this Bill. If honorable senators are convinced that the alterations are improvements, they will adopt them at once. I have always strongly supported the passing of a Merchandise Marks Bill in Australia. I shall support the Government, and I hope that the Bill will be made as nearly perfect as possible.

Debate (on motion by Senator BEST) adjourned.

Senate adjourned at 5.13 p.m.

## House of Representatives.

Wednesday, 8 June, 1904.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

### RIVERINA ELECTION.

Mr. CHANTER.—Has the Minister of Home Affairs made inquiries as to whether the ballot papers used in the first Riverina election have been destroyed, and, if so, what is the result?

Mr. BATCHELOR.—I find that they have been destroyed, under the authority of section 159 of the Commonwealth Electoral Act, which enacts that—

All ballot papers used for voting shall be preserved as and in such custody as shall be prescribed until the election can be no longer questioned, when they shall be destroyed.

That provision is mandatory, and after inquiries were made of Mr. Speaker by the Department as to whether the election, so far as he was aware, could any longer be questioned, the papers were, with the approval of the then Minister, the right honorable member for Swan, destroyed.

Mr. CHANTER.—It is a great pity.

### PREFERENTIAL RAILWAY AND WHARFAGE RATES.

Mr. GLYNN.—Have the Government yet heard from the Governments of the States as to whether an arrangement has been come to with a view to putting an end to differential and preferential railway rates?

Mr. WATSON.—A movement in the direction referred to was initiated by the late Government, which asked the Governments of the States that the Conference of Railways Commissioners about to be held in Sydney might be requested to consider whether it was not practicable to put an end by mutual arrangement to these rates. Later I inquired of the Acting Premier of New South Wales if the matter would come before the Conference which was then sitting. He acknowledged my telegram, and a little later informed me that the Conference had considered the matter, and had arrived at certain resolutions in regard to it. Since then the Minister of Home Affairs and myself have received copies of the resolutions referred to, and of the proceedings of the Conference, and with the

permission of the Premier of Victoria, have had an interview with Mr. Tait, the Chief Commissioner of the Victorian Railways, and Mr. Fitzpatrick, another Commissioner, in which they explained what it was proposed to do. Although one cannot at this stage express a definite opinion as to the likely outcome of the proceedings of the Conference, because our information is largely confidential, in my view, if effect be given to the resolutions arrived at in the manner the Commissioners anticipate, it will go far to remove the difficulties which exist. We have not yet been able to ascertain from the Governments of the States how they regard the resolutions of the Conference. Large matters of policy are involved, and no doubt the Commissioners would not feel justified in giving effect to their resolutions without the consent of their Governments.

Sir WILLIAM LYNE.—Are the resolutions to be made public?

Mr. WATSON.—Not at present. They were sent to me confidentially, and I have no authority to make them public.

Mr. GLYNN.—Resolutions to the same effect were carried some years ago, and I have brought them several times under the attention of the House. No doubt these resolutions will be made public, as the others were.

Mr. DEAKIN.—The other resolutions were not acted upon.

Mr. WATSON.—The resolutions of the recent Conference will probably be treated as confidential until the Governments of the States have had an opportunity to consider them.

Mr. DEAKIN.—In the previous case the Governments of the States refused to carry them into effect.

Mr. GLYNN.—Only one Government refused—that of Victoria.

Mr. WATSON.—Speaking only with the knowledge possessed by an ordinary member of the community, I think that the resolutions are sufficiently reasonable to win the approval of the Governments of the States, but I have not yet asked for their decisions in regard to them, because the matters dealt with are so large and important that they must take a little time to consider. After a sufficient time for consideration has been given, we purpose asking the Governments of the States how they regard the general tenor of the resolutions. Personally I have every expectation that a satisfactory solution of the difficulty will be found.

Mr. POYNTON.—Has the attention of the Prime Minister been drawn to the preferential wharfage dues which are charged in the different States, and, if so, have steps been taken to abolish them? In Victoria, for instance, 5s. a ton is charged on certain goods coming from other States, but that charge is not made on similar goods arriving from ports within a State. I think that there is a similar charge in New South Wales.

Sir WILLIAM LYNE.—And in Tasmania.

Mr. POYNTON.—If the matter has not been brought under the notice of the Prime Minister, will he make inquiries on the subject, to see whether steps cannot be taken to remove this interference with Inter-State free-trade?

Mr. WATSON.—The Minister in whose province the matter comes has been considering it, but has taken no action, pending the result of the consideration given to the cognate subject of preferential railway rates. Although the two are not interdependent, they are related, in view of the fact that the same authority—the Inter-State Commission—would deal with both. If it is demonstrated that the appointment of the Inter-State Commission can be obviated by an agreement between the Railways Commissioners of the States affected so far as preferential railway rates are concerned, we hope that we may be able to obtain a mutual arrangement between the Governments of the States for the abolition of preferential wharfage rates. The matter has not been overlooked by the Government.

Mr. DEAKIN.—Action has already been taken in the States—in Victoria, for instance.

Mr. WATSON.—Yes. I think that the late Minister of Trade and Customs took some action, and the members of the present Cabinet are looking into the matter. We hope that there will be no need to go to the length provided for in the Constitution.

#### VICTORIAN MAIL SERVICE.

Mr. PHILLIPS.—Has the Postmaster-General yet made any arrangement with the Railway Commissioners of Victoria for the conveyance of mails by goods trains? I brought the matter under his notice a few days ago, and he promised to make inquiries into the matter.

Mr. MAHON.—An inquiry has been made, and the information which I have is as follows:—

Arrangements would be made to send mails by permanent goods trains, so as to continue a daily mail service, if the Postmaster-General's Department was advised of the running of such trains, but the railway time tables at present show no trains that could be so utilized. Irregular goods trains and special trains are not suitable for mail conveyance, as contractors have to carry the mails between the railway stations and the post-offices, and special instructions would have to be sent for each train to every post-office and contractor along the whole length of the line. The use of casual trains would considerably increase the payments to be made to the Railway Department.

#### MILITARY STAFF ALLOWANCES.

Mr. WATSON.—A question was yesterday asked by the honorable member for Hindmarsh, and I have here now a further reply, not then available, in respect to some particulars:—

With reference to the replies given to the questions of the honorable member for Hindmarsh yesterday, in regard to the number and cost of the military Head-Quarters Staff, I desire to state that the total cost of the Staff to the taxpayers during Major-General Sir Edward Hutton's tenure of office (covering salaries, personal allowances, and travelling expenses) is £19,547 13s. 6d.

Also, with reference to the number of officers comprising the Head-Quarters Staff, I would point out that although eight is the actual number at present, during a portion of Major-General Sir Edward Hutton's tenure of office the staff numbered eleven.

Sir JOHN FORREST.—They are not new officers.

Mr. WATSON.—Quite so. But in addition there are some thirteen clerical officers employed with the Head-Quarters Staff; that is, employed as distinct from the Ministerial Department of Defence.

Mr. TUDOR.—In addition?

Mr. WATSON.— There are thirteen clerks employed by the central staff, apart from the Ministerial Department of Defence.

#### ADJOURNMENT (Formal).

##### MILITARY TITLES.

Sir JOHN FORREST (Swan). — I desire to move the adjournment of the House to discuss a definite matter of urgent public importance, viz., "The intention of the Postmaster-General not to recognise military prefixes or titles conferred by the Crown under the law upon officers holding appointments in the Postal Department."

*Five honorable members having risen in their places,*

Question proposed.

Sir JOHN FORREST.—I hope that honorable members, both on the Government and Opposition sides of the House, will not think that I am desirous of prolonging business by unnecessary debate. I may say, however, that if I had not taken my present action, I should have occupied the same length of time in saying what I have to say when Supply was being dealt with at a later stage. Anything that affects our Citizen Forces adversely in the slightest degree is a matter of urgent importance, which we should take into consideration, and carefully deal with. Yesterday I asked several questions, based on a report in the press. Information regarding this matter was first communicated to honorable members through a press notice, although one might have expected that so serious a departure from usage would have been placed before us in some more formal manner than through a press interview. In reply to my questions I elicited from the Postmaster-General that the prefixes of titles of military officers are given under the law or regulations which have the force of law. That much was admitted; and what I desire to know is, what cause has brought about this violent change in a practice which has been in force in Australia from the earliest times? I have had a long experience in connexion with the Citizen Forces; and neither as a Minister in a State Government, or as a Minister of the Crown within the Commonwealth, has it ever been brought under my notice, directly or indirectly, that a practice, which has been long established, and has grown grey with years, has been complained of or found inconvenient. If during the fifty years we have had constitutional government in Australia this question has never arisen, it seems strange that we should be brought face to face with it immediately on the advent to power of what is known as the Labour Party. As soon as the present Government take over the Executive offices, we hear of friction through the use of the prefix of military officers.

Mr. MAHON.—Friction arose long ago.

Sir JOHN FORREST.—It never came under my notice, and if there was any friction I was likely to hear of it. If any friction has arisen in the Postmaster-General's

Department, I venture to think that it is not sufficient to justify the Minister in taking his present course without giving the matter much more consideration than he has bestowed upon it. What was the answer to the question I asked? The Minister replied that "apart from statutory authority, it is considered that every Minister possesses the inherent right"—I shall have something to say about that directly, because it is a new doctrine—"of prohibiting any practice which, by creating friction amongst officers, diminishes the utility of the Department to the public." If there has been friction such as to necessitate an illegal act to be performed, let us know what the friction is, and whether it is sufficient to justify that act. If there is any friction, I assume that it is between some subordinate officer and the immediate head of his Department. I take exception to the Minister taking action on the ground that, in his opinion, there is friction which diminishes the utility of his office, unless he is prepared to show what that friction is. Such action has very far-reaching effects, not only in the Department immediately concerned, but throughout the whole service. I submit that our citizen soldiers, on whom we depend for our defence in times of difficulty, have just as much right to use those prefixes as have any other persons who enjoy prefixes under the Crown. Our citizen soldiers have just as much right to a prefix to their names as have the regular soldiers. We have been very careful in our legislation to say that the citizen soldier and the regular soldier are on an equal footing with regard to rank and privileges. In some States it was the practice for the regular soldier to take precedence of the citizen soldier; for instance, a captain of militia would come after a captain in the regular forces. But that has been done away with, so jealous are we of the rights and privileges of those who are willing to serve their country, almost without fee or reward. The same commission is issued to all officers—whether they be in the regular force of officers of our citizen soldiery. There is no difference whatever, and therefore I say that one officer has as much right as the other to the prefix.

Mr. MAHON.—Has either the right to compel other people to call him by such titles? That is the point.

Sir JOHN FORREST.—I shall have something to say with regard to that presently. The honorable member says th-



there is some inherent right in the Minister to break the law.

Mr. MAHON.—No; not at all.

Sir JOHN FORREST.—He says:—

Apart from statutory authority, it is considered that every Minister possesses the inherent right of prohibiting any practice which, by creating friction amongst officers, diminishes the utility of his Department to the public.

That means that the Minister can deprive an officer of any prefix which the law gives him upon any ground that he conceives to be sufficient to justify such action. He may do this, if he thinks it necessary to prevent friction. I contend that he has no such power, and that if his order were disobeyed, it could not be enforced.

Mr. MAHON.—In what way are these officers entitled by law to compel their subordinates to address them by their military titles?

Sir JOHN FORREST.—The titles are conferred by the law, and that should be a sufficient answer to the honorable gentleman. I hope that he will not interrupt me any further.

Mr. MAHON.—I wish the right honorable member would quote my remarks fairly.

Sir JOHN FORREST.—I am doing so. The Minister has stated that he has some inherent right which justifies him in taking away from officers the designations or prefixes to which they are entitled under the law. We used to hear a good deal about citizen soldiers. There was a time when they were sneered and laughed at, and I am afraid that honorable members opposite have not forgotten that, because whenever I have had occasion to mention anything with regard to military titles they have greeted my statement with ironical cheers. Is that the way we should treat our citizen soldiers? If we are to depend upon them in the hour of danger, should we ridicule and sneer at them whenever the question of their designations is mentioned? We have heard sneers in the past as to their being "feather-bed soldiers," "playing at soldiers," and "tin soldiers," from the very men who are represented by honorable members opposite.

Mr. WATSON.—Not only from those.

Sir JOHN FORREST.—More than from any others.

Mr. WATSON.—Certainly not.

Sir JOHN FORREST.—I think so. Honorable members have apparently not forgotten these sneers and gibes. Why, when I mentioned the subject of my motion to-day the announcement was received with ironical cheers by honorable members opposite. They do not mind

receiving from the Crown the right to use the designation of "honorable" for themselves.

Mr. WATSON.—We never asked for it.

Sir JOHN FORREST.—Perhaps not, individually; but if I cared I could a tale unfold with regard to that matter.

Mr. JOHNSON.—They did not protest against it.

Sir JOHN FORREST.—No, they wanted it.

Mr. O'MALLEY.—They do not insist upon people calling them "honorable."

Sir JOHN FORREST.—They do not object. I notice that honorable senators are addressed as "senators" everywhere. I should like to know whether the Postmaster-General has spoken in this matter on behalf of the Government. He ought to have done so, because no Minister is justified in taking such a course without the concurrence of his chief. If he did not obtain the concurrence of his chief, the Minister has yet to learn what is due to the position of the Prime Minister.

Mr. BATCHELOR.—Did the right honorable gentleman always act with the concurrence of his chief?

Sir JOHN FORREST.—Yes, in all matters of importance. I knew what was due to my position when I was Premier, and I always acted towards my chief in the way that I required others to act towards me. We do not mind calling each other "honorable member" in this Chamber; why should we? Is the rule laid down by the Postmaster-General to be extended throughout the service, and are University degrees also to be scouted or ignored? They certainly have not so much right to be recognised as have designations or prefixes granted directly by the Crown. We have Doctors of Law in our Legislatures and in our Public Service. Are they to be addressed as plain "Mr." or as plain "Brown, Jones, or Robinson?"

Mr. WATSON.—Should we address the right honorable gentleman as "Dr.?"

Sir JOHN FORREST.—The Prime Minister may do so if he pleases. Are the titles of the Doctors of Medicine, who are to be found within our legislative halls, and in our Public Service, to be discarded?

Mr. O'MALLEY.—The newspapers refer to the honorable member for Melbourne as "Mr. Maloney."

Sir JOHN FORREST.—But he is not a doctor.

Mr. O'MALLEY.—Oh, yes he is.

Sir JOHN FORREST.—From what University?

Mr. WATSON.—He is an M.D.

Sir JOHN FORREST.—Then he is entitled to be called doctor. There are in this Legislature knights of various degrees. Are these honorable members to be docked of their titles and called by their bare names? I ask honorable members if this exhibition of paltriness is likely to encourage our citizen soldiers? Are we likely to induce them to put forth their best efforts by denying to them the prefixes to which they are legally entitled? I notice that people who have never won their spurs are generally very jealous indeed of their dignity. Are we to deny the use of these military prefixes to members of our Defence Forces who have won their spurs upon the field of battle? Are we to ignore the distinction which has been gained by them fighting for the Empire far from their home and country, because the Minister thinks that some friction may arise owing to some clerk not caring to call his immediate chief "Major" or "Captain?" Such a subordinate would not address his chief as "sir" or "Mr." if he had his way. Probably the Minister will introduce a system by which the subordinate officers shall not be required to say even "sir" or "Mr." to their superiors, but call them plain "Brown, Jones, or Robinson."

Mr. McDONALD.—Or "Jack Forrest."

Sir JOHN FORREST.—I have been addressed in that way by men as good as the honorable member, but I never took any exception to it, because I knew it was used as a compliment, and that no offence was intended. If an officer who occupies a subordinate position has to take instructions from some one above him in the Department, and objects to address that officer by his title, whether it be "Captain," or "Major," or "Doctor," he is a paltry, mean fellow, who, when he reaches the top of the tree, will probably be more exacting to those under him than his superiors were towards him. I should like to know what has given rise to this decision on the part of the Minister. Perhaps he will explain. I do not know whether it has anything to do with the case of Colonel Outtrim; but I should say that any officer in the Postal Department who refused to extend to the head of the Department the courtesy to which he is properly or legally entitled, would also object to call him "sir," or "Mr.," and is, in my opinion, a mean, paltry fellow.

Mr. MAHON.—The right honorable member will probably be pleased to hear that Colonel Outtrim is practically in agreement with me on this point.

Sir JOHN FORREST.—I do not care if fifty Colonel Outtrims are in agreement with the Minister. I say that there is no justification whatever for the step he has taken. Imagine the ridiculous position in which we shall be placed. We shall find that men who, for half a lifetime, have been designated by the title of Captain, Major, or Colonel, or who possibly are Doctors of Law—such men as Dr. Wollaston or Colonel Owen—will be called plain "Mr." in their offices, but outside of them will be addressed by their respective titles. What is the reason underlying the action of the Postmaster-General? Is the decision of the honorable gentleman calculated to uplift our citizen soldiers and to make them prouder of their work? On the contrary, will they not regard it as a paltry attempt to disparage them in the estimation of the public—however far removed that may be from his intentions? Instead of giving a direct reply to questions 4, 5, and 6, the honorable gentleman soars into the heavens, far from this poor world of ours, in which we have so frequently to struggle for a livelihood. Apparently he thinks that our citizen soldiers are far above all considerations affecting mundane matters, and pay regard only to patriotism and glory. I should like to know how often honorable members who enter the legislative arena, prompted by a desire to do their duty, similarly disregard opportunities of promotion to Ministerial office? What are we all endeavouring to do? Are we not actuated by a desire to so do our duty as to leave our footprints "on the sands of time"? We are not all destitute of ambition; if we were we should never make any progress—certainly we should not have desired to become members of Parliament, or to occupy high offices of State. Does the Postmaster-General imagine that his direction tends to encourage the Citizen Forces, upon whom we chiefly depend for our defence? Does he imagine that the deprivation of their military titles, many of which have been won upon the battle-field, is likely to stimulate and encourage men to become officers? In reply, he says—

I regret my inability to concur in the right honorable gentleman's apparent conclusion, that recruits are attracted to the Defence Forces by the prospect of becoming officers and obtaining

titles. On the contrary, it is believed that the majority of men join the force from patriotic impulse to fit themselves for effectively defending their country in its hour of danger.

I hold that the two things are quite compatible. Recruits are attracted to the force by reason of one, and are prepared to face the other. If no incentive were offered to exertion, the outlook would be a poor one, indeed. What the honorable gentleman uttered was splendid sentiment; but it is perfectly unpractical. I shall have more to say upon this matter when I know the view which is entertained by the Government. I am determined to ascertain the origin of this new instruction, which I regard as most mischievous and unnecessary. I hold that it is an attempt to disparage our citizen soldiers, and is calculated to induce the belief not alone that the people of the country fail to honour and respect them, but that this feeling is shared by honorable members of this Parliament.

Mr. CROUCH. (Corio).—In seconding the motion, I desire to say that I am not at all surprised at the action which the Government have taken in this matter. Only the other day the right honorable member for East Sydney read certain remarks which were made by the Prime Minister in reply to the May Day deputation which waited upon him. In the course of his observations, the Prime Minister voiced his hearty approval of the resolutions which were carried at the May Day demonstration, one of which expressed opposition to militarism in all its forms. I think this is the third effort the Government have made to show how thoroughly they desire to put into execution one of the standing principles of the Labour Party as enunciated by the late Mr. John Hancock, who declared that he "hated the sight of a soldier." Although the Ministry have been in office only six weeks, I find that they have already laid down two distinct lines of policy in regard to Australian soldiers. They are prepared to subject an Australian soldier who has won his military title in years of Australian service, and sometimes on the battle-field, to the grossest possible indignity. On the other hand, they are ready to gush over a gentleman who occupies a very distinguished position when he is decorated with the Imperial title of G.C.M.G. One of the most unfortunate letters that could possibly be written was that which was forwarded by the Prime Minister to the Governor-General on such an occasion, and I am informed by those who are familiar with the inner working of these things that it

constituted a remarkable exhibition of want of good form. I am indeed surprised at the action of the honorable gentleman, who seems eager to rush in and congratulate the recipient of a title, when it is conferred by the Imperial Government, but is prepared to mete out very different treatment to the Deputy Postmaster-General of Victoria, who has spent fifteen or twenty years in attaining his present military rank. Incidentally, the Prime Minister was ready enough to accept the designation of "honorable," notwithstanding that its application was limited to Australia.

Mr. SPEAKER.—Order! Will the honorable and learned member resume his seat? The matter before the Chair is a motion by the right honorable member for Swan—"That the House do now adjourn," with a view to discussing the following question, viz., the intention of the Postmaster-General not to recognise military prefixes and titles conferred upon officers in the Postal Department by the Crown under the law. Upon that motion I cannot permit the honorable and learned member to debate the question of the acceptance of the title of "honorable" by honorable members of the first Commonwealth Parliament. Still less can I allow any discussion upon the matter of how wide the grant of that title should be.

Mr. CROUCH.—I was endeavouring to show the different treatment which is meted out by the Government to persons holding Australian titles, and those enjoying Imperial titles.

Mr. SPEAKER.—The honorable and learned member has incidentally referred to that matter, and perhaps that will suffice. I cannot permit any discussion to take place upon the question of whether or not it was proper for members of the first Commonwealth Parliament to be designated by the title of "honorable," and still less as to whether the use of the title should be confined to Australia. Probably the honorable and learned member's incidental reference to the matter will suffice.

Mr. CROUCH.—The Government propose to allow an officer to be addressed by his military title only upon the parade ground or the rifle range. In civil life the Postmaster-General objects to those titles being used. If there is one thing for which I have fought, it is to establish the principle that equal rights and seniority shall exist as between volunteers, militia, and permanent officers. Parliament embodied that principle in the

Defence Bill, but the Postmaster-General is endeavouring to make a distinction. Another principle embodied, after a hard fight in the Defence Bill, was that Imperial officers should be treated in the same way as are Australian officers. The Minister, however, is also endeavouring to set aside that principle. These are the acts of the so-called National Government. A very serious injustice is being perpetrated by this attempt to administer an Act in a way contrary to the desire of Parliament. The Government asserts that it does not represent any class, but instead of seeking to upset class distinctions, it is endeavouring to create an Imperial and permanent military caste. They contend that, save when a citizen soldier goes on duty, he should not be addressed by the title which he has earned. This is the decision of a Government which have, as one of the planks of their platform, the encouragement of a citizen soldiery, and one of whose planks is a Citizen Defence Force. They are seeking to discourage a citizen soldiery by making permanent Imperial soldiers superior in all ranks of life. That is a course which should be strongly condemned. The Postmaster-General goes even still further. He says, in effect, that whilst he does not object to the use of military titles by officers of militia and volunteers, he objects to others being compelled to employ those titles when addressing them. Are we to have *Sartor Resartus* re-written? That book shows how clothes affect the man, and I would remind the House that titles and honorable distinctions will more closely affect him. They are the little courtesies of life which oil the machinery of society. Is the Postmaster-General going to emulate George Fox, the Quaker, who addressed His Majesty Charles I. as "Charles?"

Mr. O'MALLEY.—He was quite right.

Mr. CROUCH.—Doubtless the honorable member for Darwin and the Postmaster-General sympathize with the practice. If members of the Labour Party object to men being addressed by their proper titles are we, for example, to say, when we meet the honorable member for Darwin outside the chamber—"Good morning, O'Malley."

Mr. O'MALLEY.—"O'Malley," or "King," will suit me.

Mr. CROUCH.—Let me refer for a moment to the title of the honorable mem-

ber for Hume. Every one knows that he is a knight, and that in civil life he should be addressed as "Sir William Lyne." Some persons, however, address him as plain "Bill Lyne." The one thing leads to the other. Are we to take it that the Government, in addressing official correspondence to the honorable member, propose to omit the title "Sir." The position taken up by the Postmaster-General suggests that they will do so. If they insist that no man is to be addressed according to his proper military title, it will be necessary for them, for the sake of consistency, to take care that the honorable member for Hume shall be addressed in all official correspondence not as the "Honorable Sir William Lyne, K.C.M.G.," but as "William Lyne." A military officer has just as much right to be addressed by the title which he has earned, and which has been conferred by Commission upon him by the King, as has any private citizen who by Royal Letters Patent has been granted a knighthood. If a man has earned a title, he should be addressed accordingly. The question is not whether the Postmaster-General cares to address an officer as "Mr." or as "Major"; if an officer has earned the rank of "Major," the Postmaster-General or any member of the Government who refuses to recognise the title, is guilty of great discourtesy. The Postmaster-General recently gave Colonel Outtrim a display of Spartan-like discipline; but he is guilty of the grossest want of discipline and discourtesy to his subordinate if he allows any of that officer's subordinates to address him by a title other than that which he has earned in the military service, and which that officer desires to have employed. There are some persons who object to employ the prefix "reverend," or to speak of a Cardinal as a "Cardinal." Are we to take it that the Postmaster-General holds the same opinion? I can imagine how his eyes would flash if any one were to speak of Cardinal Moran as "Mr. Moran."

Mr. MAHON.—The honorable and learned member has no right to speak in that way. The reference made by him is both unfair and unmanly.

Mr. CROUCH.—I have a right to apply the rule laid down by the Postmaster-General in other directions. Such titles as "His Lordship the Bishop," "His Grace

the Archbishop," "His Eminence the Cardinal," are, very properly, courtesies, and the use of the word "reverend" when addressing a clergyman, is also a matter of courtesy. Some purists assert that because the only reference to the word "reverend" in the Bible is in relation to the Deity no man should be addressed by that title. The Labour Government are evidently going to stamp out the little titles and courtesies which oil the social machinery of life, and which, because they represent honours that have been earned, make life worth living. Previous to the Government coming into office one of its supporters, who is regarded as the military strong man of the party, was in the habit of sneering at the militia, and of speaking of them as "Saturday afternoon soldiers." Have the Government adapted their policy to the views of the honorable member for Maranoa? Whenever reference has been made to the Citizen Defence Forces the honorable member for Maranoa has invariably referred to them in terms of opprobrium, ignominy, and contempt. We find that instead of the Labour Party endeavouring to encourage a citizen soldiery they are the first to adopt a course that will have an opposite effect. Again, there are many members of the medical and legal profession who have earned the title of "Doctor," and I ask whether, in addressing any member of this community who has achieved that distinction, we should drop the use of the word "Doctor." If a man earns a certain title, it is only proper that it should be recognised. In a discussion which took place in another place last week, the Minister of Defence said that in his opinion no member of the active Military Forces of the Commonwealth should sit in Parliament. The Constitution permits all but fully paid permanent soldiers to hold seats in Parliament, but the Minister of Defence disagrees with that provision. There is doubtless a certain degree of solidarity even in a Labour Government, and I presume, therefore, that the remaining members of the Government are responsible for the opinion expressed by the Minister of Defence, that no member of the Militia or Volunteer Forces should be allowed to hold a seat in Parliament.

Mr. WATSON.—I do not think that my honorable colleague said anything of the kind.

*Mr. Crouch.*

Mr. SPEAKER.—I ask the honorable and learned member not to refer to debates in another place.

Mr. CROUCH.—I cannot now spare the time to turn up *Hansard*, but I will furnish the right honorable member for Swan before he replies with a reference to the speech of the Minister of Defence, so that he may read it to the House. I did not make the statement without having read the debate, and knowing it to be true. If one distinct line of policy has been laid down by this Government it is to do everything they can to bring the officers of the Military Forces into contempt. Under these circumstances, I am glad that the right honorable member for Swan has brought the matter before the House. The Government are doing their best to discourage the efforts of men who give a lot of time to their country absolutely without reward, for the slight honour which the possession of a title may or may not bring with it. If these men wish to use their titles they have a right to do so, and to insist that they shall be called by them. Honorable service should be regarded as entitling the doers to honorable courtesy, and the Government should see that these titles are used by those who have honorably earned them.

Mr. O'MALLEY (Darwin).—I am sorry to see such tremendous heat poured into this debate by my republican brother who has just sat down.

Mr. SPEAKER.—This is a fitting opportunity to point out to the House that we sit here, not by virtue of our own personalities, but as representatives of certain constituencies, and therefore we are bound to refer to each other, not by our names, or in any such way as the honorable member for Darwin has just referred to the honorable and learned member for Corio, but by the names of the constituencies we represent, in whose right alone can we sit or speak.

Mr. O'MALLEY.—I bow to your ruling, Mr. Speaker. I recognise that the Chair is the embodiment of the order, intelligence, and everything else that is honorable in this House. Unfortunately, I come from Vermont, where they call each other "Brother," and I find it hard to get rid of the habit, though I have tried to do so. I am sorry that such tremendous heat has been poured into the debate by the honorable and learned member for Corio, whom I have always regarded as the absolutely republican member of this House, and as the hope of Australia in that respect. To-day we have

seen him 'in his true colours. It is marvellous what a change a title makes in a man. The lagging behind in the commercial race which now characterizes the great British Empire is due to the cursed system of caste, rank, privilege, and title to which her people adhere. Great Britain is to-day playing third fiddle—Germany is second fiddle—to Great Britain's daughter America. Her people have cursed themselves by their adherence to the infamous system with which they started out, under which, because one man has a little more money than another, he is assumed to be better than the latter. I am glad that the Postmaster-General has had the courage to decide that, while persons are at business, they shall be treated only as business people. While persons are at business they are not lords, they are not "Honorable." Of course, they are all honorable, not specifically, but collectively—all gentlemen, and all titled men. But let us push the contention of the honorable and learned member for Corio to its logical conclusion. I say that he has no right to require a clerk in the Post Office, who is a captain, to call another a major, and a third a colonel. Does he think that we should pass a law compelling members of the outside public to say "Captain, ask the major to request the colonel to see if there are any letters for me"? Let us see what has happened in America. I was in Denver, Colorado, when they had the grand army reunion of the Republic.

Mr. LONSDALE.—What was the honorable member's title?

Mr. O'MALLEY.—My title was simply "King." I wish to show the absurdity of this title business. In the United States they have carried it to such an extent that there is not a man to be found from the tepid waters of the Gulf of Mexico to the Arctic snows of Lake Superior, or from the golden sands of the Pacific to the pine forests of Maine, who is below the rank of colonel. Forty thousand soldiers, who had come from all parts of the Union, met at Denver. An Englishman, who owned the hotel there, went among his guests, and asked each what had been his rank during the war. He found that one was a general, another a colonel, another a major, and so on, until at last he came to a forlorn man standing apart in a corner, to whom he said—"And what were you?" "Oh," replied the man, "I was merely a private." "Give me your hand," said the hotel pro-

prietor, "you are the first private whom I have met who served in the war. You can stay in this hotel as long as you like." To-day we have reached this miserable stage, that we think only about a man's title, not about his intelligence, or knowledge, or ability to advance the welfare of the country. In a democracy like this, titles should be abolished. Am I to be required, when I go to the post-office, to take off my hat to Major This, or Colonel That? Certainly not. In a democracy men are entitled to use their titles only when they are on the business of those titles. When they are engaged in the ordinary business of the community they are only plain "Misters." "Good-day, Mister. Pass out the letters, please." I suppose the day will shortly come, if the present practice is persisted in, when one will have to say to the bar tender—"Major, cocktail," or "whisky and soda," or whatever it may be. I do not know anything about these matters now, though I did some years ago. Similarly, we shall have to give titles to the barmaids. We shall have to say—"Lady, claret." That is what we are coming to in this country. The idea of the time of this House being occupied by a discussion as to whether a post-office official is to be called by a military title! Hitherto, I have looked upon the honorable and learned member for Corio with hope. I have gone home many a night thinking that if there was one man who ought to have been born under the Stars and Stripes, it was he. Now the illusion has vanished. Since the title of "honorable" was given to us all, there has been a great change. We shall have to petition His Majesty to stop the business, or it will break up the whole show. Let me take another point. Here we have captains, majors, colonels, and other ranks; but in the United States they are all colonels. Throughout the Southern States, from east to west, every man is a colonel.

Mr. McWILLIAMS.—Does the honorable member suggest that the officials who have been alluded to have not earned their titles?

Mr. O'MALLEY.—Who says that they have not earned them? What is to be gained by the use of these titles in a civilized community—in a Commonwealth of intelligent, thinking men? Do we find the great Thomas Edison, of the United States, complaining about titles? Edison is called "Colonel" by the people; but we have to remember that there is not a coloured man in the Southern States of America who

not "General," "Colonel," or "Major." In the Southern States, if we go into an hotel we must call the coloured bar-tender "Major" or "Colonel," or otherwise we shall not get a drink; and the position is thoroughly understood. The hangman in Georgia is "Colonel," and the executioner at Sing Sing is "General"; indeed, the latter will not look at an unfortunate client unless he is addressed by his title. I am amazed that the right honorable member for Swan, who is undoubtedly the Emperor of Western Australia, should bring up a question of this kind. I know that there is no man in Australia who has a bigger heart than the right honorable member for Swan. When I was in Bunbury, I found that the people there did not call the right honorable member by his title, but were proud to tell tales and stories of "Jack Forrest" when he was a surveyor, and explored the Western country. In Ohio, we do not hear of "The Honorable James Garfield," but are told of "Jimmy," and shown the field that "Jimmy" ploughed. In Pennsylvania we do not hear of "The Honorable James Blaine," but are told of "Jimmy" Blaine. When people begin to attach great importance to titles, they are losing their intelligence. Do we ever hear of "The Honorable Julius Cæsar?" Do we ever hear of any title being given to Napoleon Bonaparte? Men of brains and intellect do not want titles, and I am amazed that the honorable member for Corio should place himself on a level with people, who, but for their titles, would not be seen across their wives' kitchen tables.

Mr. JOHNSON.—They called Cæsar the "Imperial" Cæsar.

Mr. O'MALLEY.—Anyhow, he was always known as Julius Cæsar. I hope shortly to have an opportunity to move that the King be petitioned to give Australia the right to sell public titles at auction. There could be an auction every year, and the money might go to the hospitals. I advise those who are so struck on titles to christen their children after dukes and members of the Royal Family. Behind all titles there is the man—the title is the shadow, while the man is the substance. In a democracy we want honorable men to be honorable: and it is ridiculous that there should be a fight in the Post Office, about such titles as "Captain" or "Major."

Mr. LONSDALE (New England).—I had almost felt inclined to support the position taken up by the Postmaster-General, but after the speech of the honorable member for Darwin, I feel rather disposed to go the other way. The honorable member for Darwin asks us to be republican and democratic in our contempt of titles, and yet he has proved that the greatest Republic of all is, from end to end, full of titled people. Wherever people are called democratic or republicans, they are found to be favorable to titles.

Mr. O'MALLEY.—Hear, hear; that is quite true.

Mr. LONSDALE.—And even the ladies of the United States are obtaining all the titles they possibly can.

Mr. O'MALLEY.—The American ladies are buying the titles of foreign roosters.

Mr. LONSDALE.—Then it is an exchange of titles for money.

Mr. O'MALLEY.—And beauty.

Mr. LONSDALE.—If the honorable member for Darwin feels so strongly on this matter as he would like us to believe, he ought to do away with his name of "King," and call himself citizen O'Malley. Personally, I am entirely opposed to titles being used in any way in our civil service. I cannot understand any man using in his civil service duties a title which he has received for duties of quite another description; and such a practice is altogether against our feelings and desires. I am rather surprised that the right honorable member for Swan should have introduced the subject, and, though I do not always agree with the Labour Party, I am glad to do so on the present occasion. It is extremely "small" on the part of the men who desire these so-called dignities. If I were a captain or a colonel, I should certainly discard the title in my capacity as a civil servant. Instead of indicating dignity and honour, such a use of titles indicates simply smallness of mind. I hope that the Postmaster-General will stand by his guns, and that we shall not have these follies introduced into our Public Service.

Mr. MAHON (Coolgardie—Postmaster-General).—I am rather surprised that a gentleman who is such a stickler for practice and precedent as is the right honorable member for Swan should violate both practice and precedent in the action he has taken to-day. I have never known an adjournment motion, at any rate in this Parliament, to be proposed without the Government having

received some previous notice. And, certainly, when it is proposed to challenge the conduct of a Department by a Minister, it is usual to give some indication to the Minister concerned.

Sir JOHN FORREST.—I can assure the Minister that I did not think of giving him notice.

Mr. MAHON.—The right honorable member for Swan has not, however, succeeded in taking me at the disadvantage which he evidently anticipated.

Sir JOHN FORREST.—The Minister is attributing to me motives which I never possessed.

Mr. MAHON.—While accepting the right honorable gentleman's disclaimer, I would point out as a justification of the belief which I have entertained, that he did not even correctly quote the answer which I gave to this House. The right honorable member not merely garbled my answer, but actually misrepresented, in the question which he placed on the notice-paper, the decision which I had communicated to the press.

Sir JOHN FORREST.—I do not think so.

Mr. MAHON.—I can prove it. Here is the question—

1. If the expression by him in the *Age*, of 3rd June . . . . "The functions of this Department being purely civil, no recognition of any kind can be given to military titles." . . . represents his views on this subject.

That was quite correct; but the right honorable gentleman inserted the following after the word "titles":—

and that a man had no right to have such titles recognised.

That is absolutely misleading with regard to my action.

Sir JOHN FORREST.—I did not quote the Minister in that case.

Mr. MAHON.—No; but that is the inference to be drawn from the question. It was to be inferred that I had done what the right honorable gentleman challenged me with having done.

Sir JOHN FORREST.—I presented the matter as it appeared to me from the newspaper report.

Mr. MAHON.—Here are the words used in the course of the interview with the *Age* reporter—

The functions of this Department, being purely civil, no recognition of any kind can be given to military titles.

I noted Mr. Outtrim's supposition that "officers can claim to use their titles at all times," but pointed out—

that the issue was not a "claim to use" their titles themselves, but their right to require other officers to recognise and use such titles in conversation and written communications.

Now these words appeared in the report published in the *Age*, and yet the right honorable gentleman puts his own interpretation on them, and does not quote the words actually used. Then he went further, and absolutely misrepresented the answer which I gave in the House yesterday.

Sir JOHN FORREST.—I should be very silly if I misrepresented what was in print.

Mr. MAHON.—I cannot answer for the right honorable gentleman's lapses from the paths of discretion and sound common-sense. I think that he erred seriously in taking up the time of the House with a trumpety motion of this kind.

Sir JOHN FORREST.—The word "trumpety" covers the whole position.

Mr. MAHON.—I say that it is not merely trumpety, but contemptible. The time of the House should not be taken up and the business of the country suspended, in order to deal with a small matter of this kind. Again, I have to complain of the right honorable member's speech, which certainly was not of that frank and outspoken character that we always expect to be exhibited in addresses to this House. In condemning my refusal to recognise titles, he carefully concealed the real point at issue, which was that whilst these officers could themselves use their titles as much as they pleased, they had no right to compel other people, during official hours, to employ such titles in addressing them.

Mr. McCOLL.—Has that been attempted?

Mr. MAHON.—Yes, it has. I am glad the honorable member put that query, because I can give him a case in point. I find that, according to the Deputy Postmaster-General, the postmaster at Ballarat holds a captain's commission, whilst one of his operatives is a major, and there are several others of his staff who are in the Militia—I do not know what rank they hold. The Deputy Postmaster-General says—"I am informed that the postmaster insists upon being addressed by his military title." That is the whole case, namely, that this postmaster, in doing his work as a postmaster, and not as an officer of the Defence Forces, insists that he shall be addressed by his military title.

Mr. CROUCH.—Why does the Minister sneer?



Mr. MAHON.—Where is the sneer? The honorable and learned member made a reference just now which I described by a word that I am quite prepared to repeat. He dragged in the name of a gentleman who should not have been mentioned in this connexion. It was something that I should never have expected from him. The whole point is that the postmaster at Ballarat insisted on being addressed by his military title during the discharge of his duties as postmaster.

Sir JOHN FORREST.—By his subordinates?

Mr. MAHON.—I presume so.

Sir JOHN FORREST.—Is the trouble regarding the major?

Mr. MAHON.—The trouble arose, not merely in regard to the use of titles, but also in reference to some of the officials coming to the post office in their military uniforms. They wear military trousers, put on post office coats, and then proceed to discharge their postal duties. The postmaster appears to have objected to this practice, not altogether without grounds, because it is not proper that postal officials should waste time brushing up uniforms and polishing up military accoutrements. Of course, if anything like that happened he was perfectly justified in the action he took. However, the outcome apparently was a complaint that this officer insisted on his subordinates addressing him by his military title. Now, I wish to show the right honorable gentleman that the idea with regard to the use of these military titles did not first occur to my mind. I shall read a short minute written by the Secretary to the Postmaster-General's Department—a gentleman who has had nearly half a century of official life—long before the matter came under my notice, and without any influence or word from me. Mr. Scott said:—

Whatever rights the officers of such a force may have to their military titles, in my opinion those titles should not be used in connexion with their positions or duties in this Department.

Mr. CROUCH.—What is the date of that?

Mr. MAHON.—Mr. Scott did not affix the date, but the minute was written two or three days before it was submitted to me. The date on the document which evoked this minute was 30th May, and I did not see the papers until last Thursday or Friday, so that the honorable and learned member can see that these documents must have been written shortly after the Deputy Postmaster-General sent

in his communication. Mr. Scott goes on to say—

The use of such titles is evidently very capable of abuse, when it is found that a postmaster insists upon being addressed by the employés working under him in a civil capacity, by a military title. Any attempt to introduce military distinctions, or military usages, or discipline, into a large civil Department, such as that of the Postmaster-General, should, in my opinion, be not only discouraged, but distinctly forbidden.

Mr. McCOLL.—He went very much out of his way in writing such a minute without instructions.

Mr. MAHON.—I think that the honorable member is under some misapprehension. The permanent head of the Department has a perfect right to submit his view to the Minister, who, in his turn, may accept or reject such views.

Mr. McCOLL.—Did the Secretary write the minute for submission to the Minister, or as an instruction to his subordinates?

Mr. MAHON.—Only for submission to me.

Mr. McCOLL.—I misunderstood the position.

Sir JOHN FORREST.—How many officers objected to addressing the postmaster at Ballarat by his title of Captain?

Mr. MAHON.—I have no information, except that disclosed by the papers. The Deputy Postmaster-General says, "I am informed that the postmaster insisted upon being addressed by his military title."

Sir JOHN FORREST.—How was the question brought up?

Mr. MAHON.—In the way that I have described.

Sir JOHN FORREST.—But who moved the Deputy Postmaster-General?

Mr. MAHON.—The matter may have reached him in consequence of some action by certain postal officials at Ballarat.

Sir JOHN FORREST.—Postal officials?

Mr. MAHON.—Yes.

Sir JOHN FORREST.—Somebody complained, I suppose?

Mr. MAHON.—The postmaster at Ballarat forwarded all the papers to the Deputy Postmaster-General of Victoria for his opinion, and that officer despatched them to the Secretary of the central office.

Sir JOHN FORREST.—Did one officer only complain?

Mr. MAHON.—I am inclined to think the trouble arose through the refusal of the postmaster at Ballarat to allow one of his officials to wear a portion of his military uniform whilst discharging postal duties.

Mr. McWILLIAMS.—He was quite right in so doing.

Mr. MAHON.—I do not deny that, because the officer in question may have occupied his time in attending to his military uniform, instead of in the discharge of official duties. I think that the postmaster at Ballarat adopted a proper course.

Mr. EWING.—Is not the uniform of a member of the Defence Force intended to be worn only when on military duty?

Mr. MAHON.—The hours of military parade at Ballarat appear to coincide to some extent with the postal hours, consequently there is not time for officers to effect a change of clothing. That, I think, is the explanation of the trouble. The honorable member for Swan affirmed that I had committed an illegal act, but he was very careful not to quote the section of the Act or the regulation under it which I am supposed to have infringed.

Sir JOHN FORREST.—These officers hold commissions under the Act.

Mr. MAHON.—Undoubtedly, they do; and as officers of the Defence Force they are perfectly justified in requiring others to address them by their military titles when performing military duties. But when these gentlemen leave the parade ground and enter a civil Department to discharge purely business functions, they must leave their military titles behind them. They may, if they choose, use them in addressing one another—that is a matter of taste—but they must not require others to do so. That is the point which the right honorable member for Swan carefully evaded.

Sir WILLIAM LYNE.—Could not the postmaster at Ballarat have communicated with the central office before taking action?

Mr. MAHON.—No; he could communicate only through the deputy. As I have said, the trouble appears to have arisen through the major refusing to address the postmaster as captain in some personal communication.

Mr. CROUCH.—Is the honorable gentleman speaking with authority in making that statement?

Mr. MAHON.—No. I infer that from the papers bearing upon the subject. The postmaster at Ballarat holds a captain's commission, and one of the telegraph operators there has attained the rank of major. I believe that friction between them was engendered in some personal interview. There is no documentary evidence to show that it was created in any other way. The

right honorable member for Swan is very strong upon titles, and it is, therefore, curious to note that, as a member of the late Government, he was a party to a minute in which it was agreed to dispense with certain titles which Ministers hold "under the law."

Sir JOHN FORREST.—That reference shows the straits to which the honorable gentleman is driven in defending his action.

Mr. MAHON.—It may be that, in this as in other instances, the right honorable member, in order to save his Cabinet position, swallowed some of the principles which might otherwise have guided his conduct. However, the fact remains that on the 14th February, 1902, the Government of which he was a leading member, addressed to the Postmaster-General a letter couched in the following terms:—

SIR,—In connexion with the agreement arrived at by Ministers, that in all departmental correspondence, the prefix of "the honorable," or "the right honorable," when applied to Ministers, and also all affixes are to be dispensed with, I shall be pleased if you will give instructions to have this rule of action observed in the official correspondence of your Department.

I have the honour to be Sir,

Your most obedient servant,

(Signed) EDMUND BARTON.

Sir WILLIAM LYNE.—That was a decision by the Cabinet; I remember it.

Sir JOHN FORREST.—I think that the honorable member for Hume voted against it. Personally, I regarded it as a piece of foolery.

Mr. MAHON.—I feel that I owe an apology to the House for having dealt with this matter at such length. There are occasions, however, when it is difficult to avoid following a bad example. Now, the right honorable member for Swan urges that the non-recognition of military titles in Government Departments is calculated to impair the efficiency of the Defence Forces, and to prevent recruiting. I should be ashamed to attribute such an ignoble motive to the members of that force, and to those who may join it. As clearly as words can express it, he has declared that these men join the force in order to obtain titles.

Sir JOHN FORREST.—I never said anything of the sort.

Mr. MAHON.—I say again that this is the plain English of the right honorable gentleman's question. I replied—

In the majority of cases it is believed these men join from a patriotic impulse to fit themselves for effectively defending their country in its hour of danger.

It is preferable to hold that view than to credit them with the sordid motive which the right honorable member has attributed to them. He asked me—

4. Does he think such a direction tends to encourage the citizen forces, on which we desire to wholly depend for our defence?

5. Does he think that the deprivation of their military titles, many of which have been won on the field of battle, is likely to stimulate and encourage men to become officers?

6. On the contrary, does he not think it will be regarded as a desire to lessen the position of officers of our citizen forces?

The plain inference from these questions is that the Defence Force is recruited from men who desire to obtain military titles.

Mr. McWILLIAMS.—Certainly not.

Mr. MAHON.—I shall be very pleased to hear any explanation to the contrary. I regret that, as my time is almost exhausted, I am unable to reply to the extraordinary arguments advanced by the honorable and learned member for Corio. I must, therefore, leave them to be answered by other honorable members. So far as the Government is concerned, no attempt whatever has been made to place the Imperial Forces in a superior position to that of the Citizen Forces of the Commonwealth. We desire to give officers of the Defence Forces all the kudos to which their rank entitles them, but our instructions are that when performing work of a purely business Department, they shall not compel others to address them by their military titles.

Mr. HUTCHISON (Hindmarsh).—The right honorable member for Swan has endeavoured to raise "much ado about nothing." From the statement of the Postmaster-General, honorable members must recognise that the Government have no desire to prevent the use of military titles under proper circumstances. Where is the use of titles to end? If we are to carry out the suggestion made by the right honorable member for Swan, and to recognise all prefixes, why should we not also recognise affixes? It would then be necessary for us to speak of the right honorable member as "the right honorable member for Swan, Sir John Forrest, P.C., LL.D., G.C.M.G."

Mr. O'MALLEY.—Yes; they must all be used.

Mr. HUTCHISON.—Quite so. This is an illustration of the utter absurdity of the right honorable member's contention. He will surely admit that if one officer is to be addressed according to his military title, all must be treated in the same way.

The right honorable member is apparently unaware that a lieutenant is never addressed by his military title, but only as plain "Mr." If there is a subordinate in the service holding the rank of captain in the Militia Forces, he must be addressed, according to the right honorable member, as "captain" by his superior officer; but when that subordinate addresses the Postmaster, who happens to be a lieutenant, he must, according to military etiquette, call him "Mr." I do not think it is necessary to say more in order to demonstrate the utter absurdity of the right honorable member's contention. I was glad to hear the Postmaster-General make it clear that there is no intention to deprive those entitled to the use of military titles of the right to employ them; but we could never hope to educate the general public up to the practice of always addressing private citizens by their military titles. There are many officers and non-commissioned officers employed in factories and warehouses in the Commonwealth, but one never hears a non-commissioned officer addressed by his employer as "Corporal" or "Sergeant."

Sir JOHN FORREST.—We speak of "Colonel" Rowell.

Mr. HUTCHISON.—Solely from considerations of courtesy. I have heard the honorable and learned member for Corio again and again referred to in this House as "the honorable and learned member, Mr. Crouch"; but have never known him to protest or to contend that he should be addressed as "Captain Crouch." Nor can I say that the honorable and learned member for Corinella has ever complained because other honorable members have failed to refer to him as "Colonel McCay." The Postmaster-General has issued an order which I am sure will receive the approval of, at all events, three-fourths of the members of this House; but, because he is a member of a Labour Government it is thought proper to make the issuing of that order an excuse for a shot at the Ministry. If a man holding the rank of colonel or captain in the Military Forces is to be addressed by his military title in the course of his private employment, those who hold the rank of corporal must also be dealt with in the same way. The proposition made by the right honorable member for Swan is so absurd that it is unnecessary for me to further discuss it.

Mr. PAGE (Maranoa).—I have listened intently to the remarks made by the right honorable member for Swan—who objects,

I understand, to be addressed in that way—and also to the speech made by the honorable and learned member for Corio, Captain Crouch, of Albert Park fame. It is said that, so far as military events are concerned, history repeats itself only once in a hundred years, and I would remind the House that when the honorable and learned member for Corio took part in the celebrated Albert Park charge, he repeated an incident which occurred at the charge of Fuentes de Oñoro, during the Peninsular War. On that occasion the infantry charged the artillery, and received a very rough handling; but at Albert Park the infantry turned the artillery. The honorable and learned member complains that I speak of the Militia as "Saturday afternoon soldiers," but I should like to know whether any soldier would attempt such an act as was committed at Albert Park by the honorable member for Corio, Captain Crouch?

Mr. MCWILLIAMS.—The Japs. did the same thing a few days ago.

Mr. PAGE.—I have not read of that incident, but the honorable and learned member for Corio is in good company when he is with the Japs. The right honorable member for Swan desired to know the reason for the decision of the Minister, and I presume that he is satisfied with the explanation that has been given.

Sir JOHN FORREST.—No reason has been given.

Mr. PAGE.—Has not the Postmaster-General told the House of an incident which occurred at the Ballarat post office? A number of citizen soldiers employed in that post-office attended for duty one Saturday morning attired in regimentals, their desire being to go on parade as early as possible. Before setting to work they removed their coats, helmets, and military accoutrements, retaining only their military trousers, and as soon as their duties at the office had been discharged they were ready to don their accoutrements and set out for the parade.

Sir JOHN FORREST.—That incident does not apply.

Mr. PAGE.—I will show its application in the course of a few minutes if the right honorable member will permit me to do so. The postmaster at Ballarat objected to these men wearing their military trousers while on duty, although he was a stickler for titles, and insisted upon being addressed as "Captain." Notwithstand-

ing that he was an officer he would not assist these men to attend on parade, and merely because they were only in the ranks. Had they been lieutenants or majors he would have given them every facility to carry out their desire to serve their country. I was never a prouder man than when I wore the military uniform, and I should advise every young man who is able to join a Military Force to do so as soon as possible. I have never regretted my connexion with the Army. There is no disgrace in being a member of the ranks, notwithstanding what may be said by those snobs who put on frills and insist upon being addressed by their military titles. There are many good officers in the British Army who do not wish to be given their military titles while in private life. It is only pettifogging men in the Public Service who insist upon being addressed in that way, whilst they are discharging their everyday duties. The right honorable member for Swan has said that these men join the Militia merely because of the titles they secure, and I am satisfied that his assertion is correct. It seems to me that I might very well give the House on account of an incident that happened in one of the Commonwealth offices. A man once called at the Commonwealth offices, and, on inquiring whether Mr. Miller was in, was informed by a messenger that he did not know "Mr. Miller." The inquirer, on continuing his way along the corridor, asked another messenger where he could find "Mr. Miller," and received the reply, "I suppose you want Colonel Miller, Secretary of the Department of Home Affairs?" "That is the man," said the stranger, and he was directed to another messenger, who, he was informed, would conduct him to Colonel Miller's room. The stranger then remarked to the messenger, "I suppose you are a major?" "No," answered the man, "I am only a captain in the Collingwood cadets." That is an illustration of the absurdity of the right honorable member's contention. Another incident that occurred some years ago in South Australia has also a bearing on this question. When the right honorable member for Adelaide held office as Minister of Defence in South Australia, he served as a corporal under the Under Secretary of the Department, who was in command of the forces. On one occasion, while the forces were in camp, the Under-Secretary sent for "Corporal Kingston," and, on the right honorable member attending at his tent, said to him, "I am addressing you, sir, not

'Corporal Kingston,' but as Mr. Kingston, Premier of South Australia. I desire you to grant me two days additional leave, in order that I may direct further manoeuvres on the part of the forces." Was not that an absurdity?

Sir JOHN FORREST.—In what way?

Mr. PAGE.—It shows the absurdity of the whole system. When the Under-Secretary simply wished to ask for an extension of leave, why did he not go to, or send for, "Mr. Kingston," instead of sending for "Corporal Kingston." The right honorable member said in the course of his speech that the Postmaster-General could not override any law. A couple of years ago, when speaking on the military estimates, the right honorable member for Swan told us that in Western Australia he had spent over £500,000 without the sanction of Parliament. Is not that rather inconsistent?

Sir JOHN FORREST.—I acknowledged that, in that instance, I broke the law.

Mr. PAGE.—My fear is not that expressed by the honorable and learned member for Corio, but that we shall have here a system of military domination. I do not wish every second man in the Commonwealth to call himself colonel or captain, as the honorable member for Darwin says is the practice in America. Let each of us stand or fall on his merits. The right honorable member for Swan twitted the members of the Labour Party with calling each other "honorable members," but no one knows better than he does that the parliamentary rule compels us to do so. Only this afternoon Mr. Speaker informed the House that we must address each other by the constituency which we represent.

Sir JOHN FORREST.—One could say the "member for so-and-so," instead of the "honorable member for so-and-so."

Mr. PAGE.—I will call the right honorable gentleman the "member for Swan" in future, if he prefers it. Personally, I do not care what I am called, so long as I am not called late for my "tucker." The right honorable member also spoke of the title of "honorable" which has been conferred upon the members of the first Federal Parliament. Members on this side of the chamber did not desire that title; and we may have an opportunity to prove our sincerity by voting on the subject. I do not wish for a colonial distinction. I am as Imperialistic as is the right honorable member; but, although he talks about the Empire and the soldiers of the King, he is willing to accept

a merely colonial brand of title, which is not to be used outside the Commonwealth. No one on this side of the chamber wishes to use such a title.

Mr. FOWLER.—It is an insult to us.

Mr. O'MALLEY.—It is like the cheap edition of a novel—"For circulation in India and Australia only."

Mr. PAGE.—The right honorable member for Swan told us that he would show how the Postmaster-General had violated the law, but the Postmaster-General was able to prove very clearly that the right honorable member had not read the regulations. If we are to be forced to call these gentlemen by their military titles, by all means let it be known. The honorable member for Corio has compared Australian with Imperial officers. I have seen some Saturday afternoon soldiers in the old country, but I never saw such guys of volunteers there as I have seen in Victoria. If they compare with the British soldier, God help the latter. A military man in the old country does not carry his title about with him, and tell every one "I am Captain So-and-so," or "Major So-and-so," and I think that the Postmaster-General has done the right thing in nipping in the bud an objectionable practice which was springing into existence here.

Mr. McWILLIAMS (Franklin).—I am very sorry to have heard in this chamber what I have protested against in a State Parliament—the sneering at a body of men of whom we should be proud, our citizen soldiers.

Mr. CARPENTER.—There has been no sneering at them.

Mr. McWILLIAMS.—The whole tone of some of the speeches which have been made I regard as a sneer at our citizen soldiery.

Mr. CARPENTER.—Then the honorable gentleman is mistaken.

Mr. McWILLIAMS.—I think that a good many other honorable gentlemen share my opinion. The honorable member for Maranoa has proved his claim to the title of soldier; but I was sorry to hear the tone in which he spoke of our volunteers. I have no claim to a military title. Although I was a volunteer for some years, I was never more than a private, as at the time I was always busily employed, and had not sufficient leisure to work myself up from the ranks. But I take credit for having been a good marksman and a good private. Still, I know men who have given up a considerable portion of their leisure

time for many years past—men who have not had too much leisure time—to make themselves acquainted with the duties of volunteer officers, and I am proud to say that they are regarded, not only by those whom they command, but also by the private citizens who come into contact with them and recognise the good work which they are doing, as a credit to the service. A good deal of objection has been expressed to militarism, and I am ready to class myself as an objector to anything which savours of that. I have no desire for a huge standing army, but I wish to see a good citizen soldiery established. I would like to see the boys of our schools, the children of rich and poor parents alike, compelled to undergo a certain amount of discipline, taught the rudiments of drill, and instructed how to shoot, so that they may learn the first duty of citizenship—to defend themselves and the country to which they belong. We shall not be able to build up a satisfactory citizen soldiery if we slight the officers of our Defence Forces. There is no comparison between the shoddy titles of which we have heard so much this afternoon, and those which our volunteer officers have won by perfecting themselves on the field, and by their books, in the art of warfare. I do not wish to touch upon a subject with which you, Mr. Speaker, have declined to allow other honorable members to deal, but I would point out that volunteer titles are very different from titles which have been obtained practically as the result of accident. The title of "honorable" which has been given to the members of the first Federal Parliament has attached to it what seems to me to be a distinct stigma, inasmuch as the condition is imposed that it must not be used outside Australia. The Federal Parliament, in my opinion, has not given the volunteer officers and privates the consideration which they should have received, and the result is that, although we are now paying more to our citizen soldiery, we are not getting as good a return as when we had purely Volunteer Forces. Honorable members may sneer at volunteers who give up their Saturday afternoons, but they forget that it is a great thing for a man who enjoys only one half-holiday a week to devote it to military training, and, further, to employ additional holidays in continuous training in camp. The least we can do for those who make this sacrifice is to give them encouragement. We shall not create the

spirit which should animate our Defence Forces unless we do so. Our best defence, that upon which we can most surely rely, will be our volunteer forces, who consist of citizens trained to defend themselves and their country. I have not gathered very clearly from the papers which have been read how this trouble has arisen, but I think that the right honorable member for Swan did right in drawing attention to the matter, so that we may have it cleared up, and know where we are. I have invariably recognised my old volunteer officers by their titles, and shall continue to do so, in spite of any action which the Government may take; just as I shall have pleasure, so long as the House thinks that they should retain them, in calling my honorable friends who now hold office by the titles which they have won. I am no slavish advocate of the use of titles. Personally, I do not believe in them. But when a man wins a title by industry, pluck, energy, or ability, I am prepared to recognise it, whether he be a volunteer, a minister of the church, a Minister of the State, or anyone else. It is a different matter when men obtain titles through the accident of being pitchforked into a position. I repeat that I regret that what I feel, and what the volunteers of Australia will feel, to be a slight and a sneer upon them has been given by the action of the Government in depriving them of titles which they have fairly won.

Mr. FOWLER (Perth).—The honorable member for Franklin was hardly fair in imputing to honorable members a desire to sneer at our volunteers. I heartily approve of the action of the Postmaster-General, because I am anxious to uphold the honour of the Defence Forces. As a volunteer I have worn a military uniform, and am proud of the fact, and I shall continue to do all in my power to encourage those upon whom we must rely for defence in time of need. I should be one of the last to adopt an arbitrary attitude towards gentlemen who are entitled to use military designations. But the Postmaster-General has made it clear that his object is, not to prevent the use of military titles by their possessors, but to resist the attempt, made with more enthusiasm than good taste, to compel others to use them. That is how the trouble has arisen. I think that if a vote of the officers of the Defence Force were taken on the subject, they would be found to approve of the action of the Postmaster-General. They do not, I presume, consider the title so necessary that "

are willing to insist upon its use by those who do not wish to recognise it. That is apparently what is being done in at least one case, and that in itself is sufficient to give point to the direction of the Postmaster-General that in future no attempt of the kind shall be tolerated. I feel quite sure that in acting in this manner, the Minister has been defending the honour of the large majority of the officers of the Defence Forces, who, whilst fully entitled to their military designations, do not insist upon their recognition by others. That is the whole position, and I do not think that it is quite fair to attempt to make capital out of the incident. One or two honorable members have represented the action of the Minister as humiliating to the officers of the Defence Forces, and the attitude of honorable members on this side as distinctly hostile to our citizen soldiery. I desire to protest against both those suggestions.

Mr. WILLIS (Robertson).—I was one of those honorable members who rose in their places to enable the right honorable member for Swan to move the adjournment. My object was to afford the right honorable member an opportunity to substantiate his case. After having heard the statement of the Postmaster-General, I feel that there is no desire on his part to prevent titles of distinction from receiving due recognition under proper circumstances. Many anomalies might arise if military titles were recognised in connexion with service in a Public Department. We might, for instance, find a subordinate in the Postal Service holding a higher military title than his superior officer. I understand that the Minister has decided that military titles are not to be recognised in connexion with the official work of the Department, and that juniors will not be compelled to address their seniors by such titles. I am pleased to have an opportunity to support the Minister in the stand which he has taken, because he is one of the few men capable of occupying such a position. I trust that he will continue to keep a strong hold of his Department, and see that proper discipline is maintained throughout the service.

Mr. WATSON (Bland—Treasurer).—I trust that honorable members will allow us to proceed to another item of business shortly, because I have asked honorable members in another place to assist us, and

they are now awaiting an opportunity to do so. With regard to the question which has been introduced by the right honorable member for Swan, I do not think that the attitude of the Postmaster-General—with which I quite agree—involves more than a direction as to what is to be done in departmental routine. There is no desire on the part of my honorable colleague to in any way belittle the men in the Public Service who have, at great sacrifice, qualified themselves to hold commissions and take part in the defence of the country, should occasion arise. There is no desire to underrate the services rendered to the country by these gentlemen; but it must be apparent that, to insist upon the recognition of military titles throughout the service would lead, as it has led in the past, to a great deal of inconvenience. It must be remembered that very often public servants occupying superior positions hold military rank far below that of some of their subordinates.

*[Debate interrupted. Business of the day called on under Standing Order 119].*

#### PERSONAL EXPLANATION.

Sir JOHN FORREST (Swan).—I desire to make a personal explanation. The Postmaster-General charged me with discourtesy in not giving him notice of my intention to move the adjournment of the House. I desire to say that this is the first occasion during my twenty-one years of continuous Parliamentary life upon which I have moved the adjournment of the House for the purpose of bringing forward a matter of public importance. I was not aware of the procedure usually followed. Furthermore, I had in my mind that the honorable gentleman would know all about the subject. I wish to assure him that I had no idea of taking him at a disadvantage, and if I have occasion to take similar action in future I shall be only too glad to give notice of my intention to the Minister concerned.

#### SUPPLEMENTARY ESTIMATES AND SUPPLEMENTARY ESTIMATES FOR WORKS AND BUILDINGS.

1903-4.

Mr. SPEAKER reported the receipt of messages from His Excellency the Governor-General, transmitting Supplementary Estimates of Expenditure for the year ending 30th June, 1904; and Supplementary Estimates of Expenditure for Additions, New

Works and Buildings for the year ending 30th June, 1904, and recommending appropriation accordingly.

*In Committee of Supply:*

PARLIAMENT.

Divisions 4, 5, and 10 ("Other"), £544.

Mr. WATSON (Bland—Treasurer).—I am submitting to-day Supplementary Estimates of expenditure, which, although comprising a great many items, will, on examination, be found to be not nearly so formidable as they would at first appear. I may say that they very largely represent items which have been advanced by my predecessor from the Treasurer's advance vote, and that the principal reason why I come to the Committee on this occasion is that that vote has been exhausted for some week or so past. It is quite possible, in fact more than likely, that within the next few weeks contingencies will arise which will necessitate an immediate payment by the Treasurer. Therefore, it is necessary to obtain further supplies, and the only manner in which that can be satisfactorily done is by reimbursing the Treasurer's advance by voting a large proportion of the items which have caused its depletion. I have not been able to keep strictly to the letter of the intimation I made a few nights ago. I then said I did not anticipate asking for any amounts except those which had been authorized by the late Treasurer or myself, and which would be, strictly speaking, required for the reimbursement of the Treasurer's advance. I find, however, that there are a few items that I could not meet from the Treasurer's advance, because I had not the money, but which it is absolutely essential shall be paid almost immediately. Therefore, I have departed from the intimation I recently made to that extent, and I now ask in these Supplementary Estimates that I may be granted some extra sums of money which I shall indicate. In the first place, the total sum asked for in these Estimates is, for the ordinary Estimates, £137,216, and for works and buildings £42,294; or a total of £179,510. The ordinary Estimates include the sum of £18,000 odd for the payment of Victorian civil servants under section 19 of the State Act of December, 1900.

Mr. GROOM.—Is that debited to the State of Victoria?

Mr. WATSON.—Yes. I might say that I do not anticipate that this sum will be

nearly sufficient to meet all the claims for which the Commonwealth is responsible—that is, for which we have to find the money, but which will eventually be debited to the State of Victoria. That is not nearly the sum which has accrued since the Commonwealth took over the Departments. A number of other claims will have to be paid, but these have not, so far, been ascertained. I asked the Public Service Commissioner for an estimate covering the years during which the Commonwealth has had control of the transferred Departments; but, unfortunately, in the absence of particulars from the various Departments, he was not able to furnish me with anything like an accurate estimate of the liability which will have to be met by the Commonwealth. It must be remembered that this liability has now been running for three years, and that the postal officials, particularly, having obtained a decision from the High Court in the case of *Bond v. The Queen*, to the effect that we are liable to pay to an official of a similar grade in Victoria the highest salary payable in any other State, we must be prepared, as soon as the liability is definitely ascertained, to make good the whole amount from the Commonwealth finances. Of course, the State of Victoria will eventually bear the burden.

Mr. DUGALD THOMSON.—Customs officials would be included within the provisions of that Act?

Mr. WATSON.—Yes; but the amount now proposed to be voted is to be distributed among only postal employés—mostly letter-carriers. The Public Service Commissioner, in the absence of particulars, stated that he thought that the liability would probably amount to about £25,000 per annum for the three years during which the Commonwealth had exercised control over the transferred Departments—in other words, a total liability of £75,000 has already accrued during Commonwealth control. I do not wish it to be understood that the Public Service Commissioner binds himself to those figures. That intimation, however, was the only one that he was able to make to me a fortnight ago.

Mr. DUGALD THOMSON.—Will the obligation continue?

Mr. WATSON.—I shall come to that point presently. Some of the postal officials further claim that, not only are arrears of salary due to them at the rate which was paid in December, 1900, to officials of a similar grade in any part of the Commonwealth, but that they are entitled



to increments which are being paid to some officers in South Australia. I do not include any claim of that description in the sum for which I am now asking. From my point of view, it is extremely doubtful whether officers in Victoria are entitled by the operation of the law to increments which have accrued to officers in South Australia between December, 1900, and the present time.

Mr. JOHNSON.—What is the nature of these increments?

Mr. WATSON.—Some officers—there are not many of them—in South Australia—which was the State selected by the Victorian postal officials in order to test the case of *Bond v. The Queen*—who can point to long service and good conduct, are entitled to receive increments up to a maximum amount at certain stated periods. It is now urged that the Victorian officials, having established their claim to a salary similar to that received by officers of their own grade in South Australia, are also entitled to the increments which have accrued to these South Australian officers. There is this point about the matter—that section 19 of the Victorian Statute, under which this claim is put forward, contains the words “the highest salary then payable.”

Mr. TUDOR.—To any officer in a corresponding position.

Mr. WATSON.—Yes; but the section is largely governed by the words “then payable.” If that view is upheld—and I may mention that the Attorney-General holds the same opinion—it seems clear that the Victorian officers are entitled to receive no more than was paid to officers in a corresponding grade elsewhere at the time the Victorian Act was passed. In other words, they are not entitled to claim these increments. I am not asking the Committee to vote anything further—

Mr. JOHNSON.—It is to be hoped that all will be ultimately placed on the same footing.

Mr. WATSON.—I am not asking the Committee to satisfy these claims, because if we did that, and the High Court subsequently decided that they should not have been paid, in all probability we should be unable to recover the money from the officers in question, and the taxpayer would be held responsible for a refund of the amount that we had illegally paid. I am merely asking the Committee to pay the sum which has already accrued, and for which we have

been held liable by the High Court. As the Judges of the Full Court of Victoria, and afterwards the Justices of the High Court, intimated, it is very difficult to decide what constitutes “a corresponding position.” The length of service of an officer may constitute an element in the matter. For instance, an officer may be receiving a certain salary, partly because of the work that he has to perform, and partly because of the long period that he has been in the service. It is very difficult to law down a hard-and-fast rule, and to say that any two positions correspond. That is where the primary difficulty of the Court arose in construing the Victorian Act. I agree with the honorable member for Lang that it is desirable to place all officers on the same footing. Up to the present, however, we have been governed by the State laws and practice in every instance. Neither the late Government, nor the present Government, should accept any responsibility for the anomalous state of affairs which exists.

Mr. DEAKIN.—There is no question of responsibility.

Mr. WATSON.—We do not accept responsibility for the anomalous state of affairs prevailing. I admit that the question of responsibility arises, in that it was the duty of the Government, at the earliest possible moment to introduce a Public Service Act, and regulations under it, to insure that the same treatment should be meted out to every officer in the Commonwealth service.

Mr. JOHNSON.—In the smaller States, some of those who perform the least work get the highest salaries.

Mr. WATSON.—That may be so. Coming now to the question of whether the obligation will continue, the classification scheme under the Public Service Act will be ready to be gazetted not later than the 1st July. It is certainly my own view—although it is a matter for the Courts to determine—that that scheme will supplant all the anomalous conditions now prevailing, not only in the other States, but also in Victoria, and will limit the period during which section 19 of the Victorian Act can operate. I cannot believe that the Victorian Parliament ever intended to tie the hands of the Commonwealth Legislature in the administration of these Departments for all time, or for such time as Victorian transferred officers may remain in Commonwealth employment.

Mr. JOHNSON.—The Victorian Parliament is responsible for some very grave discrepancies.

Mr. WATSON.—From my reading of the section I do not think that it will have that effect. In my view, the classification scheme, which has involved an enormous amount of labour on the part of the Public Service Commissioner—it is a monumental work—will overcome many of the difficulties to which I have referred. I am also asking the House to vote £9,500 for the carriage of mails upon the Western Australian railways. I understand that it has not been the practice to make so large an allowance to the Railway Commissioners of that State. Very properly they now ask to be placed upon the same footing as the Railway Commissioners in the other States, who are paid as ordinary contractors for the carriage of mails.

Mr. DUGALD THOMSON.—They desire to be paid a proportionate sum, I suppose?

Mr. WATSON.—Yes. The usual practice is to pay so much per mile per annum, with alterations where the trains do not run daily. The amount involved is a large one, and that is the reason why I draw attention to it. At present I do not quite understand why provision was not made in the Estimates-in-Chief for a sum to be paid in this connexion. No doubt if the right honorable member for Balaclava—whose illness we all deplore—were present, he would be ready with a satisfactory explanation.

Mr. CARPENTER.—Is this payment for arrears only?

Mr. WATSON.—Yes. It has accrued, but it is one to which there should be no objection. Inasmuch as we pay the Railway Commissioners for the carriage of mails in every other State, we must pay them at a similar rate in Western Australia. There are a number of other items to which I should like to direct attention. One of these has reference to the travelling expenses of the Justices of the High Court and their Associates. It represents a sum of £1,700. That is to be charged to a special appropriation, but it really does not involve an increased expenditure. The Attorney-General has recently expressed the opinion that we must make a special appropriation in connexion with these travelling expenses. For this year, however, I ask the Committee to vote the money in the way that is proposed. It really does not represent an increased expenditure, because when the High Court was created,

Parliament contemplated paying the travelling expenses of the Justices, and provision was made for it.

Mr. McCOLL.—Are those expenses “on scale?”

Mr. WATSON.—Under Executive minute it was decided to pay the actual amount of the expenses.

Mr. McCOLL.—Upon vouchers?

Mr. WATSON.—Yes. At the present time, however, I am considering the desirability of introducing a scale, in lieu of the voucher system. I shall have further information upon that subject at a later stage. What I desire to impress upon the Committee is that this sum does not necessarily involve an increased expenditure, as compared with that upon the Estimates-in-Chief. Then, in division 22, page 8, provision is made in connexion with the Department of Home Affairs for works and buildings. “Transferred expenditure” is set down at £5,498, and “other” at £3,714. Concerning these items, there will be a saving on the votes of former Appropriation Acts in transferred expenditure, which will probably balance the amount for which I am now asking. The “other expenditure” will be slightly more than was anticipated. In the matter of works and buildings, only eight months of the year are available in which to expend the money authorized by Parliament. The Estimates are usually passed in September, and only eight months remain in which to get out plans and specifications, call for tenders, and arrange for the starting of the works. Consequently, it is certain that there will always be a considerable saving on the nominal sum voted by Parliament. Upon this occasion, however, we do not anticipate that there will be a much larger saving than I have just indicated. In division 24, subdivision 1, provision is made for the sum of £2,590, on account of the cost of the Federal Capital Sites Commission. The Commission was appointed by the late Government, with, I believe, the tacit approval of Parliament, but I think that our predecessors in office should have made provision on the Estimates for the payment of a large sum on this account, so that it would have been unnecessary to have recourse to the Treasurer’s advance account. It seems to me, at all events, that this expenditure might have been foreseen.

Mr. DEAKIN.—It was not until the close of the session that the Seat of Government Bill was dealt with. If the Bill had been

finally passed into law a great deal of this expenditure would not have been necessary.

Mr. WATSON.—I am referring to the Royal Commission, of which Mr. Kirkpatrick was chairman. The Commission was appointed before the Seat of Government Bill was dealt with.

Mr. DEAKIN.—Does this item relate only to that Commission? I think it will be found by the honorable gentleman that it covers the cost of the work done by the surveyors lent to the Commonwealth by the Government of New South Wales, and whose reports have been laid on the table of the House.

Mr. WATSON.—I shall look into the matter, and refer to it at a later stage. At all events, this grant from the Treasurer's advance account was made by my predecessor in office, and in response to inquiry I was tentatively informed that the facts were as I have stated. Provision is also made for an extra sum of £3,500 in respect of the cost of the general election.

Mr. GLYNN.—Another general election?

Mr. WATSON.—No; we do not contemplate making provision for anything in that direction.

Mr. GROOM.—Is the item £3,500 or £2,500?

Mr. WATSON.—£3,500 is the nominal sum; but we shall be recouped £1,000 by the Government of New South Wales. They agreed to allow us that amount, in respect of the cost of taking the referendum on the question of whether there should be a reduction of members in the State Parliament, in conjunction with the Federal elections. That payment will reduce the net amount to £2,500; but we shall require the whole amount.

Mr. JOHNSON.—Was there any undertaking on the part of the Government of New South Wales to recoup us to the extent named?

Mr. WATSON.—Yes; they have undertaken to pay £1,000.

Mr. JOHNSON.—Then we can reasonably expect to receive that amount?

Mr. WATSON.—Yes.

Mr. ROBINSON.—Will it be paid by Mr. O'Sullivan out of the loan funds?

Mr. WATSON.—I do not think that at present there is any very great shortage in the public accounts of New South Wales. The State Government have been economizing. In view of the large expenditure involved in the conduct of the general election, and having regard to the fact that the Department had to largely rely on men of

whom the officials at the head office had had no previous experience, I do not think that this additional sum is in any way remarkable.

Mr. JOHNSON.—I do not think that it is enough. Many of the officers were underpaid.

Mr. WATSON.—The officers of the Electoral Department considered that they would be able to discharge all liabilities if this extra sum were provided, and I therefore had no hesitation in granting it a little while ago from the Treasurer's advance account. It does not represent a large percentage of error, having regard to the enormous expenditure which the general election involved.

Mr. JOHNSON.—It is so small as to suggest almost the idea of sweating.

Mr. WATSON.—In division 32A, a sum of £2,683 is asked for in respect of expenses incurred in New South Wales under the Sugar Bounties Act, and £4,062 is also asked for in division 34A in respect of expenses incurred in Queensland under the same Statute. Each item represents only a bookkeeping entry.

Mr. DEAKIN.—In divisions 32 and 33 provision is made for an increased expenditure in New South Wales and Victoria. I am aware, of course, that the late Treasurer is probably responsible for them, but are not these amounts large to appear in Supplementary Estimates? The increase in the case of New South Wales is £1,996.

Mr. WATSON.—It will be found that that item does not increase the total expenditure.

Mr. DEAKIN.—I thought that, perhaps, would be the case.

Mr. WATSON.—I shall explain these items in the course of the next few minutes. In division 32, there is an item in respect of salaries of certain officers. These are officers over 65 years of age, for whom provision was made only until the 30th September, 1903, in the expectation that they would then be retired. It was subsequently decided to grant them leave of absence, extending up to six months, according to their length of service, and this provision is necessary in order that the payments may be made to them. It represents extra expenditure; but expenditure that was incurred during the term of office of the late Government, and upon the recommendation of the Public Service Commissioner.

Mr. DEAKIN.—Does the same thing apply in the case of Victoria, or are the items simply, provided here in a different form?

Subdivision 1 of division 33 deals with payments to sub-collectors and others in this State.

Mr. WATSON.—So far as Victoria is concerned, this item is due to the adjustment of the expense of maintaining border customs houses. Duties are no longer collected on the borders, but it is necessary to maintain customs houses there, in order to keep records for bookkeeping purposes of the passing of goods from one State to another. This involves no increase of expenditure. For example, the items of £585, in respect of sub-collectors, £241 in respect of clerks, £552 in respect of three watchmen, and £48 in regard to one officer, are included in the original Estimates, but are charged to New South Wales. In order to secure a more accurate adjustment, it is necessary that they should be charged against each State. We now find that we must debit Victoria with a greater proportion of the expense of maintaining these border customs houses.

Mr. JOHNSON.—Does the total sum of £1,996 in division 32 represent additional expenditure in New South Wales?

Mr. WATSON.—A portion of it does. We have, for instance, to provide for additional expenditure incurred in connexion with the proper protection of the Customs and Excise revenue. The precautions taken at once involve expense; but it often happens that we receive back a considerable amount in respect of fines, and revenue from other sources, so that the expenditure is well justified.

Mr. JOHNSON.—I wish to know whether the whole of these items were included in the original Estimates.

Mr. WATSON.—I find that the item in division 32, to which reference was made by the honorable and learned member for Ballarat, is really a question of book-keeping. A slight expenditure in Victoria is certainly involved, but that outlay cannot very well be avoided.

Mr. DEAKIN.—I am satisfied.

Mr. WATSON.—With regard to the provision made in division 32A., in respect of sugar bounties, I would point out that it is a book entry. It means that we are now charging against the Sugar Bounties Act the cost of its administration. In the Estimates-in-Chief that cost was debited to the various Customs Departments, and therefore became transferred expenditure; but, the Sugar Bounties Act having been

passed, it becomes "other expenditure," and in order that an accurate account of "other expenditure" may be kept, we find it necessary to debit against the Act the total cost of its administration. It is in reality a mere book-keeping difference. The money has been granted from the Treasurers' advance account.

Mr. McCAY.—It transfers the liability from specific States to a population proportion.

Mr. WATSON.—Quite so; but so far as the actual expenditure is concerned it is merely a book-keeping entry. It means, of course, a little difference in the adjustment.

Mr. McCAY.—It means, for example, that Victoria will have a little more to pay.

Mr. WATSON.—Possibly that is so. I regret that it was necessary to adopt this course. The action was not taken on my initiative. The whole matter had been simmering for a considerable time, and, so far as we can ascertain, there is no escape from the course proposed to be followed. We are also asking for a sum of £6,000 odd to allow of refunds of over-charges in respect of rent of quarters. I am sorry that it is necessary to bring forward the item in this way. It seems to me that it should have been provided for in the Estimates-in-Chief. The rent charged to officers occupying Government buildings should have been reduced to the lower rate immediately on the passing of the Public Service Act. Although the Act provides that not more than 10 per cent. shall be deducted from officers' salaries in respect of rent of Government buildings occupied by them, the deductions were continued on the old basis, with the result that we now have to refund to these officers in two States a sum exceeding £6,000. This refund must take place in accordance with the terms of the Act, and I am therefore asking that provision be made for it. In division 178, honorable members will find an item of £1,950 in respect of refund of Customs duties paid by the Eastern Extension Telegraph Company. We have to make this refund under an agreement entered into principally by the South Australian Government, that the company should be allowed to bring in all stores in connexion with the cable service free of duty. As the company has been charged duty in respect of some of its stores, it is now necessary to make a refund. With regard to the statement made by me a few moments ago relative

to the cost of the Capital Sites Commission, I find on looking further into the matter that the original item in the Supplementary Estimates included provision for the Commission, but not sufficient provision. With regard to the item on page 53, under the heading Expenditure in the State of Western Australia, Postmaster-General's Department:

Conveyance of mails by railway, £9,500, £12,550 was set down in the original Estimates for the carriage of mails by the Railway Department of Western Australia; but the right honorable member for Balclava assented to a claim by the Government of that State for payment at higher rates, that is, at rates equal to those charged by the Victorian Railway Department. This necessitates an additional vote of £9,500. Provision was made by the right honorable member to the extent which then appeared necessary.

Mr. DEAKIN.—Will the honorable gentleman give the Committee some information in regard to the item—

Services of analyst, £751, which appears at page 18 of the Estimates? What is the final arrangement which has been come to?

Mr. WATSON.—Indorsing the action of our predecessors, we have agreed with the Government of Western Australia to pay £200 a year for any services that may be rendered by their analyst to the Customs Department in that State.

Mr. DEAKIN.—So that there will be a saving of £550?

Mr. WATSON.—Yes. £751 is the charge which the analyst has made for services rendered without an agreement, so that the arrangement now come to means a considerable saving. We must, of course, pay on the old basis up to the time when the agreement was entered into, which was, I think, in October last. There is another matter to which I desire to call attention. On the last page of the Estimates, the sum of £22,000 is put down on account of the Department of Defence. The appearance of that amount is explained in this way: The late Minister of Defence desired to procure rifles and ammunition at a cost greater than the amount voted on the Estimates for the year, and the Treasurer of the day agreed that if savings were made in the ordinary expenditure of the Department, he would advance a corresponding sum from his vote. On that understanding, he advanced £48,000; and

although we appear to ask for £22,000 more than the original estimate, there will be a saving sufficient to balance it. The rifles and ammunition have been paid for by savings in other branches of military expenditure, and although nominally £22,000 is asked for, no greater expenditure is involved than was assented to by the Committee when it passed the original Estimates. For expenditure in New South Wales, we ask for £24,875, on account of transferred Departments, and for £9,675 for "other" Departments; while £7,525 is required for new works and buildings in connexion with transferred Departments, and £2,000 in connexion with other Departments, or a grand total of £44,155. For expenditure in Victoria, a total of £71,021 is required. That amount has been swelled by the inclusion of the £19,000 needed for the payment of postal employes. The amount required for Queensland is £16,000; for South Australia £15,000, and for Western Australia £27,000. The £9,500 for conveyance of mails by railway, included in the Western Australian amount, will not affect the finances of that State, because it is merely a book entry. The Commonwealth pays the money to the State authorities, and they show it in their books as a credit, but the taxpayers are none the better and none the worse off so far as it is concerned, though, of course, it is a proper bookkeeping transaction. For Tasmania, the total amount required is £4,800.

Mr. DEAKIN.—Will the honorable gentleman explain how the vote for the Post Office comes to £82,315?

Mr. WATSON.—That amount includes £18,650 due to letter-carriers, which I have explained, and £9,500 to be paid for the carriage of mails on the railways of Western Australia; while, in addition, there are a number of increases which are more apparent than real. For instance, in the original Estimates provision was made for the appointment of permanent salaried officers to do work previously done by temporary officers. In Victoria, the Department had been in the habit of employing temporary messengers and letter-carriers; but some time ago it was decided—I think very properly—to substitute a number of permanent hands for these temporary employes. But, perhaps because the Commissioner has been engaged in other work, or for other reasons which I have not had time to ascertain, the appointments have not been made. Con-

sequently I am asking for a vote to cover the wages of the temporary hands who are retained, although I guarantee a corresponding saving on the original Estimates.

Mr. DEAKIN.—How much of the £50,000 unaccounted for is new expenditure, and how much was provided for on the original Estimates?

Mr. WATSON.—I will obtain the information. There are other amounts which swell the expenditure. For instance, a resolution of this House, passed during the consideration of the regulations under the Public Service Act, requires that if a man has worked during the six preceding days, he must be paid time and a-half for overtime worked on Sunday. Then, the regulations provide for sick leave, as well as annual leave, being granted under certain conditions, and this involves the employment of temporary hands to do the work of those who are absent. It may relieve the minds of honorable members to know that, although I am asking for £180,000, there will be a saving of at least £200,000 on the Estimates-in-Chief; so that what I ask for is more than balanced by the saving that will be effected.

Mr. WILLIS.—How will there be a saving?

Mr. WATSON.—In many instances, especially in connexion with the construction of works and buildings, it will be impossible to spend the amount voted by Parliament before the vote lapses by effluxion of time. Of course, in many cases the unexpended balance will be re-voted, though the re-votes for this year will not be so large as the re-votes required last year, because a larger proportion of the original votes will be spent this year than was spent last year.

Mr. WILLIS.—Then there will be no real saving.

Mr. WATSON.—In many cases the money will have to be voted again; but in other cases there will be an absolute saving, and no re-vote will be required. Since we have come into office, we have forbidden one or two proposed expenditures which seemed to us, on information not available to our predecessors, to be unnecessary; but, apart from them, there are savings such as those in the Defence Department, where they have not spent money upon certain training, which they might otherwise have had, or have not recruited as they might have done, or have substituted one kind of encampment for another. I do not say that the whole of the £50,000 odd required

for that Department will be saved. Part of the amount will have to be re-voted.

Mr. JOHNSON.—But are these savings being made at the cost of efficiency?

Mr. WATSON.—Upon that point I am not sufficient of an expert to pronounce an opinion.

Mr. JOHNSON.—Some of the amounts unexpended may not be real savings.

Mr. WATSON.—The honorable member must remember that efficiency is relative. I think that an untrained man with a gun is more efficient than a trained man without a gun. Consequently, we cannot have lost in efficiency by expending £50,000 upon rifles and reserve ammunition, as against devoting money to the training of men without guns.

Mr. JOHNSON.—In other words, the money formerly spent in training is being laid out upon arms and ammunition.

Mr. WATSON.—Yes; what I wish to bring home to the members of the Committee is that the total of £180,000 does not wholly represent an addition to the expenditure authorized by Parliament a little less than a year ago. Against that amount we shall be able to show £200,000 less expenditure than was provided for upon the original Estimates. So that these proposals, although they involve a considerable amount, largely deal with the manner of the expenditure rather than with an addition to its amount. In other words, it is largely a question of how we shall expend what has been already voted, and I have thought it necessary to make a few explanations with regard to leading features. I shall appreciate the forbearance of honorable members, to the extent to which they deem it proper to exercise it, because of the total sum of £179,000, the amount of £139,000 has already run the gauntlet of examination by a careful, conscientious, and economical Treasurer—the right honorable member for Balaclava. Then there is a sum of £10,000 for the expenditure of which I have given the authority. This includes £3,000 odd for the Electoral Department. Then there is £29,000 not yet authorized, either by myself or my predecessor. This includes £28,000, which is made up of the two items, £18,000 for the postal employés, and £9,000 odd for the Western Australian railway service. Therefore, with the exception of these two items, I am practically asking the Committee to pass what has

evolution or development of the service that we can get rid of the obligation. It is best to do everything we possibly can to promote advancement and change in the position of these men. A letter carrier might, for instance, be transferred from the Postal Department into the Customs Department, where he could earn a higher salary or occupy a better position.

Mr. DUGALD THOMSON.—But men in other States might then be prejudiced.

Sir JOHN QUICK.—Men in the other States are protected, just as are the men in Victoria.

Mr. DUGALD THOMSON.—But men in the other States are prejudiced by this difference.

Sir JOHN QUICK.—By what difference?

Mr. DUGALD THOMSON.—By the difference in the positions.

Sir JOHN QUICK.—I do not see how an officer in New South Wales can be prejudiced by the fact that a Victorian officer is getting a salary equal to that paid to the occupier of a corresponding position in New South Wales.

Mr. DUGALD THOMSON.—That is not all; a Victorian officer may be occupying a certain position and obtaining a salary attached to a corresponding position in South Australia, but the salary paid in New South Wales for the corresponding position may be lower than either.

Sir JOHN QUICK.—In that case the Victorian officer gains a benefit; but the New South Wales officer is not prejudiced in his existing rights. I am not endeavouring to justify the action of the Legislature of Victoria, whose policy was mistaken, and showed a lack of confidence in the Federal Parliament. No doubt there were some underlying considerations; but we cannot escape the consequence, and the best way is to face the problem and work it out as well as we possibly can. I hope the problem will be solved with every consideration for the finances of Victoria; and I have no reason to doubt that, as years go by, the financial burden will gradually diminish; at any rate, it cannot increase. Instead of being an increasing burden, it will be a diminishing one, and in the course of years will probably disappear. I trust that the Government will accept the advice offered by the honorable and learned member for Ballarat, and be very careful, before making any of these payments, to obtain a

receipt from the men in full satisfaction up to date. They should not be paid in advance, and then allowed to indulge in further litigation. It would be better to come to some agreement that the payment to be made to them is in full satisfaction of their claim, and in consideration of their accepting the terms proposed to be conferred.

Mr. DUGALD THOMSON.—And providing, if necessary, for reclassification.

Sir JOHN QUICK.—They could not be asked to barter away their legal rights. Whilst we may regret that this proposal is necessary, I wish to point out that there is no reason for creating a feeling of unnecessary alarm as to this being an increasing obligation. As I have already remarked, it will gradually diminish, and, in the course of years, will wholly disappear.

Sir WILLIAM LYNE (Hume).—I do not agree with the honorable and learned member for Bendigo that this proposal will not place officers in other States at a disadvantage. I have no doubt that it will. It tends to create different rates of pay in the service. The object of the classification which has taken place, although I am not quite sure that it has yet been completed—

Mr. WATSON.—It will be ready to be gazetted on 1st July.

Sir WILLIAM LYNE.—That classification has for its object the readjustment of positions throughout the Public Service of the Commonwealth, and, under it, due regard will be paid to climatic conditions and the cost of living in the various parts of the States. If, as the result of the passing of the Act in question, Commonwealth officers in Victoria are to receive higher salaries than are given to those performing corresponding duties in other parts of the Commonwealth, much dissension will undoubtedly be caused. Applications for increased rates of pay will certainly be made, and more particularly by those stationed northward. I agree, however, with the honorable and learned member for Bendigo, that no fears need be entertained in regard to this burden, and that, in the course of a few years, it will disappear. Reference has been made to the question of promotion, and there are many cases in which it may be necessary to abolish offices. In this way we shall be gradually freed from the difficulty.

Sir JOHN QUICK.—A particular office cannot be abolished.

Sir WILLIAM LYNE.—It can.

Sir JOHN QUICK.—That would mean the dismissal of an officer.

Sir WILLIAM LYNE.—I do not think that any great difficulty will be encountered. I feel satisfied that discontent can be removed in the course of a little time. I wish now to refer briefly to a matter which has been a source of great trouble ever since the creation of the Department of Home Affairs—the carrying out of public works on behalf of the Commonwealth in the various States. On many occasions during my term of office as Minister of Home Affairs the responsibility for the delay in carrying out certain works was sought to be thrown on the Department. It was then the practice, as it is now, to ask officers of the Public Works Departments of the States to supervise and carry out certain works on behalf of the Commonwealth; but in many cases much dissatisfaction was caused, honorable members feeling that reasonable expedition was not shown in carrying out requisite works in their constituencies. That trouble has been to some extent minimised by the appointment of Commonwealth officers in some, if not all, of the States, to supervise the carrying out of some of these works, and report upon the procedure in others. It will probably be some time before we shall have anything in the nature of a complete Public Works Department in all the States, owing to the cost, and also the comparatively small expenditure on Commonwealth public works. Some time ago it was decided that a post-office should be erected at Gundagai, a town in the electorate I represent. I happened to visit that town twice or three times whilst the works were in progress, and I learned that the erection of the building occupied something like twelve months, of which six months or more represented loss of time. That loss of time was due, in my opinion, to the fault of the State officer in charge. The contractor came from another part of New South Wales, and on three or four occasions, when I met him at Gundagai, he was waiting and anxious to go on with the work, but was unable to proceed until the State officer arrived and gave him further directions. In two cases he was delayed in this way for fully a month. When at last he received the necessary instructions, it took him, in the one case, only three days, and in the other, only two days to carry them out.

Mr. McWILLIAMS.—He must have been a very smart officer.

Sir WILLIAM LYNE.—Delays of this kind are, to a large extent, due to the feeling entertained by some States officials that Federal public works are not so important as are those of the States. State members are continually on the spot, and urging the Department to expedite States works, and Commonwealth works are consequently delayed. It will shortly be necessary to make some change, in order that Federal works may be carried out as expeditiously as are State undertakings. It is unfair that there should be delay in the construction of Commonwealth public works when there is no such delay in the carrying out of State enterprises.

Sir JOHN FORREST.—The residents of the town, to which the honorable member referred, were lucky. If a change of Government had occurred, they would not have secured the erection of the building.

Sir WILLIAM LYNE.—I am not referring to the construction of a battery, although the right honorable member knows that I supported the construction of the battery which he has in his mind's eye.

Sir JOHN FORREST.—I am simply referring to the possibility of a new Government undoing the work of their predecessors.

Sir WILLIAM LYNE.—I have not sufficiently examined the proposals now before us to enable me to say whether anything of the kind is being done by the Government; but I feel that there is justification for the request for certain expenditure at Perth, Fremantle, and one or two other places. No doubt the right honorable member for Swan is well able to look after the interests of his constituents. He always looks after Western Australia.

Mr. GROOM.—And looks after it very well.

Sir WILLIAM LYNE.—If we all did as well in getting money, there would not be much left in the Treasury.

Sir JOHN FORREST.—I deny that suggestion.

Sir WILLIAM LYNE.—I wish now to deal with the question of the use of military titles, of which so much has been said during the afternoon. It is a matter that might very well be left alone. My feeling is that those who hold commissions in the Militia and Volunteer Forces should be addressed by their civil titles when discharging their ordinary civil duties.

Sir JOHN FORREST.—The honorable member did not observe that rule when he was Minister of Home Affairs.



Sir WILLIAM LYNE.—I admit that I sometimes spoke of the Secretary of the Department as "Colonel Miller." I did not address him in that way because I considered that it was necessary to do so; if one chooses to give a man his military title, surely no objection can be taken?

Mr. McWILLIAMS.—It is a nice compliment.

Sir WILLIAM LYNE.—I agree with the honorable member, but I do not think that public servants should be compelled to address their fellow servants by their military titles whilst they are discharging their duties as members of the service.

Sir JOHN FORREST.—It is only a courtesy.

Sir WILLIAM LYNE.—That is really a matter for the person concerned to consider. I do not object at any time to address a man by his title, but it is quite another question when a man demands that he shall be so addressed, and that is where the trouble arises here.

Sir JOHN FORREST.—I do not see any reference in the papers to a demand being made.

Sir WILLIAM LYNE.—I have not looked at the papers, but the right honorable gentleman must know very well that this question was dealt with by the previous Cabinet.

Sir JOHN FORREST.—Oh, that is rubbish!

Sir WILLIAM LYNE.—I was present, and the right honorable member was also present, at the Cabinet meeting when it was dealt with, and I thought at that time that it was scarcely worth while—

Sir JOHN FORREST.—That was about addressing officers in writing by their titles.

Sir WILLIAM LYNE.—The right honorable gentleman may think that this is a very serious matter, but I do not. I consider that the Minister has done quite right in taking the course of action which he has done. If there is any objection to be offered to these Estimates, I do not think that it can be raised on the score of extravagance. In my opinion, the Estimates are most economically framed. They disclose some increases in salaries and some new salaries. The item for the Patent Office is required simply to carry out the provisions of an Act of Parliament. We had to create the office, and the salaries proposed cannot be considered to be at all high. When we come to deal with the Departments in detail it may

be necessary to refer to one or two small items of expenditure. If there is any complaint to be made by honorable members it is a complaint that extreme economy has been practised. Considering that on many occasions lately I had to take the late Treasurer, and also the right honorable member for Swan, to task for extravagance, and that I was the economical member of the late Government, I do not intend to raise any objection to the economies which have been practised in this case. Honorable members and the press have always tried to make out that I have been extremely extravagant. The honorable member for Gippsland has always had a word to say about my good nature and my extravagance.

Mr. McLEAN.—The honorable gentleman will admit that I tried to keep him straight.

Sir WILLIAM LYNE.—I think that if my honorable friend ever gets into the Treasury and examines the public accounts, he will find that I have been one of the most economical Ministers that the Commonwealth has had up to the present time. The Ministry, I think, have done well in framing these Estimates as low as they reasonably could. For under existing circumstances it is almost impossible to expect that there should be any large sums of money voted, except for those works which are absolutely essential. Not only in the States have the Governments had to economize, but in the Commonwealth the Government has done what has not been done in the States, that is, it has refrained from borrowing. I desire to say, in order that my opinion shall not be misconstrued, that, if at any time the Parliament decides to go in for very heavy defence works or for serious extensions of railways, it cannot expect always to be able to provide the money for the purpose out of revenue.

Mr. WILLIS.—Can we at any time?

Sir WILLIAM LYNE.—It is being done now to a large extent.

Mr. KELLY.—Does the honorable gentleman think that a forced loan can be treated as revenue?

Sir WILLIAM LYNE.—No. If large works are to be carried out, which will return good interest on the expenditure, it cannot be expected that the money can be provided out of revenue; it will have to be provided out of loan account. I think it is wise at the present time, when it is not absolutely necessary to carry out these extensive works, to refrain from borrowing,

and I hope that we shall continue to do so as long as we reasonably can.

Sir JOHN FORREST (Swan).—On one or two occasions this afternoon, reference was made to a minute written by Sir Edmund Barton, when Prime Minister of the Commonwealth, advising the disuse of formal designations such as "The Honorable the Attorney-General" in place of "The Attorney-General," in order to economise the time of officials, and, perhaps, to save ink. I remember the circumstances perfectly, though I had been so long accustomed to a formal style of address that I do not think I complied with the suggestion. But a minute such as that to which I refer, addressed by a Prime Minister to his colleagues, is a very different thing from a minute prohibiting the use of military titles by officers in the service. I have looked through the papers in the case which I brought under the notice of honorable members this afternoon, and I cannot see why the matter came before the Postmaster-General at all. I have not ascertained who made the complaint to the postmaster at Ballarat, or what was its nature. There seems to have been some slight friction, but the Minister took the matter too seriously, and had no reason for giving any direction in regard to it. I understand now that he has decided that it shall not be obligatory upon officers to address their official heads by their military titles, but that he has given no general direction that military titles shall not be used. I am quite satisfied with that, because I know that ninety-nine persons in every hundred will give honour where honour is due, and will be respectful to those in authority over them. Therefore, the incident may close, so far as I am concerned.

Mr. ISAACS.—Would the right honorable member have civil titles recognised in the Military Departments? Would he require officers of the Defence Force to say "Lt.-Col. Deputy Postmaster-General Outtrim," for instance?

Sir JOHN FORREST.—No.

Mr. ISAACS.—Why not use both sets of titles in one case as well as in the other?

Sir JOHN FORREST.—Does the honorable and learned member advise that it be done?

Mr. ISAACS.—No. I do not think it should be done in either case.

Sir JOHN FORREST.—If the honorable and learned member had been here this afternoon, and had heard the debate, he would know more about the subject. Com-

ing to the Estimates before the Committee, I am aware that they are a legacy left to the Ministry by their predecessors, and I therefore do not wish to say anything in regard to them which may reflect upon the present Administration. But I desire to take advantage of this occasion, which is the first opportunity open to me, to say something about the form in which they are presented; and I can do so the more freely since I have often expressed my views on the subject to the ex-Treasurer and to the Under-Treasurer. I think that the Estimates are not sufficiently clear. Though, no doubt, a good deal of the money on these Estimates has been spent, there is nothing to show how much has been spent, or how much remains to be spent. I did not follow the Treasurer very closely, but I am confident that he did not tell the Committee how much of the money has already been expended during the current financial year. No doubt, the intention of the Government is to spend the whole of it before the 30th of the present month, but we are asked to approve of that expenditure without knowing how much has been spent. In my opinion, the system in force in Victoria, and, I think, in several of the other States, in connexion with Treasurer's advance votes, is not a good one. I believe I am right in saying that in Victoria money is voted in Committee for the Treasurer's advance, and the amount of the vote deducted from the total sum covered by the Appropriation Act. Therefore, the expenditure is not legalized by Statute. If there could be a greater farce than that, I do not know of it. The expenditure is merely covered by a resolution of the Committee and is not included in the Appropriation Act. The Committee resolves that the Treasurer shall be granted a certain sum for an advance account, out of which to supplement votes of the Legislature, or to meet unforeseen expenditure; but there is no statutory appropriation. I think the Legislature should limit the amount by which the Treasurer may exceed the expenditure sanctioned by the Appropriation Act; but the amount expended under this authority should be afterwards appropriated by a special Excess Bill. That would give Parliament complete control over the expenditure of the Treasurer, which it has not now. Not only do we not know whether the money now asked for has been expended, but we have no information before us as to the details of

evolution or development of the service that we can get rid of the obligation. It is best to do everything we possibly can to promote advancement and change in the position of these men. A letter carrier might, for instance, be transferred from the Postal Department into the Customs Department, where he could earn a higher salary or occupy a better position.

Mr. DUGALD THOMSON.—But men in other States might then be prejudiced.

Sir JOHN QUICK.—Men in the other States are protected, just as are the men in Victoria.

Mr. DUGALD THOMSON.—But men in the other States are prejudiced by this difference.

Sir JOHN QUICK.—By what difference?

Mr. DUGALD THOMSON.—By the difference in the positions.

Sir JOHN QUICK.—I do not see how an officer in New South Wales can be prejudiced by the fact that a Victorian officer is getting a salary equal to that paid to the occupier of a corresponding position in New South Wales.

Mr. DUGALD THOMSON.—That is not all; a Victorian officer may be occupying a certain position and obtaining a salary attached to a corresponding position in South Australia, but the salary paid in New South Wales for the corresponding position may be lower than either.

Sir JOHN QUICK.—In that case the Victorian officer gains a benefit; but the New South Wales officer is not prejudiced in his existing rights. I am not endeavouring to justify the action of the Legislature of Victoria, whose policy was mistaken, and showed a lack of confidence in the Federal Parliament. No doubt there were some underlying considerations; but we cannot escape the consequence, and the best way is to face the problem and work it out as well as we possibly can. I hope the problem will be solved with every consideration for the finances of Victoria; and I have no reason to doubt that, as years go by, the financial burden will gradually diminish; at any rate, it cannot increase. Instead of being an increasing burden, it will be a diminishing one, and in the course of years will probably disappear. I trust that the Government will accept the advice offered by the honorable and learned member for Ballarat, and be very careful, before making any of these payments, to obtain a

receipt from the men in full satisfaction up to date. They should not be paid in advance, and then allowed to indulge in further litigation. It would be better to come to some agreement that the payment to be made to them is in full satisfaction of their claim, and in consideration of their accepting the terms proposed to be conferred.

Mr. DUGALD THOMSON.—And providing, if necessary, for reclassification.

Sir JOHN QUICK.—They could not be asked to barter away their legal rights. Whilst we may regret that this proposal is necessary, I wish to point out that there is no reason for creating a feeling of unnecessary alarm as to this being an increasing obligation. As I have already remarked, it will gradually diminish, and, in the course of years, will wholly disappear.

Sir WILLIAM LYNE (Hume).—I do not agree with the honorable and learned member for Bendigo that this proposal will not place officers in other States at a disadvantage. I have no doubt that it will. It tends to create different rates of pay in the service. The object of the classification which has taken place, although I am not quite sure that it has yet been completed—

Mr. WATSON.—It will be ready to be gazetted on 1st July.

Sir WILLIAM LYNE.—That classification has for its object the readjustment of positions throughout the Public Service of the Commonwealth, and, under it, due regard will be paid to climatic conditions and the cost of living in the various parts of the States. If, as the result of the passing of the Act in question, Commonwealth officers in Victoria are to receive higher salaries than are given to those performing corresponding duties in other parts of the Commonwealth, much dissension will undoubtedly be caused. Applications for increased rates of pay will certainly be made, and more particularly by those stationed northward. I agree, however, with the honorable and learned member for Bendigo, that no fears need be entertained in regard to this burden, and that, in the course of a few years, it will disappear. Reference has been made to the question of promotion, and there are many cases in which it may be necessary to abolish offices. In this way we shall be gradually freed from the difficulty.

Sir JOHN QUICK.—A particular office cannot be abolished.

Sir WILLIAM LYNE.—It can.

Sir JOHN FORREST.—I cannot say what practice is now followed. I believe they have made many changes for the worse. But I hope that they have not taken the retrograde step indicated by the honorable and learned member.

Mr. HIGGINS.—The right honorable gentleman had three years as a Federal Minister in which to put matters right, and we have had two months.

Sir JOHN FORREST.—I am not blaming Ministers, but I am giving them my opinion, which is based upon experience. I gave the late Treasurer the benefit of my advice, but I was not successful in persuading him to adopt it. He was wedded to the old system, which is, I think, a bad one, and which does not give Parliament the control it should have over the expenditure. It is very desirable that the Estimates should be presented to the House after the end of June, and that honorable members should know the amount which was spent in the previous year.

Mr. HIGGINS.—That information is supplied in this year's Estimates.

Sir JOHN FORREST.—Last year was the first in which that practice was adopted. The system is not in vogue in Victoria.

Mr. HIGGINS.—In Victoria we have always followed that system.

Sir JOHN FORREST.—In dealing with the expenditure proposed for the current year, it is a great assistance, not only to the Treasurer, but also to honorable members, to know what was spent last year. The system of granting an advance to the Treasurer requires to be looked into very closely. It practically gives him the right to do anything that he chooses without seeking the approval of anybody. I hold that any advance made to him ought to be expended by warrant of the Executive in a proper, formal manner.

Mr. HIGGINS.—Would the right honorable member prefer that the Treasurer should be granted—say, £100,000—to be spent “as the Governor-General may permit”?

Sir JOHN FORREST.—The proper method to adopt in this connexion is to require a resolution bearing upon the question to be submitted each session. In all the States it is very inconvenient to appropriate a large sum of money as an advance to the Treasurer—

Mr. WATSON.—In New South Wales the Treasurer's advance has always been about £150,000.

Sir JOHN FORREST.—But was that amount actually appropriated?

Mr. WATSON.—Yes.

Sir JOHN FORREST.—I know that it is not appropriated in Victoria.

Mr. WATSON.—A Treasurer never has in hand at the beginning of the year all the money with which the Appropriation Act deals.

Sir JOHN FORREST.—Nevertheless, a Treasurer naturally desires to avoid increasing his expenditure to such an extent that in his financial statement he must show a deficit. I claim that a resolution should be passed each session limiting the Treasurer's advance to a certain sum.

Mr. HIGGINS.—Under our Constitution every appropriation has to pass through the two Houses of the Legislature.

Sir JOHN FORREST.—Every Treasurer wishes to meet Parliament with a prospective balance at the end of the year. For that reason I hold that expenditure should be charged against the financial year in which it is incurred, under a proper system of executive warrant, and that the legalizing statute should be passed after the close of the financial year.

Mr. WATSON.—The right honorable member would arrive at the same position in the end. He would have to trust to some person to provide for contingencies.

Sir JOHN FORREST.—My remarks are not addressed to the Treasurer in particular, because I should have made similar representations upon the subject long ago had I not been a member of the late Government. There is one other matter to which I desire to address myself. It has reference to the administration of the Public Service. When I was Minister of Home Affairs I had some experience of the operation of the Public Service Act, and my opinion is that it is working fairly well. For that result we have reason to thank the Public Service Commissioner. He is a very able man, and one of high character. Therefore, anything that I may say upon this question involves no reflection upon him. I hold that we have been exceedingly fortunate in securing the services of a man who is intensely anxious to do only what is right. At the same time, I cannot forget that he is not familiar with the conditions which obtain in the different States. He has been kept so busy during the past two years that it has been almost impossible for him to visit the other States. Consequently he has been compelled to rely upon

information which is supplied by the various Public Service inspectors. Whilst I was administering the Department of Home Affairs I was very careful to do nothing that would make the task of the Public Service Commissioner harder than it was. While I was absent in England an officer was appointed as inspector of Western Australia who was a total stranger to that State. I do not wish to say a word against the officer. I think that it would be very unfair of me to take advantage of my position to say anything against any officer unless I had very good grounds for doing so. But Western Australia was treated in an exceptional manner.

Mr. MAHON.—Because the circumstances were exceptional.

Sir JOHN FORREST.—I do not think they were sufficiently exceptional to justify the action that was taken.

Mr. MAHON.—I think it was very proper action.

Sir JOHN FORREST.—The honorable gentleman surely does not wish me to reverse my opinion because he thinks differently. He can express his opinions when I have finished. I see no reason why Queensland, New South Wales, Victoria, South Australia, and Tasmania should each have an inspector selected from its own Public Service, whilst the great State which I come from should have an inspector selected from the Public Service of New South Wales. There are plenty of men in Western Australia who in every respect—by experience, education, position, and service—are quite as good—I hope that will not be considered offensive—as the gentleman who was selected to fill the position. I have not the slightest doubt but that the officer is doing his best. He has had a great amount of up-hill work to do. He has had to gain a knowledge of the affairs of the State, whilst the inspectors in every other State were familiar with the local conditions. There is no reason why Western Australia should have been treated differently from any other State. If it were considered wise that a stranger should be sent to each State, well and good. I should not have considered it a good arrangement, but I should be quite satisfied, as each State would have been similarly treated. But why Western Australia should be picked out, and why a stranger should be sent there, who perhaps knew a good deal about New South Wales and its Public Service, but had everything to learn

with regard to the Western Australian Public Service, I know not.

Mr. MAHON.—Is the right honorable gentleman complaining of the action of his own Government?

Sir JOHN FORREST.—I began by saying that I was not here at the time, or I should have had something to say about the arrangement. I am certainly not saying anything against the honorable gentleman's Government, because they did not appoint the officer. But now that I have an opportunity, I desire to say that it was a curious thing that a stranger should be sent to Western Australia, when only those who were conversant with the affairs of the Public Services of the various States were selected in every other instance. I make these remarks on general grounds, and not with any personal idea whatever. I have no doubt that the gentleman selected is quite as good a man as was available without local knowledge. My point is that an exception was made in the case of Western Australia, which, I believe, will probably have some unsatisfactory results. No man can understand all the intricacies of the Public Service within a brief period. It must take him a long time to acquire that knowledge. Though I hope for the best, I am not too sanguine. Until the classification scheme is presented to Parliament, it will be reasonable and fair not to say more about it. I understand that the basis of classification is to be the salary of the official at the time of transfer, and that it will be only that portion of his salary that is chargeable to the Commonwealth which will be considered. But that will act very unfairly in the case of some officers in Western Australia, who held, perhaps, half-a-dozen positions at one time. An officer may have held his principal position in the Post Office, and I understand he is to be classified on his Post Office salary; whereas, perhaps, that was not the whole of the salary he drew from the State of Western Australia before Federation. He may have received some portion of his salary for electoral work, some portion of it as a registrar, some for doing this work, and some for that, making his total salary very much larger than the official salary of his position in the Post Office. Surely this fact should be taken into consideration. Then, again, some officers in Western Australia went to the gold-fields, or to remote parts of the State, and necessarily received higher salaries than were paid to other officers who were stationed in the older settled

districts in important positions. Probably those who were stationed in the older settled districts had twice or three times the length of service of those who occupied positions in distant parts of the State, and who were paid higher postal salaries at the time of the transfer. Can any one say that in such instances the officers receiving the higher postal salaries, though probably not higher aggregate salaries when the salaries for other officers are considered, should have a superior classification under the Commonwealth scheme, than those who had three times the service, and were in every way as able and as competent as the officers receiving the postal higher salaries? Is a man, simply because he received a higher salary, for climatic reasons, than another officer who had three times as much service, to be classified higher than the officer with a lower salary? I have not seen the classification, and my reason for mentioning it is that Ministers may look carefully into the matter when it comes before them. The classification, although made by the Commissioner, will have to be examined carefully by the Government, in order that they may see that no injustice is done.

Mr. WATSON.—Does the right honorable member think that we ought to interfere with it?

Sir JOHN FORREST.—There is an appeal.

Mr. WATSON.—But not to the Government, I think.

Sir JOHN FORREST.—The Government cannot escape from their responsibility. If they see injustices are being done, they will have to take care that they are remedied.

Mr. WATSON.—The appeals will not come to the Government.

Sir JOHN FORREST.—I think the Government will see them. We have reached a curious stage of responsible government, when the whole of the Public Service of the Commonwealth is absolutely outside the control of responsible Ministers.

Mr. WATSON.—By the deliberate action of Parliament in passing the Act.

Sir JOHN FORREST.—Are we to understand that one man is to do as he likes, whether it is just or unjust? Parliament will have something to say if an injustice is done, at any rate. I desire to emphasize my opinion, most strongly, that the salary basis, especially in cases where officers received special amounts from the State, which made their salaries larger than those which appear on the Commonwealth Estimates, is an unjust and unfair basis,

and should not be suggested or tolerated. To transfer by force officers from one service to another, leaving part of their salaries with the State, and bringing part of them over to the Commonwealth, and then to say that we will judge them, not by their length of service, but by the amount which was chargeable to the Commonwealth, is unjust. If ever there was an injustice, I think here is a case; and I hope my words will reach those who are dealing with this question, and will be given due consideration.

Mr. WATSON.—The appeal of which the right honorable gentleman is speaking is to a Board under the Public Service Commissioner, but the Board does not include the Minister. The Board consists of the chief officer of the Department, an officer nominated by him, and a representative of the division of the service concerned. The Board is partly elective and partly nominated.

Mr. JOHNSON.—Always subject, of course, to the review of Parliament?

Mr. WATSON.—Yes.

Sir JOHN FORREST.—I understand that the object was to do away with political influence.

Mr. WATSON.—Hear, hear.

Sir JOHN FORREST.—Nothing is so irksome, not only to Ministers, but also to honorable members, as to have to interfere in personal matters in the Public Service. I hope the Minister will take a note of the two matters I have mentioned.

Mr. GLYNN (Angas).—I desire to refer to a matter connected with the Post and Telegraph Department. Last November I wrote to the Treasurer, asking how it was that the increments of South Australian officers whose salaries amounted to £160 per annum and upwards were not provided for. Under the South Australian Public Service Act of 1874, section 9, there are certain increments which are annual, within the maximum and minimum of each class. I wrote a second time, and on the 4th January I received a reply from the late Treasurer, stating that officers in receipt of salaries of under £160 were to receive the annual increment, but that as to salaries of £160 and upwards, the matter would have to await the classification of the Public Service Commissioner. Fearing that this relegation was the result of a misunderstanding as to the legal position, I wrote pointing out that officers in receipt of salaries of £160 and upwards were entitled by statute to increments which had always

been paid in South Australia; and that the rights under the Act of 1874 had received recognition by the State Parliament. On two occasions, when Bills were introduced into the South Australian Parliament providing, as part of the financial schemes for particular years, for certain reductions in the salaries of all officers, it was realized that the salaries of certain officers could be altered only by statute, and under the circumstances, Parliament, as a matter of policy, rejected the proposal to reduce them. It seems to me as clear as daylight that those officers have an absolute statutory right, which, under section 84 of the Constitution, should be recognised. So far as I know, nothing has been done since January last, and I should like the Prime Minister, or some other member of the Government, to explain the position in which the request, that the statutory rights of those officers should be recognised, now is. It will be seen that the position of the South Australian officers, to whom I refer, is altogether different from that of the Victorian officers, because in the former case the increments are annual, and were prescribed as far back as 1874. It is clear that, under section 84 of the Constitution, all the rights of these transferred officers are conserved; and I hope we shall be informed whether or not the increments will be provided for in the Estimates for this year, and all arrears paid.

Mr. WILLIS (Robertson).—In considering these Supplementary Estimates, I think that considerable time might be saved if each honorable member addressed himself to the items in a general way, instead of, at this stage taking them *seriatim*. Most of the criticism has come from honorable members who, as Ministers, were responsible for the Estimates, and it is quite interesting to hear the comments of the right honorable member for Swan on the administration of affairs by his own Government. It is interesting to find the right honorable member criticising Bills that were brought forward by the late Government, and are now in operation, and to hear so much said against those measures which was not put forward when they were before Parliament. I suppose this only goes to show that a Minister fills but a small place himself, and that he has to bow to the will of the majority of the Cabinet. However, that may be. I think it was the duty of those honorable gentlemen, before this stage, to offer the criticism to which I have

referred, if the suggested improvement in the general management of the affairs of the Commonwealth be necessary. I take it that the present Government are in no way responsible for the position which has given rise to the criticism. The honorable member for Hume made some reference to general expenditure on public works. Personally, I am in favour of expenditure out of revenue on public works which are likely to be demolished within, say a generation; but I am not in favour of a large expenditure of money out of revenue on railway construction which will last for a century, or until some new system of locomotion has been discovered. I take this opportunity to protest against such an excessive expenditure on general public works as will necessitate increased taxation; because there is no doubt that there must be increased taxation before the large sum of money can be obtained necessary for the construction of a railway such as that indicated by the honorable member for Hume; and approved. I think, by the Prime Minister. There can be no other railway in view at present but the railway to Western Australia, which is estimated to cost £4,000,000 or £5,000,000.

Mr. WILSON.—But it is said that the Government are going to get the necessary money from the banks.

Mr. WILLIS.—I do not think the Government are going to do that. We know what the policy of the Government is on this particular subject.

Mr. FOWLER.—The honorable member's leader is pledged to the Transcontinental Railway more than is any other man in the House.

Mr. WILLIS.—And I suppose that because the leader of the Opposition is said to be pledged, the honorable member will, by inference, conclude that I also am pledged to that railway?

Mr. TUDOR.—What Opposition?

Mr. WILLIS.—It matters not, because we can serve under either king.

Mr. PAGE.—What a convenient party!

Mr. WILLIS.—I have an open mind on the subject of the Transcontinental Railway.

Mr. FOWLER.—My advice to the honorable member is not to protest too much under the circumstances.

Mr. WILLIS.—As I say, I have an open mind on the subject, and, without betraying any secrets, I dare say that whether the honorable and learned member for Ballarat or the right honor-

able member for East Sydney be Prime Minister, an opportunity will be afforded honorable members to express an opinion as to whether £4,000,000 should be taken from the tax-payer, or, on the other hand, raised by loan in London. That is really the point which is being discussed. Certain works are in course of construction throughout the Commonwealth, and I particularly wish to refer to some within the State which I represent. The honorable member for Hume says that the Public Works administration is in a very bad way; and I am inclined to think it is. Works have been passed for construction within my electorate, the money for which has been voted by Parliament years ago, and no step has up to the present time been taken to carry them out. I should like the Postmaster-General to make a note of the case of Bondangra, because an office there is absolutely necessary.

Mr. WATSON.—The money for it was voted, and it is in the Home Affairs Department to be spent.

Mr. WILLIS.—I am aware that the matter has been referred to the Public Works Department, and although the Postmaster-General has no control over that Department, still I think a word from him would rouse up the officers there. The time is fast arriving when we shall have to establish a Public Works Department of our own, if necessary works are to be constructed within anything like a reasonable period from the time they are approved and the money voted for them by Parliament. If the works for which money has already been voted are not necessary, they should not have been recommended, and if they are necessary they ought to be carried out at once. Although the office to which I have referred should now be ready for occupation, and the people of the district placed in possession of telegraphic and telephonic communication, there is no accommodation provided for these services. I wish the Postmaster-General to make a note of the matter, and to see whether something cannot be done, to provide the people of a large and thriving district of New South Wales with the advantages of telephonic communication, promised to them nearly three years ago. In these Estimates I find a sum of £2,590 put down in connection with the selection of the Federal Capital site. I suppose that this large sum has been expended during the past year, and is an addition to the amount previously voted by Parliament for the same purpose.

It is incumbent upon the Government to take some definite step in connexion with the legislation now before this Parliament in another place. They should accept the responsibility of naming a particular site. Even though they may not agree to stand or fall by their nomination they ought to show that they have some opinion as to where the Federal Capital should be located. We ought not to have a repetition of these votes of thousands of pounds for making excursions throughout New South Wales to find a new site, as a suitable one has been found.

Mr. HUME COOK.—Will New South Wales members say definitely where they want it?

Mr. WILLIS.—If the honorable member asks me where I think it should be I can tell him that it should be at Lyndhurst. Other honorable members may believe that it should be somewhere else, but that only goes to show how necessary it is that some one should be strong enough to say that it shall be at a certain place, so that we may be able to take a vote upon it, and have the matter decided once and for all. If it is not desired that we should have a Federal city during the present decade, let that determination be announced, and let us not have the matter dangled before the public to irritate the people of New South Wales. Let us not have included in the legislation dealing with the subject certain provisions which are impracticable, and others which appear to be inserted for the one purpose of delay.

Mr. WATSON.—We shall have the Bill here to-morrow.

Mr. WILLIS.—If the members of the present Government are at all equal to their pledges, and wish to gain my esteem, they will accept the responsibility of putting a certain name into the Bill.

Mr. WATSON.—We shall see that there is a name put into it.

AN HONORABLE MEMBER.—A name has already been inserted.

Mr. WILLIS.—I am aware that the Senate has inserted the name of Bombala. That name was mentioned before, but I am inclined to think that it will be knocked out. If that name is knocked out, will the Prime Minister undertake to put in a name?

Mr. WATSON.—We shall see that a name is put in.

Mr. WILLIS.—I am very pleased to hear that, because I think we should have a straight-out vote upon the question. I fir-



been paid in South Australia; and that the rights under the Act of 1874 had received recognition by the State Parliament. On two occasions, when Bills were introduced into the South Australian Parliament providing, as part of the financial schemes for particular years, for certain reductions in the salaries of all officers, it was realized that the salaries of certain officers could be altered only by statute, and under the circumstances, Parliament, as a matter of policy, rejected the proposal to reduce them. It seems to me as clear as daylight that those officers have an absolute statutory right, which, under section 84 of the Constitution, should be recognised. So far as I know, nothing has been done since January last, and I should like the Prime Minister, or some other member of the Government, to explain the position in which the request, that the statutory rights of those officers should be recognised, now is. It will be seen that the position of the South Australian officers, to whom I refer, is altogether different from that of the Victorian officers, because in the former case the increments are annual, and were prescribed as far back as 1874. It is clear that, under section 84 of the Constitution, all the rights of these transferred officers are conserved; and I hope we shall be informed whether or not the increments will be provided for in the Estimates for this year, and all arrears paid.

Mr. WILLIS (Robertson).—In considering these Supplementary Estimates, I think that considerable time might be saved if each honorable member addressed himself to the items in a general way, instead of, at this stage taking them *seriatim*. Most of the criticism has come from honorable members who, as Ministers, were responsible for the Estimates, and it is quite interesting to hear the comments of the right honorable member for Swan on the administration of affairs by his own Government. It is interesting to find the right honorable member criticising Bills that were brought forward by the late Government, and are now in operation, and to hear so much said against those measures which was not put forward when they were before Parliament. I suppose this only goes to show that a Minister fills but a small place himself, and that he has to bow to the will of the majority of the Cabinet. However, that may be. I think it was the duty of those honorable gentlemen, before this stage, to offer the criticism to which I have

referred, if the suggested improvement in the general management of the affairs of the Commonwealth be necessary. I take it that the present Government are in no way responsible for the position which has given rise to the criticism. The honorable member for Hume made some reference to general expenditure on public works. Personally, I am in favour of expenditure out of revenue on public works which are likely to be demolished within, say a generation; but I am not in favour of a large expenditure of money out of revenue on railway construction which will last for a century, or until some new system of locomotion has been discovered. I take this opportunity to protest against such an excessive expenditure on general public works as will necessitate increased taxation; because there is no doubt that there must be increased taxation before the large sum of money can be obtained necessary for the construction of a railway such as that indicated by the honorable member for Hume, and approved. I think, by the Prime Minister. There can be no other railway in view at present but the railway to Western Australia, which is estimated to cost £4,000,000 or £5,000,000.

Mr. WILSON.—But it is said that the Government are going to get the necessary money from the banks.

Mr. WILLIS.—I do not think the Government are going to do that. We know what the policy of the Government is on this particular subject.

Mr. FOWLER.—The honorable member's leader is pledged to the Transcontinental Railway more than is any other man in the House.

Mr. WILLIS.—And I suppose that because the leader of the Opposition is said to be pledged, the honorable member will, by inference, conclude that I also am pledged to that railway?

Mr. TUDOR.—What Opposition?

Mr. WILLIS.—It matters not, because we can serve under either king.

Mr. PAGE.—What a convenient party!

Mr. WILLIS.—I have an open mind on the subject of the Transcontinental Railway.

Mr. FOWLER.—My advice to the honorable member is not to protest too much under the circumstances.

Mr. WILLIS.—As I say, I have an open mind on the subject, and, without betraying any secrets, I dare say that whether the honorable and learned member for Ballarat or the right honor-

able member for East Sydney be Prime Minister, an opportunity will be afforded honorable members to express an opinion as to whether £4,000,000 should be taken from the tax-payer, or, on the other hand, raised by loan in London. That is really the point which is being discussed. Certain works are in course of construction throughout the Commonwealth, and I particularly wish to refer to some within the State which I represent. The honorable member for Hume says that the Public Works administration is in a very bad way; and I am inclined to think it is. Works have been passed for construction within my electorate, the money for which has been voted by Parliament years ago, and no step has up to the present time been taken to carry them out. I should like the Postmaster-General to make a note of the case of Bondangra, because an office there is absolutely necessary.

Mr. WATSON.—The money for it was voted, and it is in the Home Affairs Department to be spent.

Mr. WILLIS.—I am aware that the matter has been referred to the Public Works Department, and although the Postmaster-General has no control over that Department, still I think a word from him would rouse up the officers there. The time is fast arriving when we shall have to establish a Public Works Department of our own, if necessary works are to be constructed within anything like a reasonable period from the time they are approved and the money voted for them by Parliament. If the works for which money has already been voted are not necessary, they should not have been recommended, and if they are necessary they ought to be carried out at once. Although the office to which I have referred should now be ready for occupation, and the people of the district placed in possession of telegraphic and telephonic communication, there is no accommodation provided for these services. I wish the Postmaster-General to make a note of the matter, and to see whether something cannot be done, to provide the people of a large and thriving district of New South Wales with the advantages of telephonic communication, promised to them nearly three years ago. In these Estimates I find a sum of £2,590 put down in connection with the selection of the Federal Capital site. I suppose that this large sum has been expended during the past year, and is an addition to the amount previously voted by Parliament for the same purpose.

It is incumbent upon the Government to take some definite step in connexion with the legislation now before this Parliament in another place. They should accept the responsibility of naming a particular site. Even though they may not agree to stand or fall by their nomination they ought to show that they have some opinion as to where the Federal Capital should be located. We ought not to have a repetition of these votes of thousands of pounds for making excursions throughout New South Wales to find a new site, as a suitable one has been found.

Mr. HUME COOK.—Will New South Wales members say definitely where they want it?

Mr. WILLIS.—If the honorable member asks me where I think it should be I can tell him that it should be at Lyndhurst. Other honorable members may believe that it should be somewhere else, but that only goes to show how necessary it is that some one should be strong enough to say that it shall be at a certain place, so that we may be able to take a vote upon it, and have the matter decided once and for all. If it is not desired that we should have a Federal city during the present decade, let that determination be announced, and let us not have the matter dangled before the public to irritate the people of New South Wales. Let us not have included in the legislation dealing with the subject certain provisions which are impracticable, and others which appear to be inserted for the one purpose of delay.

Mr. WATSON.—We shall have the Bill here to-morrow.

Mr. WILLIS.—If the members of the present Government are at all equal to their pledges, and wish to gain my esteem, they will accept the responsibility of putting a certain name into the Bill.

Mr. WATSON.—We shall see that there is a name put into it.

An HONORABLE MEMBER.—A name has already been inserted.

Mr. WILLIS.—I am aware that the Senate has inserted the name of Bombala. That name was mentioned before, but I am inclined to think that it will be knocked out. If that name is knocked out, will the Prime Minister undertake to put in a name?

Mr. WATSON.—We shall see that a name is put in.

Mr. WILLIS.—I am very pleased to hear that, because I think we should have a straight-out vote upon the question. I find

that there is a levy to be made upon the New South Wales Government for £1,000 for expenditure incurred in connexion with the referendum taken in New South Wales during the last general election. I am inclined to think that that sum represents but a very poor compensation for the labour and expenditure involved in the taking of the referendum. The expenditure on the general election amounted to £48,500, a larger sum, I believe, by some thousands than the previous general election cost.

Mr. WATSON.—No, it is much less than the first election cost.

Mr. WILLIS.—I have read somewhere that the election cost a good deal more. We do know that it was promised that under the new conditions of the Commonwealth Electoral Act the general elections would cost considerably less than the first Federal elections.

Mr. BATCHELOR.—So they did.

Mr. WILLIS.—I desire to say that I think the expenditure would have been considerably less than it was had it not been for the work involved in the taking of the referendum in New South Wales. I think it should be represented to the New South Wales Government that £1,000 is not an adequate compensation for the services rendered in that connexion. It appears that the last Government neglected a payment of £112 for the conveyance of troops during the Royal visit, and I think that Ministers should give some explanation as to why that money was not paid before. At page 26 of the General Estimates I find a reference to a sum of £500 in connexion with railway fares. I assume that this amount is in addition to the large sum, amounting to thousands of pounds, that is paid for railway passes generally.

Mr. WATSON.—I shall explain that for the honorable member.

Mr. WILLIS.—I shall be glad to hear the Treasurer on that item at the proper time. There is one other matter to which I wish to refer. In connexion with premiums upon fidelity guarantees in which certain fees are to be paid by the Government, as these premiums are paid in the interests of the officers, I should like to know why the Government propose to pay the fees. Possibly the Treasurer may be able to give some explanation of the item.

Mr. WATSON.—The fidelity guarantees the premiums of which are paid by the Federal Government are those in connexion with officers receiving less than £25 a year from the Commonwealth. They are

not ordinary salaried officers. All salaried officers contribute towards the guarantee fund.

Mr. WILLIS.—Then there is a fidelity guarantee fund?

Mr. WATSON.—It is a Government fund, to which all salaried officers occupying responsible positions, and having the control of monies, contribute.

Mr. WILLIS.—I am obliged for that explanation. There is the remarkable item in Division 175, subdivision vi.—

Settlement of claim in respect of misappropriated cheques negotiated by a postal official, £95.

If there is a fidelity guarantee fund, how is it that this item is a charge upon the Government? I assume that an officer in receipt of a small salary would not be called upon to receive such large sums.

Mr. WATSON.—I shall explain the item.

Mr. WILLIS.—It is a matter that should be explained, having regard to the fact that officers occupying high positions, and having the control of large sums of money, have to enter into fidelity guarantees.

Mr. WATSON.—With regard to the question put by the honorable member for Echuca, as to the reduction by £16,000 of a vote of £22,000 for equipment of field artillery, I desire to say that I cannot obtain the detailed information, for the reason that the item in question in the original Estimates was not specifically voted for any particular form of expenditure. It was a general authority.

Mr. McCOLL.—Something must have suffered as the result of the reduction.

Mr. WATSON.—Yes; the item "equipment of forces and requirements to arm and equip field artillery" has suffered. They have not purchased these equipments as extensively as was at first proposed.

Mr. McCOLL.—Is there any intention to interfere in any way with the cadets?

Mr. WATSON.—The item does not affect the cadets in any way.

Sir JOHN FORREST.—What about the gun that I desired to be placed in position at Fremantle?

Mr. WATSON.—We are endeavouring to prepare an emplacement for the gun in question; but I believe that the townspeople do not desire that it shall be placed in position at the only point at which it could be effectively used. So far as this vote is concerned, I can assure the honorable member for Echuca that it was a general authority

given in the original Estimates of the Defence Department. No details were supplied, and the Department was, consequently, at liberty to make a general reduction. The simple position is that they have not spent £16,000 of the sum which they intended to expend.

Mr. McCOLL.—The reduction does not involve any radical change?

Mr. WATSON.—No; it represents only a failure on the part of the Department to go as far as they intended in regard to general expenditure.

Sir JOHN FORREST.—Was not the vote based on a report by Major-General Hutton?

Mr. WATSON.—It was passed in relation to general, and not specific, matters. The re-arming of the *Cerberus* is a matter that the Government have had under their serious consideration for some little time. We have not yet actually determined whether the *Cerberus* should have anything done to her. Improvements might be carried out on a much less expensive scale than that put forward a short time ago. The proposal to re-arm the *Cerberus* has been interfered with by the re-arrangement of the votes, and was interfered with by the late Government, be it remembered, to the extent of using money voted for this purpose in other directions. The work of re-arming her has, consequently, not been proceeded with during the present financial year. I regret that the late Minister of Defence is not present, because, when I was referring to this matter some weeks ago, in connexion with the general policy of the Government, I said I did not think it would be wise to proceed with the re-arming of an obsolete vessel at a cost of £25,000.

Mr. JOHNSON.—The money could be much more efficiently spent in purchasing small arms and ammunition.

Mr. WATSON.—Although we may hold, as I do, that large sums should be spent on harbor defences, I consider it would be a wasteful procedure to spend £25,000 in re-arming a vessel capable of steaming only nine knots an hour. The sum represents practically half the cost of a modern torpedo-destroyer.

Mr. JOHNSON.—Another £20,000 would enable us to secure an up-to-date torpedo-destroyer.

Mr. WATSON.—For another £25,000 we could obtain an up-to-date torpedo-destroyer which for defence purposes would be ten times as valuable as is the *Cerberus*; still, a reduced expenditure might be incurred in connexion with improvements to that

vessel, and the matter is now under consideration. When I was outlining the Government policy a few weeks ago, I referred to this matter, and the late Minister of Defence interjected that Sir George Clarke had approved of the proposed re-arming of the *Cerberus*. I had it on the tip of my tongue to say, what I believed to be a fact, that Sir George Clarke was not a naval expert, but as I was not quite positive on the point, I refrained from doing so. Inquiries since made by me have confirmed the belief that I then held. Sir George Clarke is an eminent military man—he is a General of Engineers—but he is no more qualified to express an opinion on purely naval matters than is any other military man. As against the opinion which the late Minister of Defence said Sir George Clarke had expressed, we have the fact that nearly every Imperial or local naval officer, who has been on this station, has been averse to the retention of the *Cerberus* on existing conditions.

Sir JOHN FORREST.—Not local officers.

Mr. WATSON.—Yes; nearly every local officer has indicated that the money necessary to re-arm her might be spent to better advantage, even in regard to port defences; or, leaving that aside, upon general defensive works.

Sir JOHN FORREST.—It was felt that she should not be destroyed altogether.

Mr. WATSON.—I admit that we should not dispense with even an ineffective vessel, until we are able to secure a better one.

Sir JOHN FORREST.—She would be a powerful floating fort.

Mr. WATSON.—Quite so; and for that reason we do not propose to get rid of her, or to dispense with her complement of men until we have something better to put in her place. That, however, should not bind us to the expenditure of £25,000 in re-arming the *Cerberus* for the purposes of a floating fort. This matter practically does not touch the question of the re-arming of the *Cerberus* because the reduction simply means that the matter has been postponed for the present financial year. The decision was arrived at some few months ago, at the instance of my predecessor. Then the right honorable member for Swan has expressed objection to the existence of a Treasurer's advance account. He asserts that it places too much power in the hands of a Treasurer. It takes away, he states, too great an extent the power of control which Parliament ought to exercise over the public expenditure.

that there is a levy to be made upon the New South Wales Government for £1,000 for expenditure incurred in connexion with the referendum taken in New South Wales during the last general election. I am inclined to think that that sum represents but a very poor compensation for the labour and expenditure involved in the taking of the referendum. The expenditure on the general election amounted to £48,500, a larger sum, I believe, by some thousands than the previous general election cost.

Mr. WATSON.—No, it is much less than the first election cost.

Mr. WILLIS.—I have read somewhere that the election cost a good deal more. We do know that it was promised that under the new conditions of the Commonwealth Electoral Act the general elections would cost considerably less than the first Federal elections.

Mr. BATCHELOR.—So they did.

Mr. WILLIS.—I desire to say that I think the expenditure would have been considerably less than it was had it not been for the work involved in the taking of the referendum in New South Wales. I think it should be represented to the New South Wales Government that £1,000 is not an adequate compensation for the services rendered in that connexion. It appears that the last Government neglected a payment of £112 for the conveyance of troops during the Royal visit, and I think that Ministers should give some explanation as to why that money was not paid before. At page 26 of the General Estimates I find a reference to a sum of £500 in connexion with railway fares. I assume that this amount is in addition to the large sum, amounting to thousands of pounds, that is paid for railway passes generally.

Mr. WATSON.—I shall explain that for the honorable member.

Mr. WILLIS.—I shall be glad to hear the Treasurer on that item at the proper time. There is one other matter to which I wish to refer. In connexion with premiums upon fidelity guarantees in which certain fees are to be paid by the Government, as these premiums are paid in the interests of the officers, I should like to know why the Government propose to pay the fees. Possibly the Treasurer may be able to give some explanation of the item.

Mr. WATSON.—The fidelity guarantees the premiums of which are paid by the Federal Government are those in connexion with officers receiving less than £25 a year from the Commonwealth. They are

not ordinary salaried officers. All salaried officers contribute towards the guarantee fund.

Mr. WILLIS.—Then there is a fidelity guarantee fund?

Mr. WATSON.—It is a Government fund, to which all salaried officers occupying responsible positions, and having the control of monies, contribute.

Mr. WILLIS.—I am obliged for that explanation. There is the remarkable item in Division 175, subdivision VI.—

Settlement of claim in respect of misappropriated cheques negotiated by a postal official, £95.

If there is a fidelity guarantee fund, how is it that this item is a charge upon the Government? I assume that an officer in receipt of a small salary would not be called upon to receive such large sums.

Mr. WATSON.—I shall explain the item.

Mr. WILLIS.—It is a matter that should be explained, having regard to the fact that officers occupying high positions, and having the control of large sums of money, have to enter into fidelity guarantees.

Mr. WATSON.—With regard to the question put by the honorable member for Echuca, as to the reduction by £16,000 of a vote of £22,000 for equipment of field artillery, I desire to say that I cannot obtain the detailed information, for the reason that the item in question in the original Estimates was not specifically voted for any particular form of expenditure. It was a general authority.

Mr. McCOLL.—Something must have suffered as the result of the reduction.

Mr. WATSON.—Yes; the item "equipment of forces and requirements to arm and equip field artillery" has suffered. They have not purchased these equipments as extensively as was at first proposed.

Mr. McCOLL.—Is there any intention to interfere in any way with the cadets?

Mr. WATSON.—The item does not affect the cadets in any way.

Sir JOHN FORREST.—What about the gun that I desired to be placed in position at Fremantle?

Mr. WATSON.—We are endeavouring to prepare an emplacement for the gun in question; but I believe that the townspeople do not desire that it shall be placed in position at the only point at which it could be effectively used. So far as this vote is concerned, I can assure the honorable member for Echuca that it was a general authority

given in the original Estimates of the Defence Department. No details were supplied, and the Department was, consequently, at liberty to make a general reduction. The simple position is that they have not spent £16,000 of the sum which they intended to expend.

Mr. McCOLL.—The reduction does not involve any radical change?

Mr. WATSON.—No; it represents only a failure on the part of the Department to go as far as they intended in regard to general expenditure.

Sir JOHN FORREST.—Was not the vote based on a report by Major-General Hutton?

Mr. WATSON.—It was passed in relation to general, and not specific, matters. The re-arming of the *Cerberus* is a matter that the Government have had under their serious consideration for some little time. We have not yet actually determined whether the *Cerberus* should have anything done to her. Improvements might be carried out on a much less expensive scale than that put forward a short time ago. The proposal to re-arm the *Cerberus* has been interfered with by the re-arrangement of the votes, and was interfered with by the late Government, be it remembered, to the extent of using money voted for this purpose in other directions. The work of re-arming her has, consequently, not been proceeded with during the present financial year. I regret that the late Minister of Defence is not present, because, when I was referring to this matter some weeks ago, in connexion with the general policy of the Government, I said I did not think it would be wise to proceed with the re-arming of an obsolete vessel at a cost of £25,000.

Mr. JOHNSON.—The money could be much more efficiently spent in purchasing small arms and ammunition.

Mr. WATSON.—Although we may hold, as I do, that large sums should be spent on harbor defences, I consider it would be a wasteful procedure to spend £25,000 in re-arming a vessel capable of steaming only nine knots an hour. The sum represents practically half the cost of a modern torpedo-destroyer.

Mr. JOHNSON.—Another £20,000 would enable us to secure an up-to-date torpedo-destroyer.

Mr. WATSON.—For another £25,000 we could obtain an up-to-date torpedo-destroyer which for defence purposes would be ten times as valuable as is the *Cerberus*; still, a reduced expenditure might be incurred in connexion with improvements to that

vessel, and the matter is now under consideration. When I was outlining the Government policy a few weeks ago, I referred to this matter, and the late Minister of Defence interjected that Sir George Clarke had approved of the proposed re-arming of the *Cerberus*. I had it on the tip of my tongue to say, what I believed to be a fact, that Sir George Clarke was not a naval expert, but as I was not quite positive on the point, I refrained from doing so. Inquiries since made by me have confirmed the belief that I then held. Sir George Clarke is an eminent military man—he is a General of Engineers—but he is no more qualified to express an opinion on purely naval matters than is any other military man. As against the opinion which the late Minister of Defence said Sir George Clarke had expressed, we have the fact that nearly every Imperial or local naval officer, who has been on this station, has been averse to the retention of the *Cerberus* on existing conditions.

Sir JOHN FORREST.—Not local officers.

Mr. WATSON.—Yes; nearly every local officer has indicated that the money necessary to re-arm her might be spent to better advantage, even in regard to port defences; or, leaving that aside, upon general defensive works.

Sir JOHN FORREST.—It was felt that she should not be destroyed altogether.

Mr. WATSON.—I admit that we should not dispense with even an ineffective vessel, until we are able to secure a better one.

Sir JOHN FORREST.—She would be a powerful floating fort.

Mr. WATSON.—Quite so; and for that reason we do not propose to get rid of her, or to dispense with her complement of men until we have something better to put in her place. That, however, should not bind us to the expenditure of £25,000 in re-arming the *Cerberus* for the purposes of a floating fort. This matter practically does not touch the question of the re-arming of the *Cerberus* because the reduction simply means that the matter has been postponed for the present financial year. The decision was arrived at some few months ago, at the instance of my predecessor. Then the right honorable member for Swan has expressed objection to the existence of a Treasurer's advance account. He asserts that it places too much power in the hands of a Treasurer. It takes away, he states, too great an extent the power of control which Parliament ought to exercise over the public expenditure.

that there is a levy to be made upon the New South Wales Government for £1,000 for expenditure incurred in connexion with the referendum taken in New South Wales during the last general election. I am inclined to think that that sum represents but a very poor compensation for the labour and expenditure involved in the taking of the referendum. The expenditure on the general election amounted to £48,500, a larger sum, I believe, by some thousands than the previous general election cost.

Mr. WATSON.—No, it is much less than the first election cost.

Mr. WILLIS.—I have read somewhere that the election cost a good deal more. We do know that it was promised that under the new conditions of the Commonwealth Electoral Act the general elections would cost considerably less than the first Federal elections.

Mr. BATCHELOR.—So they did.

Mr. WILLIS.—I desire to say that I think the expenditure would have been considerably less than it was had it not been for the work involved in the taking of the referendum in New South Wales. I think it should be represented to the New South Wales Government that £1,000 is not an adequate compensation for the services rendered in that connexion. It appears that the last Government neglected a payment of £112 for the conveyance of troops during the Royal visit, and I think that Ministers should give some explanation as to why that money was not paid before. At page 26 of the General Estimates I find a reference to a sum of £500 in connexion with railway fares. I assume that this amount is in addition to the large sum, amounting to thousands of pounds, that is paid for railway passes generally.

Mr. WATSON.—I shall explain that for the honorable member.

Mr. WILLIS.—I shall be glad to hear the Treasurer on that item at the proper time. There is one other matter to which I wish to refer. In connexion with premiums upon fidelity guarantees in which certain fees are to be paid by the Government, as these premiums are paid in the interests of the officers, I should like to know why the Government propose to pay the fees. Possibly the Treasurer may be able to give some explanation of the item.

Mr. WATSON.—The fidelity guarantees the premiums of which are paid by the Federal Government are those in connexion with officers receiving less than £25 a year from the Commonwealth. They are

not ordinary salaried officers. All salaried officers contribute towards the guarantee fund.

Mr. WILLIS.—Then there is a fidelity guarantee fund?

Mr. WATSON.—It is a Government fund, to which all salaried officers occupying responsible positions, and having the control of monies, contribute.

Mr. WILLIS.—I am obliged for that explanation. There is the remarkable item in Division 175, subdivision vi.—

Settlement of claim in respect of misappropriated cheques negotiated by a postal official, £95.

If there is a fidelity guarantee fund, how is it that this item is a charge upon the Government? I assume that an officer in receipt of a small salary would not be called upon to receive such large sums.

Mr. WATSON.—I shall explain the item.

Mr. WILLIS.—It is a matter that should be explained, having regard to the fact that officers occupying high positions, and having the control of large sums of money, have to enter into fidelity guarantees.

Mr. WATSON.—With regard to the question put by the honorable member for Echuca, as to the reduction by £16,000 of a vote of £22,000 for equipment of field artillery, I desire to say that I cannot obtain the detailed information, for the reason that the item in question in the original Estimates was not specifically voted for any particular form of expenditure. It was a general authority.

Mr. MCCOLL.—Something must have suffered as the result of the reduction.

Mr. WATSON.—Yes; the item "equipment of forces and requirements to arm and equip field artillery" has suffered. They have not purchased these equipments as extensively as was at first proposed.

Mr. MCCOLL.—Is there any intention to interfere in any way with the cadets?

Mr. WATSON.—The item does not affect the cadets in any way.

Sir JOHN FORREST.—What about the gun that I desired to be placed in position at Fremantle?

Mr. WATSON.—We are endeavouring to prepare an emplacement for the gun in question; but I believe that the townspeople do not desire that it shall be placed in position at the only point at which it could be effectively used. So far as this vote is concerned, I can assure the honorable member for Echuca that it was a general authority

given in the original Estimates of the Defence Department. No details were supplied, and the Department was, consequently, at liberty to make a general reduction. The simple position is that they have not spent £16,000 of the sum which they intended to expend.

Mr. McCOLL.—The reduction does not involve any radical change?

Mr. WATSON.—No; it represents only a failure on the part of the Department to go as far as they intended in regard to general expenditure.

Sir JOHN FORREST.—Was not the vote based on a report by Major-General Hutton?

Mr. WATSON.—It was passed in relation to general, and not specific, matters. The re-arming of the *Cerberus* is a matter that the Government have had under their serious consideration for some little time. We have not yet actually determined whether the *Cerberus* should have anything done to her. Improvements might be carried out on a much less expensive scale than that put forward a short time ago. The proposal to re-arm the *Cerberus* has been interfered with by the re-arrangement of the votes, and was interfered with by the late Government, be it remembered, to the extent of using money voted for this purpose in other directions. The work of re-arming her has, consequently, not been proceeded with during the present financial year. I regret that the late Minister of Defence is not present, because, when I was referring to this matter some weeks ago, in connexion with the general policy of the Government, I said I did not think it would be wise to proceed with the re-arming of an obsolete vessel at a cost of £25,000.

Mr. JOHNSON.—The money could be much more efficiently spent in purchasing small arms and ammunition.

Mr. WATSON.—Although we may hold, as I do, that large sums should be spent on harbor defences, I consider it would be a wasteful procedure to spend £25,000 in re-arming a vessel capable of steaming only nine knots an hour. The sum represents practically half the cost of a modern torpedo-destroyer.

Mr. JOHNSON.—Another £20,000 would enable us to secure an up-to-date torpedo-destroyer.

Mr. WATSON.—For another £25,000 we could obtain an up-to-date torpedo-destroyer which for defence purposes would be ten times as valuable as is the *Cerberus*; still, a reduced expenditure might be incurred in connexion with improvements to that

vessel, and the matter is now under consideration. When I was outlining the Government policy a few weeks ago, I referred to this matter, and the late Minister of Defence interjected that Sir George Clarke had approved of the proposed re-arming of the *Cerberus*. I had it on the tip of my tongue to say, what I believed to be a fact, that Sir George Clarke was not a naval expert, but as I was not quite positive on the point, I refrained from doing so. Inquiries since made by me have confirmed the belief that I then held. Sir George Clarke is an eminent military man—he is a General of Engineers—but he is no more qualified to express an opinion on purely naval matters than is any other military man. As against the opinion which the late Minister of Defence said Sir George Clarke had expressed, we have the fact that nearly every Imperial or local naval officer, who has been on this station, has been averse to the retention of the *Cerberus* on existing conditions.

Sir JOHN FORREST.—Not local officers.

Mr. WATSON.—Yes; nearly every local officer has indicated that the money necessary to re-arm her might be spent to better advantage, even in regard to port defences; or, leaving that aside, upon general defensive works.

Sir JOHN FORREST.—It was felt that she should not be destroyed altogether.

Mr. WATSON.—I admit that we should not dispense with even an ineffective vessel, until we are able to secure a better one.

Sir JOHN FORREST.—She would be a powerful floating fort.

Mr. WATSON.—Quite so; and for that reason we do not propose to get rid of her, or to dispense with her complement of men until we have something better to put in her place. That, however, should not bind us to the expenditure of £25,000 in re-arming the *Cerberus* for the purposes of a floating fort. This matter practically does not touch the question of the re-arming of the *Cerberus* because the reduction simply means that the matter has been postponed for the present financial year. The decision was arrived at some few months ago, at the instance of my predecessor. Then the right honorable member for Swan has expressed objection to the existence of a Treasurer's advance account. He asserts that it places too much power in the hands of a Treasurer. It takes away, he states, too great an extent the power of control which Parliament ought to exercise over the public expenditure.



What does he seek to put in its place? Merely an Executive minute.

Sir JOHN FORREST.—No; but I put an excess voucher in its place.

Mr. WATSON.—The right honorable gentleman, as I understood him, said he would put in its place an Executive minute, as is done in Western Australia. That simply means that the Prime Minister may assent to any other Minister making any expenditure in excess of parliamentary authority that he likes. If we are to choose as to which of two Ministers should authorize expenditure—

Sir JOHN FORREST.—Not the Prime Minister, but the Treasurer.

Mr. WATSON.—An Executive minute means that any Minister, on getting the consent of the Prime Minister, takes his Executive minute to the Executive Council, and there it is passed, as the right honorable gentleman knows.

Sir JOHN FORREST.—I know that the Treasurer must do so. It always goes to the Treasurer first.

Mr. WATSON.—I am informed of what the practice is in Western Australia.

Sir JOHN FORREST.—I was Treasurer there, too.

Mr. WATSON.—The right honorable gentleman was also Prime Minister, and that is why he did as he says.

Mr. ROBINSON.—He was the Cabinet too.

Mr. WATSON.—I am assured that the right honorable gentleman was also the Cabinet in that State. An Executive minute, once it is assented to by the Prime Minister, goes straight to the Executive Council, and there, without discussion, receives the formal approval of the Governor in Council.

Sir JOHN FORREST.—No; it has to go to the Treasurer.

Mr. WATSON.—If I am to choose between an Executive minute and the authority of the Treasurer, I shall certainly choose the latter, for this reason, that he is, or should be, more in touch with the finances of the State or the Commonwealth, as the case may be, than would be any other Minister, even the Prime Minister.

Sir JOHN FORREST.—The Prime Minister is only consulted in the last resort.

Mr. WATSON.—Quite so. In New South Wales and Victoria they have the system which obtains in the Commonwealth, but in the other four States they have the system which has been explained by the right

honorable gentleman. I cannot see what advantage is to be gained by it. In each case you have to depend on the good sense and judgment of some members of the Ministry to provide for those contingencies which are bound to crop up, no matter how you may frame your Estimates. You must have some person on whom you can rely to provide for emergencies as they arise. I fail to see how, under the Constitution, the plan of the right honorable gentleman could be adopted. We cannot spend one penny which has not been appropriated by both Houses, and, therefore, we cannot load up, in anticipation of parliamentary sanction, any expenditure, unless it is in the shape of a Treasurer's advance vote, where it is specially appropriated and authorized to be used by the Treasurer on certain conditions. I intend to look into the proposal of the right honorable gentleman; but at present I do not see where any great advantage would accrue to Parliament, which requires, as far as possible, to keep its finger on the expenditure of money. But if there is an advantage to be gained by its adoption, and one which would make in the direction of more efficient parliamentary control, then by all means let us adopt it. During the short time I have been in the Treasury, I have refused quite a number of applications from different Departments, which, in my view, were not of an emergent character, on the ground that the items should have been foreseen and provided for in the Estimates, and sanctioned by Parliament. That is a stand which in ordinary matters the Treasurer ought to take. On the whole—in most instances anyhow—we can assume that the Treasurer, for the sake of his own reputation, will exercise some discretion in regard to the use of this vote. In regard to the remarks of the right honorable gentleman about the appointments to Western Australia I do not pretend to express an opinion, and I do not suppose that he expects that I should. An appeal lies from the classification of the Public Service Commissioner to a Board composed of the inspector of the State in which the officer is employed, the head of the Department to which he belongs, and an elected representative of the division in which he is. The Board considers the case and reports to the Commissioner. The appeal is certainly determined by the Commissioner, but after the recommendation of the Board has been received. I have always held very strongly the view that it would be a most improper thing, and an unwise

precedent to adopt, for the Ministry to follow the course suggested by the right honorable gentleman—to interfere in the slightest degree in regard to the details of the control of the Public Service. In the various States we have had too much of political control: we have had too dire an experience of the evil which results from Ministers putting their friends and friends' friends into the Public Service and insuring promotion to those men who had the most influence by the backstairs entry. We have had too much of that sort of thing in the past, I think, for any one of us to allow even a scintilla of Ministerial influence to creep into the detailed control of the Public Service.

Sir JOHN FORREST.—The Ministry have the responsibility.

Mr. WATSON.—I admit that the Ministry have the responsibility; but Parliament has deliberately, and, I think, properly, divested itself of its authority, so far as the control of details of appointment or promotion is concerned.

Sir JOHN FORREST.—Oh, no! the Minister has to recommend approval.

Mr. WATSON.—Of course; but as the right honorable gentleman knows, that is a matter of form under the Public Service Act, and it was so considered by the Parliament when that measure was passed.

Sir JOHN FORREST.—I do not agree with the honorable gentleman.

Mr. WATSON.—There is a pretty rough time brewing for any Ministry that makes it more than a matter of form, unless a large question of policy is involved.

Sir JOHN FORREST.—Oh no! If the honorable gentleman thought that a wrong appointment was recommended surely he would not approve of it? I would not.

Mr. BATCHELOR.—Who is to decide?

Mr. WATSON.—That is the question.

Sir JOHN FORREST.—The Government.

Mr. WATSON.—If the Government say that the appointment of Jones, who is an enemy, will be a bad one, but that the appointment of Brown, who is a friend, will be a very good one, of course we can see how far this interference is likely to obtain.

Sir JOHN FORREST.—The Act says that the Ministry have to do it.

Mr. WATSON.—I do not consider that it says anything of the kind. Of course it leaves the approval of the appointment in the hands of the Governor-General, which means the Governor-General in Council. We must, I admit, preserve the right of

veto. It is the duty of every Minister not to allow a recommendation to be approved if he is aware of anything which ought to be reported to the Commissioner before an appointment is made. That is right. But I hold that, as a general principle, unless a question of policy is involved, we should not interfere with the work of the Commissioner in relation to the Public Service Act. I think that under all the conditions set out—the appeals and the publicity given to the working of the Act—the public on the whole would get better results by keeping its administration free from Ministerial control than they are ever likely to do if Ministers are allowed to put their fingers in the pie.

Mr. McCOLL.—Will the honorable gentleman be equally careful to see that the public servants do not get any control over the Minister?

Mr. WATSON.—I do not think that remark is justified. Certainly, on the floor of this House I have stood up for what I believed to be justice to public servants. I was one of those who voted for the minimum wage to the lower paid officials. But in relation to the provisions of section 19, I think I have shown a proper regard for the interests of the community, as opposed to the claims of some public servants. I do not think it is proper for the honorable member to suggest that there is any likelihood of this Ministry coming under the control of the Public Service. There is certainly no justification for the insinuation. The honorable and learned member for Angas has asked about the payment of increments due to certain South Australian officers under a State Act. Those increments have been kept back pending the consideration by the Public Service Commissioner of his classification scheme, and of the circumstances surrounding particular cases which may be dealt with apart from that scheme; but such increments as will not be interfered with by the classification, and as are due this year, will be paid during the present month.

Mr. POYNTON.—Does the Prime Minister infer that a Classification Board has power to take away an increment?

Mr. WATSON.—How far the classification scheme will supersede the conditions obtaining prior to Federation is a moot point.

Mr. DUGALD THOMSON.—There must be equality.

Mr. WATSON.—We must aim at equality of treatment throughout the service, but

how far the general classification of officers will supersede the diverse systems which existed prior to Federation is a matter which I do not feel competent to determine off-hand. It is expected by the Commissioner that his classification will largely supersede the state of affairs existing prior to Federation.

Mr. POYNTON.—Are not the rights of officers entitled to increments under a State Act preserved by the Constitution?

Mr. WATSON.—The Chief Justice of the High Court said the other day that those rights would continue until legally altered by the Commonwealth, but he was not unwise enough to commit himself to an opinion as to what would constitute a legal alteration, and, therefore, I may be pardoned for not doing so. Such increments as will not be interfered with by the classification scheme will be paid during the month. In reply to the question of the honorable member for Robertson, about the railway fares and freights charged to the Department of Defence, I would point out that we are now asking for £500 in addition to the amount already voted, because, since the Appropriation Act was passed, the railway authorities of the States have insisted upon being paid for the conveyance to encampments, of troops, horses, baggage, and the like, although, when the Military Forces were under the control of the States, and for a short period after their transfer to the control of the Commonwealth, no charge was made. It was, therefore, found that projected encampments could not take place unless a large sum was provided for the payment of railway fares and freights, and my predecessor authorized the use of a vote of £3,000 odd, which had been set apart to cover the ordinary staff travelling expenses. Nearly the whole of that vote has been used in paying fares and freights in connexion with encampments in the different States, and the result is that an additional vote of £500 is required to cover ordinary travelling expenses. Even with this additional vote there will be a great saving.

Mr. WILLIS.—Are the Government going to discontinue encampments?

Mr. WATSON.—I do not anticipate that they will be entirely discontinued, but we hope to reduce the cost of them for a time by making them more local.

Mr. WILLIS.—As the charge is a mere bookkeeping entry, why discontinue the encampments?

Mr. WATSON.—The service does not cost the Railways Commissioners anything

like as much as they charge the Commonwealth. They make very small concessions to the military authorities, and, indeed, I have heard of one instance in which the military authorities were charged 1s. 6d. per head to carry troops to a certain encampment, while the general public were being carried there in excursion trains at 1s. per head. Of course, although only a book entry, these charges count against the Defence Department, as they tend to swell its expenditure. With regard to the item—

Settlement of claim in respect of misappropriated cheques negotiated by a postal official, £95—

which appears on page 42, it was put there to cover an incident which occurred at a certain post-office, where the postmaster had been in the habit of cashing the cheques of well-known people in payment for stamps. Perfectly good cheques, drawn in favour of some one not the postmaster, and presented by a person who had stolen them, were accepted *bona fide* by the postmaster in connexion with the payment of stamps, and we have been advised that the Commonwealth has no defence against the drawer of the cheques. It is manifestly a great convenience in many country places to allow cheques to be received at post-offices in payment of stamp accounts, but, to prevent similar occurrences, it has been decided that no cheque shall in future be taken unless it is made payable to the order of the postmaster.

Mr. DUGALD THOMSON.—That could easily be done by the persons presenting the cheques.

Mr. WATSON.—The name of the postmaster must appear in the body of the cheque, and the word "order" be substituted for "bearer." That will be a reasonable safeguard.

Mr. DUGALD THOMSON.—It would be a small check; it would not amount to much.

Mr. WATSON.—It would be a reasonable check unless a person committed forgery. That, of course, could not be provided against by any one. I shall be very glad to give the honorable member for Robertson any further information that may be obtainable from the officers who are more cognisant than I am with the facts of the case. It has been stated that the visits made by Members of Parliament to the sites proposed for the Federal Capital have involved great expense. I am glad to say that that is not the case. The sum voted

on the original Estimates was £1,500. The present vote is for £2,590, making a total of £4,090. Of that amount the expenses of the Royal Commission which took evidence with regard to, and reported on, the sites, represented £3,350. That is £1,800 in excess of the original estimate, or more than double the sum originally asked for on account of the Commission. Therefore, I was practically right in saying that the extra sum for which I am asking was due to the appointment of the Commission. The actual amount absorbed by travelling and incidental expenses, including the cost of surveys, up to date is only £740. This is inclusive of the cost to date of the various surveys initiated by the late Minister of Home Affairs. It is evident from this that no sum of many thousands has been spent in connexion with the visits of honorable members to the sites.

Mr. WILLIS.—But some thousands of pounds have been spent in connexion with the inspection of the sites.

Mr. WATSON.—I quite admit that, but it has been bruited abroad that thousands of pounds have been spent in providing picnics for honorable members.

Mr. WILLIS.—The tour of the Commissioners was practically a picnic.

Mr. WATSON.—Even so, the honorable member has no right to mix up the work of the Commission with the visits of honorable members to the proposed sites. Personally, I think that the evidence taken by the Commission, and the work performed by it, was very valuable. Whether the Commission should have cost so much as it did is another question. The present Government have no intention of initiating any further trips or inquiries in connexion with the proposed sites. Any additional expenditure will probably be incurred in connexion with the printing of the reports that may come in from the surveyors or others who are asked to obtain particulars as to the sites. I refer, of course, to the expense incurred before the site is selected. Afterwards some expense will have to be incurred in connexion with the site itself, but I do not think there need be any further great outlay precedent to the selection.

Mr. McDONALD (Kennedy).—I desire a little explanation with regard to one item. It will be remembered that some time ago, when a Bill was introduced to provide for what was practically an increase of the Governor-General's salary by £8,000, the House resented the proposal to such

an extent that the late Government were placed in the humiliating position of having their Bill taken out of their hands by a private member, and amended in the way that honorable members thought best. The House positively refused to grant the proposed increase of salary, but they agreed to allow His Excellency £10,000 towards the expense incurred in entertaining the Duke and Duchess of York during their visit to Australia. Subsequently the Government asked the House to vote £5,500 for the maintenance of the Government Houses in Melbourne and Sydney. I think that about £2,000 was apportioned to Sydney, and £3,000 to Melbourne. Now we find that the late Government have allowed that expenditure to creep up from £5,500 to £7,387. The amount voted during last year was £6,015, and now we are asked to provide another £1,372. Therefore, we are closely approaching the amount of £8,000, originally asked for by the Government, which the House declined to grant. I think that, under the circumstances, we are entitled to some explanation. At the time that the motion relating to this grant of £5,500 was submitted, it will be remembered that the Government furnished a list showing the expenditure that would be required. They then made a distinct promise that the £5,500 would be made to cover the whole of the expenditure.

Sir JOHN FORREST.—I suppose that that amount was not sufficient.

Mr. McDONALD.—Then why were not the late Government honest enough to stand by their original proposal? They violated their pledges, simply because society was involved. We did not hear of their being so generous to underpaid public officials. Whenever the fatted sow had to be greased, they were always ready to do it; and I think that it is about time that we endeavoured to put a stop to such proceedings. Of course, the money was expended by the late Government, and the present Government is in no degree responsible for the excess. Therefore, we cannot very well reduce the Estimates. We are in the unfortunate position of being compelled to vote the money.

Mr. WILSON.—Why does not the honorable member move to reduce the item.

Mr. WATSON.—The money has been spent.

Mr. McDONALD.—If a proposal to reduce the item were agreed to, the

Government would not be in a position to carry out the instruction of the Committee. Moreover, they are not responsible for this expenditure, and it would not be proper to punish them for the wrongs of others. Had the late Government remained in office, I should have moved for the excision of this item. However, they have been condemned for their political sins by being relegated to the Opposition benches, where I hope they will long remain.

Mr. WILLIS.—How does the honorable member account for the smashing of crockery?

Mr. McDONALD.—I notice a very interesting item in these Estimates, which reads, "Glass and china, £50." In one year I think that the breakages of crockery amounted in value to no less than £600. These breakages naturally cause people to think, and they may be disposed to place a wrong construction on the matter. For instance, men like the honorable member for Darwin would probably say that a lot of crockery was broken at "guzzles."

Sir JOHN FORREST.—How much did we spend last year upon the upkeep of the Governor-General's establishment?

Mr. McDONALD.—All I know is that during the present financial year the late Government spent £6,015, and that it is now necessary to ask for an additional £1,372.

Sir JOHN FORREST.—How much was expended last year?

Mr. McDONALD.—Last year the amount appropriated was £5,500, of which £2,436 was spent.

Sir JOHN FORREST.—That makes a total of £9,823 in two years.

Mr. McDONALD.—The late Government exceeded the amount of the vote by nearly £3,000.

Mr. DUGALD THOMSON.—I suppose that some payments were held over?

Mr. WATSON.—There were some arrears.

Mr. McDONALD.—I think that the Government ought to take this matter into consideration in framing the Estimates for next year.

Sir JOHN FORREST.—The honorable member is out of court.

Mr. McDONALD.—I do not know whether the right honorable member is leader of the Opposition.

Mr. TUDOR.—He is one of the leaders.

Mr. McDONALD.—When the Estimates in chief are submitted, if the expenditure on the maintenance of the two Government Houses exceeds £5,500, I shall certainly

take steps to divide the Committee in regard to the matter. I am informed by representatives from New South Wales that during the greater part of the year the magnificent Government House at Sydney is vacant, whilst the Government of that State are compelled to rent another establishment for their Governor at an enormous expense.

Mr. WILLIS.—They are willing to do it.

Mr. McDONALD.—That does not affect the question. The Commonwealth is paying nearly £3,000 annually towards the maintenance of the Government House, Sydney, whilst the New South Wales Government is obliged to incur additional expenditure in providing its vice-regal representative with another residence. That is wrong. For the few weeks during the year that the Governor-General resides in New South Wales he might reasonably be the guest of the State Governor. Of course I know that a howl of indignation is always raised when we attempt to touch the society pet.

Mr. O'MALLEY.—Cut us down; cut them up.

Mr. McDONALD.—I notice, in these Estimates, another little item of £112 for the conveyance of troops by steamer to the Commonwealth celebrations in April and May, 1901.

Mr. TUDOR.—That is rather belated.

Mr. McDONALD.—It seems extraordinary that three years after the event we should receive an account for £112. It appears to me that the late Government, despite all their assurances that they paid accounts as they were rendered, kept a few of them back. Why this account was held in abeyance, goodness only knows. I hope that it is not one of the amounts which was expended by the famous Jenkins, who was renowned for his hospitality in connexion with the Commonwealth celebrations. When the Estimates are submitted, if the amount provided for the Governor-General's establishment exceeds £5,500, I shall move that it be struck out.

Mr. WILSON (Corangamite).—It is quite refreshing to be able to discuss a matter which is not controversial. Of course, honorable members realize that the present Government are not responsible for these Supplementary Estimates in any way. Nevertheless, I think that they might have circulated them earlier, so as to permit of honorable members examining them more closely. It is very desirable that we should have an opportunity to carefully

scrutinize Estimates of expenditure in order that we may meet the general demand for economy. Most of us recollect the howl of indignation which was heard throughout the States when the late Treasurer submitted his Estimates, which showed a large increase in Federal expenditure. In addition to that, we have presented to us to-night, in these Estimates, a Supplementary bill for £137,216. I am thoroughly satisfied that the present Treasurer will endeavour to keep the expenditure down as much as possible, so that the finances of the States may be placed in a better position.

Mr. MAUGER.—I am sure that the late Treasurer did his very best in that regard.

Mr. WILSON.—I make no complaint against the late Treasurer. I simply say that the expenditure should be kept down to the lowest possible limit. I am quite satisfied that the present Treasurer will use every effort in that direction, and I have nothing but praise for the work which was performed by the late Treasurer. I wish to draw special attention to the supplementary expenditure in connexion with the High Court. On page 6 of the Estimates honorable members will see two items which relate to compensation for the services of Commonwealth and State officers, and for the travelling expenses of the Justices and their associates. These aggregate an expenditure of £2,035. That is, of course, in addition to the sum voted on the last Estimates. The honorable member for Kennedy has spoken of the increased cost of the maintenance of the Government Houses in Sydney and Melbourne.

Sir JOHN FORREST.—There is no increase; it is an overdraft from last year.

Mr. POYNTON.—But is that so?

Mr. WILSON.—The right honorable member for Swan says so, and he is an ex-Minister. I think that a very bad plan of keeping national accounts is exhibited on these Estimates. Honorable members will see numerous instances of gratuities granted to various persons. That is a very unsatisfactory way of dealing with the Public Service.

Mr. BATCHELOR.—We utilize the services of States officers a great deal.

Mr. WILSON.—The payments should be made to the States, and they should pay their own officers.

Mr. BATCHELOR.—The sums must appear on the Estimates.

Mr. WILSON.—The items would then appear not as gratuities, but as payments for services rendered. This is not a proper method of national bookkeeping. In regard to the Patent Office, which has only recently been established, there is a sum of £130 for travelling expenses. The amount seems excessive, considering that the office has not been in existence very long. I should like to have an explanation.

Mr. MAHON.—Officers who are removed from one State to another are entitled to a certain sum to defray the cost of moving.

Mr. WILSON.—I understood that States officers were doing practically the whole of the work under the Commonwealth Act.

Mr. MAHON.—A State officer transferred to the Commonwealth would have his expenses paid down to Melbourne. That, I should fancy, is the explanation.

Mr. WILSON.—I should like to know for certain. I do not understand the item. Indeed, it is difficult for one who has these Estimates put into his hands for the first time, to understand them, unless he has been a bank manager, accustomed to handling large sums, or an accountant. Honorable members should take up this matter of finance seriously, because it is very important in the interests of the people whom they represent. On page 15, there is an item "Interest on claims for refund of excise duty on sugar, £290." I should like to have an explanation of that from the Minister of Trade and Customs. The question of the sugar bounties is affected by certain items on page 17. Temporary assistance is put down at £3,271. Perhaps this is an improper time to open up the question of the sugar bounties, but it appears to me that this policy is an exceedingly expensive one for Australia. What is meant by this temporary assistance, which has cost £3,271? To whom has the money been paid, and over what period has it extended?

Mr. POYNTON.—Is it an advance in anticipation?

Mr. WILSON.—It is a supplementary estimate, and it is understood that most of the money has been spent.

Sir JOHN FORREST.—It will all have been spent by the 30th of June.

Mr. WILSON.—I had intended to refer to the item mentioned by the honorable member for Kennedy, relating to troops in connexion with the Commonwealth celebrations of 1901. On page 18 there is another item of expenditure concerning Western Australia. It would be just as well if honorable

members carefully scrutinized the expenditure on account of Western Australia. There is an item "Protection of the revenue, £937." What does that mean? Then, further on, there is an item "Cost of gun-mounting at Fremantle, £5,000." I presume that that gun is intended to protect something in Western Australia. But what is meant by the protection of the revenue?

Mr. WATSON.—It means payments to solicitors and others in connexion with prosecutions, as well as payments for detective work done for the protection of the revenue.

Mr. WILSON.—In connexion with the Defence Department, there is an item for the expenses of the officer despatched to Japan on special duty. I presume that that refers to Colonel Hoad, who has gone to Japan to watch the military operations?

Mr. WATSON.—Yes.

Mr. WILSON.—Whilst I am dealing with the Defence Department, can the Prime Minister tell me something about a matter which I laid before the late Minister of Defence in connexion with cadets. If he has no information, will he bring it under the notice of the Minister of Defence? I was given to understand that the Department intended to re-organize the cadet corps. I should like some indication from the Prime Minister of what has been done in this direction. Some time ago certain residents of Colac made an offer which, if accepted, would have resulted in the establishment of a mounted cadet force. Parents and others interested offered to find the ponies and equipment, so that the boys might grow up good soldiers, and eventually become members of the Australian Light Horse. A change of Government, however, took place, and possibly—though I hope not—there was a change of policy in regard to the cadet movement. I hope that the Government will ask the Minister of Defence to take this matter into consideration, and see whether something cannot be done to assist the movement. If we train our boys, we shall certainly have trained men, and this is a suggestion which, I am sure, will commend itself to honorable members generally. Then, I should like to say a word or two in regard to rifle butts. Some time ago I drew attention to the fact that the rifle butts at Colac—and I suppose the case is the same at other places—had got into a state of disrepair. There is no desire to have any new rifle butts constructed, but where there are already butts, which have been allowed to fall into disrepair, some

steps should be taken to put them in a better condition. In the case of the Colac butts, when a recent match had to be shot off, it was found that they were not in a fit state to be used; and that, of course, is bad so far as the training of the members of the rifle clubs is concerned. Turning now to the Post and Telegraph Department, the great question is whether the Act, which was passed by the Victorian State Parliament in the early hours of the morning—

Mr. ROBINSON.—At the dictation of the Labour Party.

Mr. WILSON.—I shall leave it to the honorable member for Wannon to explain this matter in detail, because I believe he was a member of the State House at the time. On looking through the items, I notice, according to page 89, that the salary of a clerk has been raised from £300 to £310, and, later on, it is shown that the salary of a switch attendant has been raised from £52 to £110, or more than double. All through the items in the Department of the Postmaster-General I notice very considerable increases in the expenditure. According to page 41, the salary of a letter-carrier has been raised from £65 to £120, the latter being more than the minimum rate recently fixed. I should like to know definitely from the Postmaster-General, or some other Minister, whether the salaries of the charwomen employed in the post-offices have been raised to the minimum rate of £110. Some time ago there was a talk that these charwomen intended to go on strike.

Mr. WATSON.—My recollection is that the charwomen withdrew their claim, because, if it were granted, it would mean that they must become permanent officials, and pass examinations and fulfil other conditions.

Mr. WILSON.—The women would not face the examinations?

Mr. WATSON.—They would not face the general conditions.

Mr. WILSON.—Another important point for consideration is that in Victoria a sum of £2,100—and, I suppose, in other States the amount is greater under similar heads—is provided as the sum overcharged to officers for rent and quarters.

Mr. WATSON.—I explained that matter a little while ago, during the absence of the honorable member. I mentioned that, under the Public Service Act, only 10 per cent. on salaries can be charged for rent of quarters, and the money has unwisely been allowed to accumulate, and we have now to return

it in a lump, whether we like it or not. It is a legacy from the late Government.

Mr. WILSON.—And it is a very unfortunate legacy. There is another item in relation to Western Australia, and it is, I believe, the largest item under this head. On page 53 I see that, under the head of contingencies, there is set aside £1,250 as "overtime and allowance for tea money" to officers in the Department of the Postmaster-General; and a certain amount is provided in a similar way in the case of one of the States. It would be just as well to know how much of this money is for overtime, and how much for tea allowance.

Sir JOHN FORREST.—There must be about 1,500 people in Western Australia amongst whom this money has to be distributed.

Mr. WILSON.—They seem to have a very good time in Western Australia. I ask the Government to give the question of finance very serious consideration, and to reduce the expenditure as far as possible.

Mr. WILKINSON (Moreton).—There is no doubt that the present Government have received legacies from their predecessors, and that we have to "pay the piper." I should like a little information from the Minister of Trade and Customs, with regard to the arrangements made under the Patents Act. As I understand the regulations, any one desiring to take out patent rights in the State of Victoria is at considerable advantage as compared with a person with a similar desire in any of the other States. The present state of affairs does not exhibit the true Federal spirit. While I recognise the desire of this and the preceding Government to keep down expenditure as much as possible, I am of opinion that to facilitate the taking out of patents would more than compensate for any expenditure incurred by appointing deputy officers in each of the States with whom applications for patents and specifications might be lodged. I am drawing attention to this matter, on behalf of a number of my constituents, who have been waiting for the passing of what they thought would be a liberal Patents Act. The charges under the Act appear to be liberal, but there are certain restrictions which cannot be so described, and which give the whole of the advantage to Victoria, so long, at any rate, as the Seat of Government is within that State. I do not think that it would involve any very considerable extra expense to have deputy officers appointed in the capitals of each of the States, with whom intending patentees might lodge their applications, and to

whom they might go for advice. They should also be able, at the branch offices, to look over the list of patents granted or applied for, that they might be able to decide whether they are introducing a novelty. In the administration of the Post and Telegraph Department we have the Postmaster-General, with his Secretary, established here, and we have Deputy Postmasters-General in each of the States. There is no reason why the same course should not be adopted in connexion with the Patent Office. Whilst we might have here an officer controlling the Patent Office who would be the head of the Department, I see no reason why there should not be established branch offices in the capitals of each of the States in the charge of Deputy Comptrollers of Patents for the convenience of inventors, and to enable them to avoid the expense of seeking the advice of costly patent attorneys. I received the regulations under the Act only this evening, but I have gone through them as carefully as I could in the time at my disposal. I find that, under them, in this State of Victoria, where the people have enjoyed years of protection, and have trained a great number of skilled mechanics, intending patentees are at a considerable advantage as compared with persons in the other States of the Commonwealth, who wish to secure patents, and they will have that advantage so long as the head office of the Patents Department is located in this city. That is not in accordance with the true Federal spirit, and I feel sure it was never intended when the Patents Act was passed. There are a number of persons in the electorate which I represent, and in that represented by the Minister for Trade and Customs, which has also a manufacturing centre, who have been waiting for the passage of a liberal Patents Act, in order that they might obtain patents for discoveries and inventions which they have been engaged in perfecting for years past. Their hopes were raised because they considered that this was a democratic Parliament, that would be prepared to place the humblest workman on a level with the capitalist, who in the past has been the only person in a position to secure a patent, because he has been able to command the money necessary. When, in the past, a mechanic invented a machine, or discovered an improvement upon a machine,



he had to sell his discovery to some one having the money to obtain a patent for it. It was held out that under the Commonwealth inventors would be able to patent their inventions throughout Australia for a merely nominal sum. I admit that the fees required under the Act are merely nominal; but, if intending patentees must go through all the forms laid down in these regulations, the expense involved will not be nominal, and it will be beyond the reach of ordinary mechanics. We shall in consequence have made but very little advance on the past order of things. I am aware that the present Minister of Trade and Customs is not responsible for these regulations, and that he would have been more reasonable in his treatment of inventors. If a man in Western Australia desires to take out a patent, the only place where he can get full information is the city in which the Seat of Government is located. He can get a certain amount of information in the branch office established in the capital of his State, but in order to get full information he must come here.

Mr. GROOM.—Will not copies of all patents and specifications be filed in the branch offices?

Mr. WILKINSON.—That is so. But, supposing a man away at Port Darwin makes an important discovery, or invents a machine, and desires to patent it, he must travel round to Melbourne himself, or he must engage a patent attorney in this city, in order to secure a patent.

Mr. GROOM.—The illustration is an unfortunate one. That man's position is improved, because before the passing of the Federal Act he would have had to go round to Adelaide, and to take out patents in every Colony.

Mr. WILKINSON.—I admit that it is difficult to overcome anomalies in connexion with a large continent such as ours, but they should be reduced to a minimum. If we take Queensland, for example, the facilities required might be extended not only to Brisbane, the capital of the State, but also to Rockhampton, the capital of the central district of Queensland, and to Townsville, the capital of the northern district. Very little extra expense would be involved in producing extra copies of patents and specifications. My contention is that the Patents Department would be reimbursed the expense involved, in providing the facilities I suggest, by the number of extra applications for patents that would be made.

I am aware that it must cost a little more to have deputy officers in other parts of the Commonwealth, who will be able to give all necessary information and receive applications; but numbers of men are to be deterred from making application for patents because they must submit them through a patent attorney in Melbourne, or some agent, whose charges will probably be higher than the actual cost of obtaining the patents. In these circumstances they refrain from making applications, when, if they could transact their business in their own neighbourhood, they would patent their inventions. Some of the inventions and discoveries patented might appear very simple in themselves, but they might confer great benefit on the Commonwealth in the future. Inventions that in the past have appeared to be of very small moment have turned out to be of very great benefit, not only to the country in which they were invented, but to humanity at large. History furnishes innumerable instances of that kind. Those of us who advocated Federation—and no man in Australia was a more ardent advocate of it than I was—claimed that it would place every citizen of Australia on a common plane as Australians. We contended that it would break down the old distinction between the Victorian, the New South Welshman, the Queenslander, the South Australian, the Western Australian, and the Tasmanian. But I regret to say that the regulations under the Patents Act which have been framed not by the present Government, but, I presume, by the Government which preceded them, confer privileges and preferences upon those who happen to be in the immediate vicinity of the seat of the Federal Government for the time being. An objection has been raised to what I have suggested, on the score of cost. I think that I know the aspirations of the present Government as well as most men, and I believe they hold that the monopolization of machinery and modern inventions has done a considerable amount of harm, and has brought a considerable amount of hardship on the toiling masses in every country in the world. If the operation of the Patents Act is to be restricted in the way in which these regulations appear to me to restrict it, we shall emphasize, rather than remedy, that state of affairs. We shall enable the few to take advantage of all modern discoveries and inventions in Australia. If we are to become a self-containing and self-sustaining community—and we have all the natural

essentials—we must encourage, not only our primary, but our manufacturing industries. We have to keep pace with the other nations of the world. We have the intelligence, the mechanical ingenuity, and the genius to enable us to do so, but a man who invents a new machine, or improves upon an old one, often smothers his discovery rather than hand it over for a few pounds to a man who will become a millionaire by securing a patent for it, while he remains practically a mendicant. I took no small part in the debates on the Patents Bill. I closely studied all the questions relating to the measure, and when it was before us, I understood that it was going to offer the most ample facilities for the humblest and poorest inventor to secure the fullest reward of his genius. It seems to me, however, that if these regulations, which have been framed in a conservative interest, are permitted to remain, the Act will not do anything of the kind. I should like the Minister of Trade and Customs, who administers the Act, to be able to assure the Committee to-night that every facility will be given, not necessarily in the capitals of the States, but in all the more important cities, to persons who desire to obtain information in regard to our Patents law. There should be agents in such cities prepared to supply all information, and to receive applications and specifications.

Mr. THOMAS.—What cost would that involve?

Mr. WILKINSON.—The additional fees that would be secured would more than compensate the Government for the increased expenditure. Unless these branches are established many inventions will be suppressed, because inventors are often unable to bear the cost of making application to the head office, and of employing an attorney or agent to act for them in Melbourne. If branch offices existed in the more important towns and cities of the Commonwealth, at which a man might transact his business without the intervention of a third party, good results would follow. The cost of establishing these offices would be more than met by the increased fees in respect of applications for patents relating to discoveries that would never otherwise come to light. There is only one other subject to which I desire to refer. I believe that the Defence Department has made a retrogressive step in deciding not to proceed with the formation of cadet corps.

Mr. GROOM.—Have they arrived at that decision?

Mr. WILKINSON.—I understand that they have, for in reply to certain correspondence recently addressed to the Department, it was stated that the matter would have to remain in abeyance for some time. From the inception of the Commonwealth Parliament, it has been held that we should have a citizen soldiery. That has been the keynote of our scheme for a defence system for the Commonwealth. If we are going to have a citizen soldiery, we must begin by drilling the boys attending primary schools, and the work must be continued at the higher schools. On reaching 18 years of age lads are able to join the rifle clubs, and as members of those clubs, they will receive further instruction, and may subsequently be drafted into the militia. If this scheme were adopted, the more ardent spirits would doubtless leave the Militia to join the permanent Defence Forces, and in this way we should secure a complete system of defence.

Mr. FISHER (Wide Bay—Minister of Trade and Customs).—I am afraid that I shall not be able to appease the wrath of the honorable member for Moreton by the simple statement that I am not responsible for the regulations to which he so strongly objects. When I took office I urged that the issuing of the regulations should be expedited, and I am advised that they constitute the most liberal code that has been drafted in any part of the world. I am likewise advised that the scale of fees is lower than any that has been fixed under other patent laws. Special facilities to obtain information are afforded to intending applicants, and, as we all know, a Commonwealth patent, covering a period of seven years, can be obtained at a cost of only £8.

Mr. WILKINSON.—That cost relates only to the charges made by the Department.

Mr. FISHER.—I am pleased to be able to inform the Committee and the public generally that the Commissioner of Patents in Melbourne is prepared to receive applications direct from intending patentees, and that it is not necessary for them to employ the assistance of any intermediary. Those who apply direct to the Commissioner will secure all the rights, privileges, and advantages that accrue to those who employ a patent attorney to act in their behalf. Surely these arrangements should be calculated to afford equal facilities to all persons living in any part of Australia, although we know, of course, that those who live at a distance from Melbourne must be placed at a

disadvantage in respect of the time within which an application may be lodged.

Mr. WILKINSON.—Why?

Mr. FISHER.—If two men, one living in Melbourne and the other in Brisbane, conceived the same idea, and desired to patent the same invention at the same moment, the one who lived in Melbourne would, of course, have an advantage over the other. That is a difficulty that cannot be avoided.

Mr. McWILLIAMS.—One could get very long odds against such an occurrence.

Mr. FISHER.—Such instances are conceivable, and that is my sole reason for stating a proposition that is self-evident. There can be only one Patent Office. If it is not in Melbourne, it must be in Sydney, or in the Federal Capital or some other large centre of population.

Mr. WILKINSON.—We have only one General Officer Commanding the Military Forces of the Commonwealth; but we have a commandant in each of the States.

Mr. FISHER.—It is mandatory that there shall be only one Patent Office, and there can be practically only one Register of Patents. The Patent Office must be in some large centre of population, and the Seat of Government being in Melbourne, the office for the time being is situated in Collins street. I am somewhat surprised at the statement made by the honorable member for Moreton, that the regulations issued under the Patents Act are complicated, and will put a poor inventor to undue expense in protecting his discovery. I can assure the honorable member that the Commissioner is as anxious as he is that every facility shall be afforded to the poorer classes of inventors to reap the reward of their genius. That is the desire of myself and my colleagues, and if the honorable member is able to point to any obstacle now thrown in the way of inventors who desire to take out patents, we shall be glad to endeavour to remedy the defect. Applications for patents have already been received from persons living at a distance, and what is more unusual, the regulations issued have been commended by persons living in all parts of the Commonwealth.

Mr. WILKINSON.—By patent agents.

Mr. FISHER.—I have only to add that those who desire to patent any invention will receive full consideration, and that all information that can be given, without involving the applicant in unnecessary expense, will be afforded, either in writing or

otherwise. There will be one officer in each of the States, at least for some time to come, but it is not desirable that any large expenditure should be incurred in maintaining an office, the fees relating to which are so low that a number of persons assert that we shall not be able to make it pay. The Commissioner considers that after the lapse of one or two years it will not be a largely profitable branch of the service, but that it will more than meet working expenses. I think honorable members will agree that it is desirable that the Patent Office shall be at least able to pay working expenses.

Mr. WILKINSON.—What about the indirect advantages?

Mr. FISHER.—At a cost of £1 an inventor can secure a provisional protection for a patent for nine months; when his specification is accepted, another £2 has to be paid; and when the patent has been sealed, it is only necessary for him to pay a further fee of £5 in order to be protected for a period of seven years. At the end of that time he can renew his patent for a further period of seven years on payment of a fee of £5. Thus, at a cost of £13, it is possible for an inventor to protect his invention throughout the Commonwealth for a period of fourteen years. Other liberal provisions have been made in favour of those who desire to protect the fruits of their genius. I hope that no misunderstanding on this point will go out to the public, because I think that they have better protection now than ever they had, and at a much lower cost, too.

Mr. WEBSTER (Gwydir).—I do not intend to speak at a later stage on the Estimates of the different Departments; but I desire to refer now to one or two matters which seem to me to be of importance to the House, and to the people in the thinly-populated districts of the States. I should like the Minister in charge of the Estimates at present to explain to me, if he can, what by-election for East Sydney the item of £370, under the head of miscellaneous expenditure on page 9, refers to?

Mr. BATCHELOR.—The by-election for East Sydney, which was held after the leader of the Opposition resigned as a protest against the non-adoption of the electoral boundaries.

Mr. WEBSTER.—Is that the election which is commonly known in New South Wales as "Reid's Folly?"

Mr. LEE.—No, the gerrymandering one.

Mr. WEBSTER.—This represents the cost of the election when the right honorable gentleman sought to make, as it were, a false start, with the view of securing his return to this Parliament. I never knew anything so ridiculous or so unjustifiable as his action on that occasion. For the right honorable gentleman, merely as a matter of pyrotechnics, to resign his seat, and put the Commonwealth to the expense of £370, was, to my mind, an act which did not do credit to him. I trust that in future no such folly will be displayed by any honorable member. I wish to speak more particularly of the attitude of the Post and Telegraph Department towards those residents of the Commonwealth who, in my opinion, are being victimized. I refer to the residents in the back-blocks of the States, especially in New South Wales, who have no railway communication, and very inadequate coach communication, and whose mails arrive, in some cases, only once a week, and under great difficulties in bad weather. These people, who are practically the pioneers of this country, and who have to put up with all these disadvantages, are put by the Federal Government under conditions which did not exist prior to the transfer of the Post and Telegraph Department. We find that we cannot get telephonic communication provided to these people in their interests unless they are prepared to put their hands into their pockets, and pay very heavy demands by way of guarantees and otherwise. We have heard a great deal here about settling the people on the land, and the good results which will flow to the Commonwealth from such settlement; and yet we fail to recognise that settlers in remote districts require at least some means of communication in their isolation, if we are to keep them there. The Parliament of New South Wales used to take these matters into its consideration. It considered that by granting these concessions to men who were going out to take up its unoccupied lands, it would bring about the settlement of a large population on the soil. These settlers went into the back-blocks believing that when the Federal Government came into existence similar concessions would be made by the Commonwealth, with a view to promote settlement of people on the land, and of course the general prosperity of Australia. Yet we find that in places where the rivers overflow

the flat country, and threaten the lives of the residents, we cannot get telephonic communication provided for the purpose of informing them as to rises in the rivers at higher levels, which are likely to submerge their families and their stock. Through the absence of this information ruin has overtaken many persons. We have a right to expect that the Commonwealth Government will be, at least, a little broad-minded in dealing with the requirements of this most deserving class, who receive the least consideration at the hands of the Post and Telegraph Department in the matter of the extension of telephonic or telegraphic communication. I appeal to the Postmaster-General to take into his consideration the regulations which were initiated by the late Government, and to see whether they cannot be liberalized. We should at least do what we can to make the lot of these people as comfortable as possible, and spare no efforts to carry out the policy of settling the people on the land which we advocate.

Mr. KENNEDY (Moir).—I think it will be generally admitted that this discussion is another evidence, if any were necessary, of the utter futility of discussing Supplementary Estimates from the standpoint of economy. It has always seemed to me to be an absolute waste of time to discuss them, because the money has been spent. In this instance the Government who spent the money have gone out of office, and their sins cannot be visited upon them; and we have another Government simply putting their Estimates through the Committee as a matter of form.

Mr. O'MALLEY.—But this Government accepted their sins, and must be held responsible.

Mr. KENNEDY.—This Government did not accept the sins of the late Government; they accepted the Treasury bench, and have their own sins to answer for. A great portion of the expenditure which is submitted on these Estimates was foreshadowed last year by the late Treasurer, when he delivered his Budget speech. The major portion of the sum total—£137,000—is chargeable to the Post and Telegraph Department. There are two principal causes, over and beyond the natural expansion of the Department, to which the increase is due. The first is an Act passed by the Victorian Parliament, increasing the salaries of officials in

Departments about to be transferred to the Commonwealth control, under the impression that the other States would be called upon to pay part of the cost. That was the belief which was uppermost in the minds of those who supported the measure, though the people of Victoria now find that they alone, and rightly so, too, have to find the money. I was a member of the Victorian Assembly at the time. The Act was a hasty, ill-considered piece of legislation, and was carried on the last night of the last session of the Victorian Parliament prior to the inauguration of Federation.

Mr. CARPENTER.—And the Upper House did not check it?

Mr. KENNEDY.—They hardly looked at it. The few mild remonstrances raised in the Assembly were ignored. The other cause is the humane act of this Parliament in fixing a minimum wage. Those two causes account for £82,000 of the total increase. There are some items in the Estimates which I do not wish to particularize now, but in regard to which the Committee should have an explanation when we come to deal with details. What appear to be new appointments in the Attorney-General's Department and in the Audit Office are provided for. I should like information in regard to them, and also as to the system of paying gratuities for work done by members of the Public Service. Where that work is a special service performed outside ordinary office hours, we should be informed of it. But the services provided for in Division 27A appear to be such as could have been performed by a competent officer of the Treasury or of the Auditor-General's Department in ordinary office hours. I hope, too, that an explanation will be given of the item £750, compensation for loss of office, in subdivision 3 of division 33. We know that most officers who retire in the ordinary way are provided with pensions or gratuities under the Acts under which they were appointed; but there are circumstances under which officers leaving the service forfeit all such rights, and I wish to know if this is such a case. I desire also to emphasize what the honorable member for Gwydir has said in regard to the disabilities of persons residing in outlying portions of the Commonwealth. The Postmaster-General himself represents a sparsely populated constituency, and realizes the disabilities under which such persons labour; so we should have his sympathy in our requests for improved telephonic communication.

Mr. O'MALLEY.—He used to make the same kind of speeches himself.

Mr. KENNEDY.—I do not wish to throw *Hansard* at him, but I have listened to similar appeals from him, and, no doubt, if the honorable member can give him a reminder at an opportune time, something practical will be done. There appears to be a rooted objection on the part of the officers of his Department to permitting individuals to erect private telephone lines. They seem to think that these lines will compete with public lines. In two instances in which I have submitted what appeared to me reasonable applications for telephonic communication, the departmental estimate of cost was so large as to seem absurd, and was certainly beyond the means of those concerned. They, therefore, asked to be allowed to erect a private line, but that request was refused point-blank, without consideration. It would be impossible for such a private line, if erected, to compete with any public telegraph or telephone line, and, instead of there being a loss, or risk of loss, of revenue, the Department would gain, because the number of messages sent from the nearest telegraph office would be increased. The petitioners were quite prepared to pay all charges, and to erect the line at their own cost, under the supervision of departmental officers. I ask the Postmaster-General to give more consideration than has been given in the past to the applications of those who, living in remote places, wish to enjoy some of the conveniences of civilized life.

Mr. GROOM (Darling Downs).—There are two matters to which I wish to direct the attention of the Postmaster-General. In the first place, I ask him if it is desirable, when his officers report that the telephonic business of a country town is likely to be of such a nature as to cover the cost of maintaining and working a telephonic system, to demand a guarantee.

Mr. MAHON.—They are not now insisted on in all cases.

Mr. GROOM.—In one case in which I am interested, a guarantee is being required.

Mr. MAHON.—The honorable and learned member will find that the departmental report is against granting the application.

Mr. GROOM.—I am not so sure that that is true with regard to the case of Clifton.

Mr. MAHON.—I cannot speak definitely as to that case.

Mr. GROOM.—There is another matter to which I desire to direct attention. On page 48 of the Estimates appears an item

of £13 for "medical and funeral expenses, M. J. Dwyer, killed in the execution of his duty." Underlying that item is a question of general principle which applies to all labourers in the service of the Commonwealth. Dwyer was an ordinary labourer, and was engaged in the work of erecting certain telegraph lines. A pole, which was being placed in position, suddenly gave way. Dwyer, who was assisting in the work, received a warning and endeavoured to get out of the way. Owing to the unevenness of the ground, however, he slipped, and before he could recover himself the pole fell and killed him. This case raises the whole question of the liability of the Commonwealth for injuries sustained by its employes, who are following an occupation in itself dangerous, and who are not guilty of contributory negligence. The official report, of which I have a copy, shows clearly that Dwyer was not guilty of any neglect. He was doing work for his country—a class of work which the Postmaster-General will admit is dangerous, and which has to be performed in remote parts of the Commonwealth. In many instances these men go out with their lives in their hands. Dwyer was quite a young man, and his mother was practically depending on him for support. After his death she wrote to the Department and asked if there was any salary due to him. The official reply was to the effect that there was a sum of £4 10s. standing to his credit; but that she could not receive any of his money, as it was intended to apply it to the liquidation of his funeral and medical expenses. I do not desire to make an *ad misericordiam* appeal, although there is ample ground for doing so. This young fellow was killed in the performance of work which the community as a whole demanded, and it seems very hard that no compensation should be paid to those who were dependent on him. I know that the matter will have to be very carefully considered before the legal obligations of the Commonwealth can be defined. The labourers employed by the Post and Telegraph Department are, as I am given to understand, exempted in such a way that they are deprived of the benefits of the Public Service Act, and it is because of this exemption that it is not possible to claim any compensation in Dwyer's case. I am not sure that this is a correct representation

of the law, and I should like the Minister to make inquiries. I do not think that any private employer would have been guilty of such meanness as to refuse to pay over to the mother of a man who was killed in his employment the small balance of wages due to him. This may seem a trifling matter to bring before the Committee, but it is of some importance to Mrs. Dwyer. The case has been submitted to me on its merits, and I have considered it my duty to bring it under the notice of the Minister. I believe that the late Treasurer refused to sanction this payment. If he did, I hope that he acted without a full knowledge of the circumstances, and that his decision will not be regarded as final. I trust that the Minister will be able to grant some relief in this case, and that he will also consider the general responsibility of the Commonwealth in regard to its servants, who perform dangerous work, and who lose their lives through no fault of their own, but through some misadventure.

Mr. CARPENTER (Fremantle).—The complaint that has been made with reference to honorable members not having the Estimates placed before them at an earlier stage, is a very old one, and has, doubtless, been voiced in every Parliament in the world.

Mr. McWILLIAMS.—It is a very proper complaint.

Mr. CARPENTER.—I agree with the honorable member, and I hope that, until Governments mend their ways, honorable members will protest against having Estimates placed in their hands immediately before they are asked to consider them. From the point of view of Ministers, we understand that it is considered that business will be facilitated if honorable members are not allowed too much time to ferret out matters which are dealt with in the Estimates. I question, however, whether that view is a sound one, because many items regarding which honorable members find themselves compelled to make a public inquiry, might, if they had ample time, be disposed of beforehand by means of a personal interview with a Minister or the officers of his Department. These remarks apply to one matter to which I wish to refer. The honorable member for Corangamite informed us just now that, included in the Estimates, was an item of £5,000 for expenditure upon the defences of Fremantle, and he led the Committee to believe that a large expenditure was being incurred in respect of defences in Western Australia. The

honorable member confessed that he was at some disadvantage, owing to the fact that the Estimates had not been presented at an earlier stage, and it was evident he did not understand the figures before him. I desire to complain of the action of the late Government in regard to the defences of Fremantle. That is the only important port in Australia that is still undefended. Millions of pounds' worth of property lie there unprotected, and if a hostile force were to appear off that port, it would be entirely at their mercy. For some years past representations have been made regarding this matter, and all sorts of promises have been given that something would be done. Under the heading "Expenditure for additions, new works, and buildings," I find that the Estimates of last year contained an item of £5,000 for gun and mountings at Fremantle. The residents of that town have been patiently waiting for the gun to be placed in position, but now that the Supplementary Estimates are forthcoming I find that the item has been eliminated. Had I not inquired into the matter I should have been puzzled to know the reason for this new departure. The explanation of Ministers is that, although the sum in question was voted last year for a specific purpose, it was expended for an entirely different purpose. It was spent, not in obtaining a gun for the defence of Fremantle, but in providing ammunition for the rest of Australia. I protest against action of this character. What would the Committee think if, when the Estimates-in-Chief were under consideration, we voted a particular sum for a specific purpose, and were told next year that it had been spent for an entirely different purpose. If conduct of that sort is to be tolerated it will be impossible for honorable members to have any confidence in the Estimates which are sanctioned from year to year. I find, also, that the Estimates-in-Chief also contain another item of £4,000, being portion of a total of £9,500, which it was intended to spend in clearing a site for the gun, and in equipping it. The sum of £3,800 has already been expended on the site, and the people of Fremantle are asking why the gun is not ready for mounting. The reason has been kept a profound secret, but it now transpires that the money which was voted for the purpose some months ago was spent for an entirely different purpose. I ask that a matter of such great moment shall be dealt with in a businesslike manner.

*Mr. Carpenter.*

Although a difference of opinion exists as to what is the best site upon which to fortify Fremantle, we are bound to accept the opinion of experts. Personally, I doubt whether they are acting wisely in placing the fort in the middle of the town. It does seem to me that in the event of hostilities in the future the fort will constitute a menace to the people of Fremantle. In case of bombardment every shot fired at it would destroy thousands of pounds worth of property. I ask the Government to give me an assurance that despite the misappropriation of this money by their predecessors in office, the effective defence of Fremantle will not be long delayed.

*Mr. WILLIS.*—What would it cost to defend that town?

*Mr. CARPENTER.*—I should say about £15,000. I ask the Government to consent to place on the next Estimates an amount adequate to complete this important work, and thus to allay the fears which are entertained that, in the event of hostilities occurring, the lives and property of the residents of Fremantle will not be protected.

*Mr. LONSDALE (New England).*—During the course of his remarks this evening, the honorable member for Gwydir assumed a great deal of innocence in reference to the bye election for East Sydney which took place some months ago. Now, it is well known that that election was brought about by the action of the right honorable member for East Sydney, who considered it necessary to resign his seat in order to call attention to the gerrymandering tactics of the Barton Government. Undoubtedly, it had that effect. The honorable member for Gwydir introduced the matter for the purpose of having a fling at the right honorable member for East Sydney. He will be wise, however, if he leaves that gentleman alone. I confess that I do not understand some of the statements which have been made regarding the erection of telephone lines. When the Postal Department was under State control it was customary for the New South Wales authorities to demand from responsible persons who desired that telephonic facilities should be extended to them, the payment of 5 per cent. on the cost of erecting the line, in addition to its working expenses.

*Mr. MAHON.*—A number of those persons failed to pay up.

*Mr. LONSDALE.*—The present trouble is that the Commonwealth has raised the interest chargeable upon the cost of the

line to 10 per cent. The Postal Department demands that interest upon the capital cost of these lines shall be handed over before their erection is undertaken. No small body of individuals can comply with such a condition. It would be far better for the Commonwealth to declare—"We will not undertake the erection of these lines." When applicants for telephone facilities are asked to plank down the sum of £400 prior to the erection of a line, it can easily be understood that they are unable to do so. The people cannot put their hands in their pockets for lump sums. But it is possible to find men from whom the money can be obtained. If the money has not been obtained, it is because of the laxity of the Department. When persons give guarantees, the Department should force them to pay up if there is any deficiency. The method of conducting the business is that whatever deficiency there may be between the revenue and the actual cost and interest, the guarantors have to make up for a certain number of years. It has been asserted that persons are not allowed to have private telephones. That, however, is incorrect. I know a gentleman who has just obtained the consent of the Department to erect a telephone thirty miles long. In that instance, no objection was raised by the Department.

Mr. STORRER.—Will that telephone remain his private property?

Mr. LONSDALE.—It is absolutely his own. Furthermore, he is erecting the line not merely on his own property, but along the main road. Of course, if subsequently the Government like to come along and take the telephone from him, it will be there ready for them, upon paying compensation; but this gentleman is taking all the risk, and incurring the cost at present. Of course, if persons erect telephones on their own private land, they can adopt their own methods; but if they erect them along public roads they must do so to the satisfaction of the Government. I think that the present guarantee is 10 per cent. It ought to be reduced considerably so as to give an opportunity to country people to obtain communication with the larger centres of population. The Postmaster-General might look into the subject with a view of making the terms more liberal, without any risk to the Government. I do not wish the Government to give anything away. If responsible guarantors can be obtained, their bonds should be taken, and if the proper revenue is not ob-

tained, I certainly think that the guarantors should be compelled to make it up. But I hope that something will be done for the people in the more isolated portions of the country, with a view to giving them better telephonic accommodation on easier terms.

Mr. MAHON (Coolgardie—Postmaster-General).—With reference to the complaints made by the honorable member for New England as to the excessive amount of the telephone guarantees, I may say that it has been found necessary to obtain those deposits in respect to places where there is no immediate prospect of the lines paying. But wherever a departmental officer reports that there is a reasonable prospect of a line being remunerative, the Department takes the responsibility and erects the telephone without a guarantee.

Mr. LONSDALE.—I did not make that complaint.

Mr. MAHON.—That is the position with regard to the guarantees. I cannot agree with the honorable member in his reasons for the reduction of the amount from 10 per cent. I presume that he is aware that the life of an ordinary line is probably not more than ten years. If that be so, 10 per cent. is not excessive.

Mr. LONSDALE.—I have known some telephones that have been in existence longer.

Mr. MAHON.—But it has to be remembered that repairs are necessary from time to time. I cannot see my way to authorize any reduction of the deposit, which was fixed after careful consideration.

Mr. McWILLIAMS.—It is a hardship on some small outlying districts.

Mr. ROBINSON.—The Government should not ask the guarantors to plank down the money.

Mr. MAHON.—The term guarantee is a survival from former years. Practically what is now required is a deposit of 10 per cent. of the cost in cash.

Mr. ROBINSON.—Why ask for the whole capital cost? That is what I understand it amounts to.

Mr. MAHON.—That is not correct.

Mr. ROBINSON.—I made an application for a line between Hamilton and Ballarat, and I was told that the sum required would be £2,000.

Mr. MAHON.—That was probably a trunk line, and there may be different regulations in such cases. However, I will undertake to look into the matter. The honorable



member for New England has said that it is found that the guarantees in New South Wales were very unsatisfactory. But that is not so wholly for the reason given by the honorable member, that the Department has been dilatory. The fact is that it is often found that some of the persons who give the guarantees meet with reverses, and are unable to pay up. As to the case mentioned by the honorable member for Darling Downs, I have already looked into the papers, and I admit that it is a very sad case; one that must excite general sympathy. It appears that the poor fellow referred to was killed, as the honorable and learned member expressed it, in the execution of his duty, and had he been under the Public Service Act something would have been done for his relatives. However, the late Treasurer laid down a rule that, except where there is legal responsibility for remuneration, or for the payment of some such gratuity, it should not be paid. It is a rule that works hardship in some cases. I believe that the Queensland Government, if not actually consulted in regard to this case, was consulted in regard to others, and refused to coincide in the payment of any gratuity of the kind. The case is one in which, if my hands were not tied by a previous decision, I should certainly adopt remedial measures. The honorable member for New England reiterates the complaints made by the honorable member for Moira and the honorable member for Gwydir, in reference to the isolation of the pioneers and the necessity for the extension of telephones in the remoter districts of Australia. That is a work with which I have full sympathy. I think I can point to my three years' service in this House as evidence of the fact that the people who are opening up the waste portions of Australia have, in my opinion, the strongest claim to sympathy and consideration of Parliament. But, of course, there again the consideration of expense arises.

Mr. McWILLIAMS.—Cut down some of the luxuries, and give those people the necessities.

Mr. MAHON.—I quite agree with the honorable member, and I may tell him that it was at my instance, when a private member, that a step was taken by the Post and Telegraph Department, to connect these remoter places by telephone, by using the telegraph wires for the phonophore system.

Mr. LONSDALE.—They want that system in New South Wales.

Mr. MAHON.—Probably it is not easy to adopt it there, because there is so much telegraphic business on the lines.

Mr. McWILLIAMS.—We have tried the system in Tasmania.

Mr. MAHON.—Yes; and I am very glad to say that it was a Tasmanian officer who originally carried it out in Western Australia. I have good reason to be grateful to him for the success he made of the work, which was carried out, I am sorry to say, against the advice of some of the local officers, and in spite of their opposition. I shall look into the telephone regulations, and although they have been quite recently adopted, an effort will be made to liberalize them. There are one or two reasons for the apparent inflation of the Supplementary Estimates. The first reason is, of course, the statutory increments and arrears arising out of an Act passed in this House, and from an Act passed by the Victorian Parliament. I may point out, also, that where increases appear in the permanent salaries, corresponding reductions appear in contingencies and temporary salaries. The honorable member for Corangamite drew attention to an item of £1,250 for overtime and allowances for tea money, paid to Western Australian officers in the Post and Telegraph Department.

Mr. WILSON.—And also in South Australia, I think.

Mr. MAHON.—I have no information in regard to South Australia, but in Western Australia, the position appears to be that the staff has, to some extent, been undermined, and the result of the operation of the Public Service Act in the matter of overtime is responsible for this large sum. For instance, Sunday work is now paid at one-and-a-half rates, and that, together with some arrears, accounts for the particular item. Previously it appears overtime was not allowed in the Post and Telegraph Department of Western Australia, certainly not for what is known as current work. I shall be glad, later on, to give any further information which is in my possession; but, as I have already said, I believe the increased amounts are accounted for largely by the causes indicated. Where additional officers have been appointed from time to time to cope with increased work, on the approval of the Public Service Commissioner, the temporary staff has been reduced to a

corresponding extent. Certain remarks were made by the right honorable member for Swan respecting the appointment of the Public Service Inspector in Western Australia, and I may have another opportunity to deal with that matter.

Mr. McWILLIAMS (Franklin).—Like some honorable members who have already spoken, I express the hope that the custom of placing the Estimates in the hands of honorable members immediately before they are discussed will not be continued. It is absolutely impossible for an honorable member who has not served in this House previously to go through the Estimates during the discussion, and arrive at anything like a satisfactory conclusion.

Mr. McCAY.—And the more the honorable member studies the Estimates the more unsatisfactory, perhaps, will his conclusion be.

Mr. McWILLIAMS.—If that be so, it is our duty to protest in a more vigorous way. The sum provided for, £137,000, consists in a great measure of transferred, and not new expenditure, but the figures are large enough for some of us who think that Federal expenditure has already grown too much.

Mr. WATSON.—The figures do not really show an increase.

Mr. McWILLIAMS.—I know that; but it is unsatisfactory to be passing items which we have had no time to consider. It may be unfortunate for us, but it is fortunate for the Government that they are not responsible for the items, and I suppose the present Ministry have had a little difficulty in arriving at an explanation of some of the amounts. There are one or two matters which ought to receive very serious attention. The first and most important is connected with that celebrated, or infamous, Act which makes it compulsory to give certain advances to Victorian officers. I was in hopes that some of the Victorian members who had the honour to hold seats in the State Parliament when the Act was passed, would have given a much fuller and more satisfactory explanation than we have yet received. As I understand the position, the Commonwealth has been practically "bull-dozed" into the payment of this money, which means a gross injustice to the public servants of the Commonwealth and the other States. A very much worse injustice will be perpetrated if we carry out the idea of the honorable and learned member for Bendigo, who suggests that in order to relieve the

Commonwealth from this unfair stipulation, Federal officers in Victoria may be promoted over the heads of other officers in other States. That might relieve the Commonwealth; but I hope that suggestion will not be carried out. It would be better that the Commonwealth should bear the burden than that a grave injustice should be inflicted on the public servants of other States. There is a matter in connexion with the extension of telegraph wires to which I should like to call attention. It is a small matter; but it has always appeared to me to exhibit the height of folly in administration. I grant that the idea and intention may have been good; but the practical working out of the regulation to which I refer is, in some of the States, highly suggestive of a farce. The position is that line-repairers may be employed for a period of only six months, at the end of which they must retire, and make room for others. I believe the intention was to give employment to a greater number of men; but I know that the result is quite the contrary. The Department will never get skilled men of experience prepared to take the small salaries offered under the circumstances. The pay is by no means large. If we are exceedingly liberal in the higher branches of the service, the Commonwealth cannot be accused of extravagance as regards the lower branches. Good men will not be induced to take an appointment for six months, knowing that at the end of that time they will have to depend on casual work for at least another six months. That is a regulation which I trust the Postmaster-General will take into his consideration. When we get good men who are beginning to understand the nature of their work, it is a serious mistake to dispense with their services at the end of six months.

Mr. WATSON.—The object of the regulation is to prevent persons being appointed through political influence as temporary officers, and then becoming permanent officers, thus avoiding the provisions of the Act with respect to competitive examinations.

Mr. McWILLIAMS.—No competitive examination is necessary for an ordinary line repairer, who cuts telegraph poles in the bush, and who in sinking them has merely to do pick and shovel work. When these men have served for six months they have to retire, and make way for others, no matter how good their work may be.

Mr. TUDOR.—They can be appointed permanently.

Mr. McWILLIAMS.—The honorable member will find that they cannot. There are other matters to which I might refer, but they can be more properly dealt with when the items with which they are connected are before us. The usual practice is, I believe, to have a little general discussion on the first item, and to reserve detailed criticism until the items are separately before us. I hope there is no desire to rush these Estimates through, without giving honorable members an opportunity to consider what they are being asked to pass. I believe that, from one end of the Commonwealth to the other, there is a grave fear in the minds of the public that Commonwealth expenditure is growing far too large. Although the members of the present Government may not be responsible for these Estimates, and they may include transferred votes, it behoves us to scrutinize the items very carefully, in order that we may prevent increments, and may reduce expenditure wherever we possibly can. The taxpayer must be considered, as well as the tax-receiver, and I hope that honorable members will give the items, when submitted to them *serialim*, the serious consideration which they deserve.

Mr. McCAY.—What does the Prime Minister propose to do?

Mr. WATSON.—I must ask the Committee to assist me to get these Estimates through to-night. I have arranged with another place to have these Bills sent on by to-morrow. I did so, because I hoped to get them through to-night, in view of the fact that I have excluded from the Supplementary Estimates all items other than those which were assented to by the late Treasurer or by myself, the latter being a very small proportion. I must therefore ask the Committee to assist me. In reply to the honorable member for Franklin, as to the short notice given for the consideration of these Estimates, I hope the honorable member will not think that the Government are endeavouring to establish a precedent in this regard. In connexion with the general Estimates, and every proposal involving debateable matter, we believe that ample notice should be given to honorable members, and they should have the Estimates in their possession for some time before they are called upon to consider them. I am to-night asking honorable members to make some exception, and I can assure them that these Estimates

were circulated as soon as they were available. The other branch of the Legislature must be considered, and I have been anxious to consider it, as well as anxious to replenish the Treasurer's advance account. Although there is only £137,000 involved in these Estimates, the Treasurer's advance account is slightly overdrawn at the present time. That is explained by the fact that various items here are re-votes. In view of all circumstances, I again ask the Committee to assist me to get the Bill through.

Mr. McCAY (Corinella).—When the Government make such a request, in such circumstances, one has to accede to it. But I must be excused for smiling slightly when the Prime Minister tells us that this is not to be taken as a precedent because the statement has such a familiar ring.

Mr. WATSON.—Not from me.

Mr. McCAY.—Oh, no; but it is astonishing how quickly a new Government falls into the old paths. The present Government appears to fall into the old paths very easily, and perhaps that shows that it is almost inevitable that Governments will get into these ways. I have no objection to the Prime Minister going on with the Estimates to-night, but I do hope that the statement that this is not to be taken as a precedent is not merely the *façon de parler* that one always hears from a Minister, and that we will not have a continuance of this kind of thing. We got it occasionally from the last Government.

Mr. DEAKIN.—Very rarely.

Mr. McCAY.—Not more often than they required to pass Estimates or Supply Bills. I suppose that the present Government, in the same way, will always have to get Supply Bills and Estimates through in a great hurry, and there will always be some reason given for an insufficient time being allowed for their consideration. The Prime Minister has put his request so very nicely that we should have to be more hard-hearted than an Opposition such as we are could be supposed to be to offer any factious opposition to dealing with this business to-night. We are so near the end of the financial year that I do not desire that these votes should appear on fresh Estimates, and that we should be told by some people, "Here is another proof of Federal extravagance." There are items in these Estimates which merit a good deal of discussion, and I must admit that some alterations appear which merit a certain amount of commendation. I say that the more freely because I do not always

commend the present Government for what they do.

Sir JOHN FORREST (Swan).—I am prepared to assist the Prime Minister in getting these Bills passed to-night, but I must say a word or two in reference to the remarks made by the honorable member for Kennedy. I think the honorable member was aware that he had made a mistake in certain statements he made with regard to the expenditure upon the up-keep of Government Houses, but he did not withdraw what he said, and he appeared to wish it to go forth that the late Government had spent a great deal more money on the up-keep of the two Government Houses than it was understood would be spent. The honorable member was altogether wrong. Although it would appear from the Estimates that more has been spent this year, that is due to the fact that some accounts have been paid this year which were properly chargeable to last year. I find that the vote for 1902-3 was £5,500, whilst only £2,436 was debited to that vote; and there was £3,064 left as a balance to credit of that vote for that year. Some outstanding accounts of last year have had to be paid out of the vote for this year.

Mr. WATSON.—A good deal of it is arrears.

Sir JOHN FORREST.—For the two years £9,823 was expended, and that would make the expenditure for each year £4,912. It will, therefore, be seen that the remarks of the honorable member for Kennedy were altogether incorrect, and, in so far as they were intended to reflect on the conduct of the late Government, were not justified.

Mr. WATSON.—I insisted on an explanation in regard to those items, and I found that they were arrears. I have asked that in future none of the votes shall be allowed to get into arrears, but that the money shall be paid in the year to which they properly belong.

Sir JOHN FORREST.—They should be so paid, but it is sometimes not easy. I agree with the honorable gentleman that every effort should be made to charge to each year all that is properly chargeable against it. I think it is necessary to make these remarks, because it is very easy for honorable members to find fault; more especially in regard to expenditure incurred in connexion with the maintenance of Government Houses. As long as we are required to maintain Government Houses, we

must keep them in a reasonable and proper state. I regret to say that both Government House, Melbourne, and Government House, Sydney, and the grounds, were allowed to fall into a state of disrepair, with the result that it became necessary to spend a large sum in putting them in fairly good order. We cannot have these fine public buildings and grounds without being called upon to incur expense in maintaining them in an efficient state. My own experience is that the money spent in this direction has not sufficed to do all that is necessary. Even the proposed vote is too small to allow of what, I am sure, we all desire being done. At the same time, I am glad to learn that during the two years in question, as much money has not been spent in this direction as the late Treasurer intimated that he proposed to expend. There is only one other matter to which I desire to refer—the item “Gun and mountings, Fremantle, £5,000.” I notice that this sum, which was provided on last year’s Estimates, has not been expended, and that it is proposed to re-appropriate it for “arms, pistols, and reserves of ammunition.” I am well aware that these arms and reserves are urgently required, and I take no exception to the proposed expenditure; but I do not think that the vote in respect of the gun and mountings should have been allowed to lapse. An order might well have been given. I am familiar with the whole of the circumstances relating to the matter, and I understand that the late Treasurer refrained from expending £5,000 on this gun and mountings for the reason that he desired to place before the Parliament the total expenditure that would be necessary to properly fortify Fremantle. He considered it would be better to refrain from spending any money in this direction until Parliament was in full possession of the whole of the facts of the situation, and made aware of the total expenditure that would be incurred. I trust that when the Estimates for next year are submitted to us, we shall find due provision made in them for the fortification of Fremantle. No other port in the Commonwealth has been left so wholly undefended, nor is there any other part of the Commonwealth more urgently in need of fortifications than the important port of Fremantle. I shall be glad to assist the Treasurer in facilitating the passage of these Estimates.

The CHAIRMAN.—I propose to put the items *in globo*.

Mr. DUGALD THOMSON.—But I desire to obtain some information with regard to certain items.

The CHAIRMAN.—That being so, I shall submit each Department separately.

Proposed vote agreed to.

#### DEPARTMENT OF EXTERNAL AFFAIRS.

Division 14A (*Transferred*), £30.

#### ATTORNEY-GENERAL'S DEPARTMENT.

Divisions 15 and 17 (*Other*), £2,169.

#### DEPARTMENT OF HOME AFFAIRS.

Divisions 19, 21, 22, 23, and 24 (*Transferred*), £5,498, (*Other*) £11,572.

#### TREASURY.

Divisions 25 to 27A (*Transferred*), £53, (*Other*) £2,064.

Agreed to.

#### DEPARTMENT OF TRADE AND CUSTOMS.

Division 31 (*Other*), £1,312.

Mr. DUGALD THOMSON (North Sydney).—I notice that provision is made for the appointment of several officers, and while I am quite willing to facilitate the passage of the Estimates, I want it to be understood by the Treasurer that the Committee is not accepting these appointments.

Mr. WATSON.—I think that when the matter is explained, the honorable member will see that there are no new appointments.

Mr. DUGALD THOMSON.—Provision is made for additional officers. In subdivision 1 of Division 31, we have the following:—

*Read*—Senior clerk at £300 from 1.7.03 to 31.8.03, and £310 from 1.10.03.

*In lieu of*—Senior clerk, at £300,

One clerk at £250. . . .

and so forth. In some cases there is an increase on the former vote, and that apparently means additional officers.

Mr. WATSON.—The item to which the honorable member has referred relates to a vacancy which occurred, and to which a new officer of a slightly higher grade was appointed on the recommendation of the Public Service Commissioner.

Mr. DUGALD THOMSON.—There is another item in Division 34, in regard to expenditure in Queensland. I draw attention to these matters, in order that the Treasurer will recognise that the Committee does not necessarily accept these increases or appointments. We reserve to ourselves the right to criticise them on the Estimates.

Mr. WATSON.—In regard to all the officers enumerated in subdivision 1 of division 34—expenditure in the State of Queensland—it has to be explained that full provision was not made on the original Estimates for the payment of their salaries, because it was anticipated that they would be retired under the age limit provided by the Public Service Act. As they have been retained in the service, provision has to be made in respect of their salaries for a certain period. So far as the finances of the States are concerned, this does not necessarily mean any increased expenditure. Each of these officers would have been entitled on retirement to some form of compensation, but as they retained their positions an actual saving, taking all the circumstances into consideration, has been effected. As no provision was made on the original Estimates for their salaries in respect of part of the year, we have now to make this provision for them. There are no new appointments in the ordinary sense of the word. I have only to add that I accept the statement of the honorable member for North Sydney that it is not to be taken for granted that because the Committee agree to pass these items they approve of any new appointments, if, as a matter of fact, any new appointments have been made.

Mr. DUGALD THOMSON. — The late Treasurer said he would consult the House before making permanent appointments. The Treasurer will not regard the bringing of this matter before the Committee as equivalent to consulting the Committee?

Mr. WATSON.—No.

Mr. McWILLIAMS.—There are certain items which will have to come before us again?

Mr. WATSON.—Yes, on next year's Estimates.

Proposed vote agreed to.

Division 31A (*Other*), £1,310.

Mr. DUGALD THOMSON (North Sydney).—I desire to know if the officers in the Patents Office have been taken from the Patents Offices of the States?

Mr. FISHER (Wide Bay—Minister of Trade and Customs).—In every case where it was possible the Public Service Commissioner selected the officers from Patents Offices in the States. The only exceptions, I think, were in the cases of the examiner in electricity and the examiner in chemistry. As regards the examiner in electricity, the Commissioner considered that Mr. Wallach

was so superior to any officer in a State Patent Office that he emphatically recommended his appointment.

Mr. McCAY.—Does the Minister mind stating why the position of examiner in chemistry was re-advertised?

Mr. FISHER.—I am advised that the applicants were not considered by the Commissioner to be up to the standard which he wished to establish. He assures me that by re-advertising he will be able to secure a man with the requisite qualifications for the position.

Mr. WILSON (Corangamite).—I desire to obtain some information with regard to the item of £8 on page 16 for refunds of fines in Queensland, and the item of £3,271 on page 17, under the head of contingencies, for temporary assistance in Queensland in connexion with the Sugar Bounties Act.

Mr. WATSON.—Some fines, to the amount of £8, were remitted by the previous Minister of Trade and Customs. Newer circumstances had justified the remission of the fines, and we are bound to vote the money. The Public Service Commissioner has laid it down that the cost of inspection and general administration in connexion with the Sugar Bounties Act must be charged to the vote for temporary assistance, because the work does not continue all the year round. Naturally, it is at its greatest height during the crushing season. I think that his refusal to put these men on the general establishment of the Public Service is a very wise one, as it enables us to deal with emergency cases. As the Act is to operate for only a limited period, so far as Parliament has yet decided, it would not be a wise thing to load up the Public Service with permanent officers. We have had to lump in there an item of £3,271 for services in Queensland, where most of the bounties are paid.

Mr. WILSON (Corangamite).—It has been stated that, under the Sugar Bounties Act, men have been growing sugar with black labour, and drawing money from the Government at the same time, and I desire to know if there is any foundation for that statement.

Mr. FISHER.—I can assure the honorable member that, so far as the investigation has gone, in every instance, the people who made the statements have declined to give any information of a definite character, which would enable us to take action. I have taken every possible step to find out

any authoritative statement to which we could pin them down. I have instructed the Collector of Customs in Queensland to re-arrange his staff, so as to enable a fuller inspection to be made, and to prevent the Commonwealth from suffering any monetary loss.

Mr. McWILLIAMS.—Is the bounty paid when black men employ white men to do the work?

Mr. FISHER.—I do not think it matters what colour the owner is, provided that white labour is employed in the production of sugar cane. I am only saying what I believe to be the law.

Mr. DUGALD THOMSON (North Sydney).—I notice, on page 16, some cases of gratuities to widows, and so on, and on page 15, some cases of compensation for loss of office. I do not know which of these are statutory liabilities, nor do I say for one moment that they are items to be objected to. But I do submit that we do not desire a state of affairs to arise that did occur in a State where these gratuities, at the mere will of the Minister, become often very objectionable items. It was subsequently arranged in that State that the Parliament should approve of the items, and that the Minister should only undertake to put them on the Estimates. I do not know if these have been granted on that condition.

Mr. WATSON.—Not on that condition. The circumstances are not the same in these cases. I think I shall be able to explain them satisfactorily to the honorable member.

Mr. DUGALD THOMSON. — I only wish to avoid the occurrence in the Commonwealth of what has arisen in a State — of a very large sum in the total being given in this way at the mere will of the Minister, and often under political influence, where often the deserving did not get aid and the undeserving did. There is another question which I do not propose to discuss now, as I believe I can deal with it better with the Minister himself. It is the case of some officers in the Sydney Customs House, who were appointed before the Public Service Act came into operation, and most of whom had, I understand, been State officers, and have never been permanently appointed, although they have been employed for over two years. It is now intimated, I am informed, that they are to be removed, and their places filled, not with officers in the Customs House, but with men transferred from a State service. I shall

bring the case, however, before the Minister, as I think it involves a large question.

Mr. FISHER.—The honorable member has already expressed his opinion.

Mr. DUGALD THOMSON.—Yes; but the facts with which I am now provided do not bear out that opinion.

Mr. WATSON.—With regard to the temporary hands—

Mr. DUGALD THOMSON.—I think that the honorable gentleman had better not reply to my remarks until I submit the facts I now have to the Minister.

Mr. WATSON.—The honorable member can bring the matter before the Minister of Trade and Customs, and the Cabinet will then have an opportunity of considering it. With regard to the gratuities, I quite appreciate the danger alluded to by the honorable member. In the Parliament of New South Wales I have seen the most objectionable differentiations between one case and another, and I have had occasion to complain of the haphazard manner in which gratuities and allowances have been granted. In these cases, however, no such possibilities can arise, because the late Government laid down the rule that they would grant no gratuities outside of their statutory obligations, without the consent of the State Government which would have to find the money. In each of the cases included in the Estimates, the Premier of the State concerned has been asked whether his Government was agreeable, and has signified his acceptance of the suggestion. In each instance provision is made only for the continuance of an existing practice.

Mr. McCAY (Corinella).—I should like to know whether this is the last time that we are to see any mention of the expenses in connexion with the Commonwealth celebrations.

Mr. WATSON.—I should hope so. I queried the item referred to when I saw it.

Proposed vote agreed to.

Divisions 31B to 37 — (*Transferred*), £13,910; (*Other*), £6,745.

#### DEPARTMENT OF DEFENCE.

Divisions 38, 39B, 39C, 39D, 42, 43, 45, 46, 47, 47A, 48, 50, 52, 57, 58, 59, 63, 65, 70, 74, 75, 77, 78, 81, 82, 83, 89, 92, 93, 94, 96, 107, 111, 112, 114, 116, 123, 129, 130, 132, 146, 147, 149, 155, 158, 168, 173 — (*Transferred*), £8,675; (*Other*), £1,026.

#### POSTMASTER-GENERAL'S DEPARTMENT.

Divisions 174 to 180—(*Transferred*), £82,315; (*Other*), £11.

Agreed to.

#### ADDITIONS, NEW WORKS, AND BUILDINGS. DEPARTMENT OF HOME AFFAIRS.

Divisions 1 to 3 — (*Transferred*), £14,544.

#### TREASURY.

Division 5—(*Other*), £5,750.

Agreed to.

#### DEPARTMENT OF DEFENCE.

Division 6—(*Transferred*), £22,000.

Mr. McCAY (Corinella).—Can the Prime Minister give us a rough statement with regard to the nature of the savings effected in the Defence Department which have enabled him to make greater outlays upon ammunition?

Mr. WATSON.—I am sorry to say that I cannot give full particulars, because the actual allocation of the money has not yet been determined. In the first place, the amount set down was £48,000, conditionally upon an equivalent sum being saved on the general military estimates. Towards that saving, £26,000 has been contributed in this way. Upon page 6 of the works and buildings estimates, it will be seen that £22,000 is set down for equipment, but the actual expenditure has amounted to only £6,006. Therefore, there has been a saving of, practically, £16,000 under that head.

Mr. McCAY.—I doubt the wisdom of that saving.

Mr. WATSON.—Perhaps so; but I look at the matter as one between the expenditure on rifles and that on equipment; and rifles appear to me to be the more important. Then there is a saving this year of £5,000 on guns and mountings for Fremantle, and another £5,000 has been saved in connexion with the arming of the *Cerberus*. These items bring up the total to £26,000, and leave a balance of some £20,000 odd to be saved on the general military estimates. The Treasurer is assured by the Defence Department that this saving will be made. The officials expect to make up some of the money by refraining from recruiting to the extent they otherwise might have done. In this and other ways they hope, by the end of the year, to save, roughly speaking, £50,000.

Mr. McCAY.—That will not be a real saving.

Mr. WATSON.—I admit that. The position is that the late Treasurer has given the

Defence Department authority to spend, on rifles and ammunition, practically £50,000, which otherwise would have been spent in other directions. There is no saving in the true sense, but this year the authorities have refrained from spending money in the directions originally intended, in order that the expenditure upon rifles may be increased.

Mr. McWILLIAMS.—I suppose the Prime Minister does not know how much was saved by charging the cadets 1s. per day whilst they were in camp?

Mr. WATSON.—I was not aware of that having been done.

Proposed vote agreed to.

Resolutions reported and adopted.

Motion (by Mr. WATSON) agreed to—

That the Standing Orders be suspended, in order to enable all steps to be taken to obtain Supply, and to pass Supply Bills through all their stages without delay.

Resolutions of Ways and Means, covering resolutions of Supply, adopted.

*Ordered—*

That Mr. WATSON do prepare and bring in Bills to carry out the foregoing resolutions.

#### SUPPLEMENTARY APPROPRIATION BILL 1903-4.

Bill presented (by Mr. WATSON), and read a first and second time.

*In Committee:*

Clauses 1 to 3 agreed to.

Clause 4—

Notwithstanding anything contained in the Acts Interpretation Act 1901, all foot-notes to the schedule to the Appropriation Act 1903-4, and to the schedule to this Act shall be deemed to be parts of such Acts.

Mr. McCAY (Corinella).—Surely this is not one of the ordinary clauses of a Supply Bill? We all know that in recent years foot-notes have proved to be matters of some moment, both in Commonwealth and in State history.

Mr. WATSON.—I am informed that unless this clause is retained the Acts Interpretation Act will render the foot-notes inapplicable.

Mr. McCAY.—I think that the Acts Interpretation Act is a better guide in this matter than are the foot-notes. To make distinctions in questions of this kind is to establish a very bad precedent.

Mr. WATSON.—I do not think there are any foot-notes in these Estimates.

Mr. McCAY.—Yes, there are; but they are chiefly of an explanatory character. I would further point out that the effect of this clause would be to partially repeal

another Act. In my judgment the Prime Minister had better risk the foot-notes, and allow the present law to remain unaltered. He should rest satisfied with having obtained Supply. There are foot-notes upon pages 33, 36, and 37 which might well be omitted.

Mr. WATSON (Bland—Treasurer).—If the clause under consideration is rejected, I am informed that trouble may arise with the Auditor-General, and the practice which has been followed in the printing of these Estimates will require to be altered. What are now foot-notes will need to be embodied in the body of the Estimates themselves. The information which is contained in the foot-notes will require to be repeated at every point where it is necessary that it should be given. That will involve considerable extra cost in printing. As a good compositor, I suppose that I ought to rejoice in the prospect of providing more work for members of my own calling, but the fact remains that the object of introducing foot-notes is to avoid additional printing. If honorable members will allow the clause to pass on the present occasion, I will promise to go into the whole matter before the general Estimates are prepared, with a view to obviating the repetition consequent upon the practice which has been been followed up to the present time.

Mr. McCAY (Corinella).—I would point out that the clause under consideration not only provides that all foot-notes to the schedule to the Appropriation Act, 1903-4, and to the schedule to this Act shall be deemed to be parts of such Acts, but practically effects an alteration in our Statute law which may have quite unexpected results. I ask the Prime Minister not to press the matter. It is not fair to ask the Committee to take a step which he himself admits is of some importance, and which may have more far-reaching effects than he at present foresees. Personally, I should like to have an opportunity to study the effect of the provision.

Mr. WATSON.—I have just been looking at a number of items in the last Appropriation Act, and I find that in one page alone the rejection of this clause would mean trebling the space that is occupied by the printing. Especially does my remark apply to the Defence Department. Upon page 63 of the Estimates, a foot-note, which is indicated by an asterisk, says—

Pay includes forage and all allowances, except travelling expenses. Reduction if occupying quarters, as provided by regulations.



That foot-note, which is sufficient to fill three lines would have to be repeated seven times in as many items in the Defence Estimates.

Mr. McCAY.—The excision of the clause cannot affect the Auditor-General, unless the foot-notes mean that more payments are to be made than those for which the Estimates provide.

Mr. WATSON.—The Treasury officials are disposed to think that the Auditor-General will question our procedure under the Acts Interpretation Act.

Mr. DUGALD THOMSON. — Nothing should be embodied in a foot-note which that officer can question.

Mr. WATSON.—I have no desire to press the matter, because I am thoroughly satisfied that if it assumes any importance, honorable members will assist me to pass an indemnifying Act.

Clause negatived.

Bill reported with an amendment; report adopted.

Bill read a third time.

#### SUPPLEMENTARY APPROPRIATION (WORKS AND BUILDINGS) BILL, 1903-4.

Bill presented by Mr. WATSON, and passed through all its stages.

#### ADJOURNMENT.

Mr. WATSON (Bland—Treasurer). — I move—

That the House do now adjourn.

I have to thank honorable members who have remained, at some inconvenience to themselves, to assist the Government in the passing of this Bill. I hope I may not have to detain honorable members for so long a time on future occasions.

Question resolved in the affirmative.

House adjourned at 11.52 p.m.

### Senate.

Thursday, 9 June, 1904.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

#### DEFENCE FORCES.

Senator HENDERSON.—I should like to ask the Minister of Defence a question without notice. I wish to know whether

his attention has been drawn to the following statement, which appears in the Melbourne *Herald* of yesterday's date, and if so, what is his opinion in regard to it. I may add that I learn that this statement is said to have been made by an Australian senator, and been sent to an English paper, by which it has been published. The passage to which I refer is as follows:—

The people of Australia have now an ingrained belief that an Australian astride anything with four legs, is, if possessed of a rifle and a pillow-case full of cartridges, a match for an indefinite number of the best trained soldiers of any nation under heaven. This unhappy mania is shared and propagated by members of Parliament and Ministers of the Crown. The late Minister for Defence, Sir John Forrest, G.C.M.G., recently declared in Parliament that if he had not rifles enough for the forces, he would "arm them with pick-axes or something;" and the present Minister states that should England become involved in the Eastern war he intends to raise the number of rifle club members from 26,000 to 50,000, though well knowing there are not rifles available for even the existing regiments if extended to their war establishments. The Minister apparently prefers undisciplined, unorganized mobs, with rifles of every possible pattern, but minus ammunition, and destitute of officers, to drilled, disciplined, armed, and officered soldiers! With such ideas permeating the community, what prospect is there of Australia developing a sound system of military, let alone naval, defence?

Senator PLAYFORD.—Who was the senator?

Senator HENDERSON. — Senator Neild's name is given in the newspaper.

Senator DAWSON.—I am much obliged to the honorable senator for having given me notice that he intended to ask this question. I desire to say in reply that the matter referred to has come under my observation, and I was astonished and somewhat grieved to find an officer somewhat high in the military service, and a citizen high in the councils of the Commonwealth, attaching his name to statements which are manifestly incorrect both as regards the state of our equipment and the policy of my predecessors, and the administration generally. The absurdity of the whole statement is best refuted by a perusal of it.

#### PRINTING OF DOCUMENTS.

Senator MACFARLANE.—I should like to ask the Vice-President of the Executive Council, without notice, a further question with reference to the printing of parliamentary documents. I understand that the answer which has been previously made to me might be slightly altered after further

investigation. I have been informed that urgency was notified—

The PRESIDENT.—The honorable senator should not argue the question.

Senator MACFARLANE.—I ask whether further inquiry will be made?

Senator MCGREGOR.—I will make further inquiry into the matter.

#### NEW HEBRIDES.

Senator STANFORTH SMITH asked the Vice-President of the Executive Council *upon notice*—

Will the Government take steps to lay upon the Table of the Senate copies of all correspondence (not of a confidential nature) that has taken place between the Commonwealth and the Imperial authorities in relation to the recent Anglo-French Convention, more especially regarding the New Hebrides, and Commonwealth interests in the Pacific?

Senator MCGREGOR.—The answer to the honorable senator's question is as follows:—

All the correspondence is confidential, but copies of the agreement will be laid upon the table.

#### PAPER.

Senator MCGREGOR laid upon the table the following paper:—

Despatch, to His Majesty's Ambassador at Paris, forwarding agreement between Great Britain and France of 8th April, 1904.

#### SEAT OF GOVERNMENT BILL.

Bill read a third time.

#### LEAVE OF ABSENCE.

Senator DOBSON (Tasmania).—I have been asked by an honorable senator to obtain leave of absence for him. As I understand that it is intended to adjourn for three weeks, I have no time to give notice. I therefore ask leave to move a motion without notice.

Leave granted.

Motion (by Senator DOBSON) agreed to—

That one week's leave of absence be granted to Senator Clemons on account of urgent private business.

#### PRIVILEGE: FREEDOM OF SPEECH.

Senator BEST (Victoria).—I desire to ask the leave of the Senate to move a motion without notice. It has reference to the Committee on Privilege in connexion with the case of Senator Lt.-Col. Neild. I understand that the Senate contemplates

adjourning for a period of two or three weeks. The Select Committee have been devoting attention to their duties for some time past, and are desirous, if possible, during the interval, to proceed with their work so far as concerns the taking of evidence. It has been ascertained that a number of honorable senators will be distributed over the Commonwealth, and we desire to obtain the leave of the Senate to make three the quorum of the Committee instead of four. I therefore ask leave to move a motion to that effect without notice.

Leave granted.

Senator BEST.—The position is this. Standing order 283 provides that—

In all Select Committees consisting of seven or more senators, unless otherwise ordered, four shall form a quorum; and if at any time the necessary quorum be not present, it shall be incumbent on the Chairman to suspend the proceedings of the Committee,

and so on. In order that the Committee may proceed with the taking of the evidence, I move—

That the quorum of the Select Committee on Privilege—Case of Senator Lt.-Col. Neild, be three instead of four.

Question resolved in the affirmative.

#### SUSPENSION OF STANDING ORDERS.

Motion (by Senator MCGREGOR) agreed to—

That so much of the Standing Orders be suspended as would prevent the Supplementary Appropriation Bill 1903-4 and the Supplementary Appropriation (Works and Buildings) Bill passing through all their stages without delay.

#### SUPPLEMENTARY APPROPRIATION BILL 1903-4.

Bill received from the House of Representatives, and read a first time.

Senator MCGREGOR (South Australia)—Vice-President of the Executive Council.—I move—

That the Bill be now read a second time.

I wish to point out the necessity for introducing a Supply Bill at this stage. The amount proposed to be voted is £137,216. The sum of £110,463 is due to the transferred services, and £26,753 is due to "other" expenditure; that is to say, expenditure which may be attributed to Federation. The measure is introduced because the Treasurer desires to meet certain accounts that may fall due before the end of

the year, and also in order that the officers of the Treasury may have an opportunity of finishing their work in an efficient manner before the 30th June. If the Senate adjourns for a week or two, it will be rather late when we resume to pass a Bill of this character, if the officers are to have time to do their work in a satisfactory manner. We may be asked, "Why is so much money required at this stage?" On inquiry, I find that in the Defence Department very large savings indeed have been made. They are equivalent to about £100,000. In other Departments, notably the Department of Home Affairs—which is one of the large spending Departments of the Commonwealth—a saving of about £106,000 has been effected. Honorable senators will see that we are not actually spending more than has been appropriated for the services of the year. Of the money proposed to be spent, nearly £130,000 was agreed to by the late Treasurer, Sir George Turner, and about £10,000 has been sanctioned by the present Treasurer. Honorable senators will find in the schedule annexed to the Bill full particulars concerning the expenditure. It is not necessary for me to enter into details at present, but when we are considering the schedule, if any honorable senator wishes to obtain information with respect to the particular items, I shall do all I can to furnish it. I hope that the Bill will be passed as speedily as possible.

Senator PLAYFORD (South Australia).—I would point out to the Senate that this is not an ordinary Supply Bill such as we usually pass at the commencement of a new financial year. It is virtually a Supplementary Supply Bill, which authorizes the expenditure of amounts in excess of the current year's Estimates. Although the Vice-President of the Executive Council has informed us that considerable savings have been made in two Departments, still it has to be remembered that the money voted by this measure is in addition to the Estimates which we passed last year.

Senator BEST.—Not necessarily; there may be savings in other directions.

Senator PLAYFORD.—I admit that there may be savings in other directions which more than balance this further expenditure. But we understand when we pass the Estimates for the year that we have made provision for the whole of the expenditure for the year. I have not had time to go through the Bill and to see what

large items are contained in it. I have observed, however, that there are numerous small sums.

Senator MCGREGOR.—There is the sum of £18,000 caused by the action of a previous Victorian Parliament in connexion with what is known as section 19.

Senator PLAYFORD.—But we were aware of the action of the Victorian Parliament when we passed our Estimates last year.

Senator MCGREGOR.—We did not make provision for it, though.

Senator PLAYFORD.—There are a number of excess votes. Whether those excesses are justifiable it is not for me to say. I am not in a position to analyze the items. In these matters we must trust the Government. After what the Vice-President has said we must expect, however, that the Treasury will come out on the right side on the year's transactions.

Question resolved in the affirmative.

Bill read a second time.

*In Committee:*

Clauses 1 to 3 agreed to.

Schedule.

Senator PLAYFORD (South Australia).—I desire to ask the Vice-President of the Executive Council how it is that the additional sum of £82,315 is required by the Postmaster-General's Department for the year. It is an exceedingly large sum to ask for?

Senator MCGREGOR (South Australia—Vice-President of the Executive Council).—I have already explained, by interjection, that a sum of £18,000 is required to fulfil the obligation imposed on the Commonwealth by the Victorian Parliament in respect to transferred officers.

Senator BEST.—Does the honorable senator say that the obligation was imposed on the Commonwealth?

Senator MCGREGOR.—The payments have to be made by the Commonwealth, but they are charged to Victoria.

Senator GIVENS.—Until the end of the book-keeping period, when they will be charged to the Commonwealth.

Senator MCGREGOR.—Yes. Another sum of £9,500 is required to provide for increased payments for the carriage of mails in Western Australia. The Railway Department of that State thought that the amount paid for this purpose was not in proportion to that which was paid in other States, and a demand was made for an increased payment, which, of course, has

been agreed to. There are several smaller amounts asked for in connexion with this Department, which honorable senators will see were absolutely necessary to fulfil the obligations to its servants, and to those doing work for it. We must recollect that this is one of the Departments in the Public Service of the Commonwealth, in which probably the largest expenditure is incurred. The items I have mentioned, and others which can be gathered from a perusal of the schedule, show the necessity for the Department to have a large sum of money in its control.

Senator GIVENS (Queensland).—In part 3 there is an item on which I desire to elicit a little information, and that is the very large item of £1,700 for travelling expenses for the High Court.

Senator DRAKE.—That expenditure was necessary to enable the Judges to go to all the States.

Senator GIVENS.—I know that; but what I desire to learn is if it represents the total expenditure, or if it is merely supplementary to the vote for the year. In other words, I desire to know what the total expenditure for this purpose for the year is likely to amount to?

Senator MCGREGOR.—The vote of £2,169 for the Attorney-General's Department includes an item of £1,700 for the travelling expenses of the Judges, their Associates, and other officers.

Senator DRAKE.—No; not other officers.

Senator MCGREGOR.—Yes. It has been the practice to lump together the travelling allowances of the Judges, their Associates, and other officers. The authorities object to the sum being lumped in that way, and in future the travelling allowances of the Judges, their Associates, and other officers will be shown separately.

Senator GIVENS.—What is the total amount of the travelling expenses of the Judges and their Associates for the year?

Senator MCGREGOR.—This item represents the travelling expenses for the year.

Senator PLAYFORD.—No; this is supplementary to the vote of the last Estimates-in-Chief.

Senator MCGREGOR.—The travelling allowances of the Judges are regulated by a scale which is prescribed under an Act of Parliament, but of course the money has to be voted on the Estimates. This expenditure of £1,700 has been caused by

adding the travelling allowances of the Associates and other officers to those of the Judges.

Senator BEST.—There is no reference to "other officers" in the item.

Senator MCGREGOR.—I am informed that this item does cover the travelling expenses for the year, with the exception of a sum of £200.

Senator GIVENS (Queensland).—In that case the travelling expenses of the Judges and their Associates will amount to £1,900 for the year, and probably we shall be told, by-and-by, that there has been some other expenditure which was not foreseen. In round figures, the travelling expenses for the three Judges and their Associates will amount to £2,000 for the year. It is very necessary and desirable that the Judges should be paid a salary in proportion to the distinguished services which they render, and in accordance with the dignity of their position. A liberal travelling allowance should be provided so that they may be able to travel in accordance with the dignity of their position, but £2,000 is an inordinately large expenditure for the amount of travelling, which the three Judges have to do. I venture to say that all the members of the Senate do not spend more than £2,000 a year on travelling expenses. I believe that if the Judges had to pay their travelling expenses out of their own pockets, they would not spend anything like the amount which we are asked to vote, and, therefore, they have no right to incur unnecessary expenditure at the cost of the taxpayers. I do not speak in a carping spirit, but I have noticed that in all the States men in high positions who have been entitled to charge the taxpayers with their travelling expenses have generally been very extravagant in that regard. I hope that the Estimates for next year will be framed more in consonance with the ideas of economy expressed by the Government, and desired by the taxpayers. I enter my protest against such a very large sum being spent for travelling expenses, and I hope that a more moderate scale will be adopted.

Senator DRAKE (Queensland).—The reason why these travelling expenses have been more than was anticipated, is that the Judges of the High Court have had to travel from State to State. A very small sum was asked for in the first place for travelling expenses, but it was found that if the Court was to sit in each State, and

the year, and also in order that the officers of the Treasury may have an opportunity of finishing their work in an efficient manner before the 30th June. If the Senate adjourns for a week or two, it will be rather late when we resume to pass a Bill of this character, if the officers are to have time to do their work in a satisfactory manner. We may be asked, "Why is so much money required at this stage?" On inquiry, I find that in the Defence Department very large savings indeed have been made. They are equivalent to about £100,000. In other Departments, notably the Department of Home Affairs—which is one of the large spending Departments of the Commonwealth—a saving of about £106,000 has been effected. Honorable senators will see that we are not actually spending more than has been appropriated for the services of the year. Of the money proposed to be spent, nearly £130,000 was agreed to by the late Treasurer, Sir George Turner, and about £10,000 has been sanctioned by the present Treasurer. Honorable senators will find in the schedule annexed to the Bill full particulars concerning the expenditure. It is not necessary for me to enter into details at present, but when we are considering the schedule, if any honorable senator wishes to obtain information with respect to the particular items, I shall do all I can to furnish it. I hope that the Bill will be passed as speedily as possible.

Senator PLAYFORD (South Australia).—I would point out to the Senate that this is not an ordinary Supply Bill such as we usually pass at the commencement of a new financial year. It is virtually a Supplementary Supply Bill, which authorizes the expenditure of amounts in excess of the current year's Estimates. Although the Vice-President of the Executive Council has informed us that considerable savings have been made in two Departments, still it has to be remembered that the money voted by this measure is in addition to the Estimates which we passed last year.

Senator BEST.—Not necessarily; there may be savings in other directions.

Senator PLAYFORD.—I admit that there may be savings in other directions which more than balance this further expenditure. But we understand when we pass the Estimates for the year that we have made provision for the whole of the expenditure for the year. I have not had time to go through the Bill and to see what

large items are contained in it. I have observed, however, that there are numerous small sums.

Senator MCGREGOR.—There is the sum of £18,000 caused by the action of a previous Victorian Parliament in connexion with what is known as section 19.

Senator PLAYFORD.—But we were aware of the action of the Victorian Parliament when we passed our Estimates last year.

Senator MCGREGOR.—We did not make provision for it, though.

Senator PLAYFORD.—There are a number of excess votes. Whether those excesses are justifiable it is not for me to say. I am not in a position to analyze the items. In these matters we must trust the Government. After what the Vice-President has said we must expect, however, that the Treasury will come out on the right side on the year's transactions.

Question resolved in the affirmative.

Bill read a second time.

*In Committee:*

Clauses 1 to 3 agreed to.

Schedule.

Senator PLAYFORD (South Australia).—I desire to ask the Vice-President of the Executive Council how it is that the additional sum of £82,315 is required by the Postmaster-General's Department for the year. It is an exceedingly large sum to ask for?

Senator MCGREGOR (South Australia—Vice-President of the Executive Council).—I have already explained, by interjection, that a sum of £18,000 is required to fulfil the obligation imposed on the Commonwealth by the Victorian Parliament in respect to transferred officers.

Senator BEST.—Does the honorable senator say that the obligation was imposed on the Commonwealth?

Senator MCGREGOR.—The payments have to be made by the Commonwealth, but they are charged to Victoria.

Senator GIVENS.—Until the end of the book-keeping period, when they will be charged to the Commonwealth.

Senator MCGREGOR.—Yes. Another sum of £9,500 is required to provide for increased payments for the carriage of mails in Western Australia. The Railway Department of that State thought that the amount paid for this purpose was not in proportion to that which was paid in other States, and a demand was made for an increased payment, which, of course, has

been agreed to. There are several smaller amounts asked for in connexion with this Department, which honorable senators will see were absolutely necessary to fulfil the obligations to its servants, and to those doing work for it. We must recollect that this is one of the Departments in the Public Service of the Commonwealth, in which probably the largest expenditure is incurred. The items I have mentioned, and others which can be gathered from a perusal of the schedule, show the necessity for the Department to have a large sum of money in its control.

Senator GIVENS (Queensland).—In part 3 there is an item on which I desire to elicit a little information, and that is the very large item of £1,700 for travelling expenses for the High Court.

Senator DRAKE.—That expenditure was necessary to enable the Judges to go to all the States.

Senator GIVENS.—I know that; but what I desire to learn is if it represents the total expenditure, or if it is merely supplementary to the vote for the year. In other words, I desire to know what the total expenditure for this purpose for the year is likely to amount to?

Senator MCGREGOR.—The vote of £2,169 for the Attorney-General's Department includes an item of £1,700 for the travelling expenses of the Judges, their Associates, and other officers.

Senator DRAKE.—No; not other officers.

Senator MCGREGOR.—Yes. It has been the practice to lump together the travelling allowances of the Judges, their Associates, and other officers. The authorities object to the sum being lumped in that way, and in future the travelling allowances of the Judges, their Associates, and other officers will be shown separately.

Senator GIVENS.—What is the total amount of the travelling expenses of the Judges and their Associates for the year?

Senator MCGREGOR.—This item represents the travelling expenses for the year.

Senator PLAYFORD.—No; this is supplementary to the vote of the last Estimates-in-Chief.

Senator MCGREGOR.—The travelling allowances of the Judges are regulated by a scale which is prescribed under an Act of Parliament, but of course the money has to be voted on the Estimates. This expenditure of £1,700 has been caused by

adding the travelling allowances of the Associates and other officers to those of the Judges.

Senator BEST.—There is no reference to "other officers" in the item.

Senator MCGREGOR.—I am informed that this item does cover the travelling expenses for the year, with the exception of a sum of £200.

Senator GIVENS (Queensland).—In that case the travelling expenses of the Judges and their Associates will amount to £1,900 for the year, and probably we shall be told, by-and-by, that there has been some other expenditure which was not foreseen. In round figures, the travelling expenses for the three Judges and their Associates will amount to £2,000 for the year. It is very necessary and desirable that the Judges should be paid a salary in proportion to the distinguished services which they render, and in accordance with the dignity of their position. A liberal travelling allowance should be provided so that they may be able to travel in accordance with the dignity of their position, but £2,000 is an inordinately large expenditure for the amount of travelling, which the three Judges have to do. I venture to say that all the members of the Senate do not spend more than £2,000 a year on travelling expenses. I believe that if the Judges had to pay their travelling expenses out of their own pockets, they would not spend anything like the amount which we are asked to vote, and, therefore, they have no right to incur unnecessary expenditure at the cost of the taxpayers. I do not speak in a carping spirit, but I have noticed that in all the States men in high positions who have been entitled to charge the taxpayers with their travelling expenses have generally been very extravagant in that regard. I hope that the Estimates for next year will be framed more in consonance with the ideas of economy expressed by the Government, and desired by the taxpayers. I enter my protest against such a very large sum being spent for travelling expenses, and I hope that a more moderate scale will be adopted.

Senator DRAKE (Queensland).—The reason why these travelling expenses have been more than was anticipated, is that the Judges of the High Court have had to travel from State to State. A very small sum was asked for in the first place for travelling expenses, but it was found that if the Court was to sit in each State, and

move about from State to State, the Judges must incur in the aggregate somewhat heavy travelling expenses.

Senator STANFORTH SMITH.—This is only for railway and steam-boat fares.

Senator DRAKE.—It includes the actual expenses of the Judges and their Associates while travelling. Of course, if the Judges are not to be allowed to incur travelling expenses it will mean that the Court will have to sit in one State, and all the cases will have to be brought to that State, which I submit is not advisable. I think that the present plan of the Court moving from State to State has given very great satisfaction to the Commonwealth.

Senator GIVENS (Queensland).—I consider it very desirable and necessary that the Judges should travel from State to State. But I contend that this large sum need not be spent for travelling expenses. If the Judges had to defray their own travelling expenses they would adopt a much more moderate scale. I trust that they will moderate their demand on the funds of the taxpayers in this direction.

Senator KEATING (Tasmania). — In part 4, I observe the following item—

*Read—*

7. Cost of Commonwealth Elections, including Referendum for State of New South Wales	... £48,500
--	-------------

*Less—*

Contribution by the State, being estimated cost of the Referendum, to be applied in reduction of the vote...	1,000
--	-------

£47,500

*In lieu of—*

7. Cost of Commonwealth Elections	... £45,000
-----------------------------------	-------------

I understand that the State Government took advantage of the Federal elections to consult the electors of the State as to what extent, if any, the Legislative Assembly should be reduced—as to whether it should be left at 125 members or reduced to 90. I gather from this item that towards the sum of £48,500 which it cost to hold the two elections, the State Government is contributing £1,000. I desire to know how that estimate was arrived at, and if the Government consider that it is a fair proportion to ask the State to contribute towards that dual election, if I may use that term.

Senator PLAYFORD.—That was the total cost of the elections for the whole Commonwealth. The election for New South Wales did not cost £48,500.

Senator KEATING.—Well, I wish to know if Senator McGregor considers that £1,000 is a fair proportion for New South Wales to contribute towards the cost, and how the estimate was arrived at.

Senator BEST (Victoria).—I desire Senator McGregor to furnish an explanation with regard to the item of £129, on page 7, for expenses for engineering experts in connexion with the Transcontinental Railway. I wish to know what the engineering experts have been engaged in doing, and what, if any, other sums have been set apart for this purpose, under what authority this expenditure has been incurred, and what instructions, if any, have been given.

Senator MACFARLANE (Tasmania).—I desire to ask Senator McGregor for an explanation of the item of £2,590 for expenses in connexion with choosing the site of the Capital of the Commonwealth. This is, I think, the third or fourth time that we have seen an item on the Estimates for this purpose. I wish to know if this last payment is for the further reports which were laid upon the table a few weeks ago.

Senator MCGREGOR.—In reply to Senator Keating, I have to say that the cost of the elections in New South Wales would be about £18,000, not £47,500, and that a sum of £1,000 was paid by the State to the Commonwealth for taking the referendum. Whether that is a fair proportion or not I cannot say, but if we had had to carry out the Federal elections apart from this referendum we should have had to pay exactly the same amount. I think that the Commonwealth were rather fortunate in afterwards getting a rebate of £1,000.

Senator STANFORTH SMITH.—The amount really represents the extra expense the Commonwealth was put to in carrying out the elections.

Senator MCGREGOR.—It is an allowance for extra expense, but the same expense would have been incurred in any case.

Senator PLAYFORD.—Not quite.

Senator MCGREGOR.—I do not understand that this amount includes the cost of any printing and so forth.

Senator GUTHRIE.—It refers only, I understand, to the supply of additional ballot-boxes, and the cost of their carriage.

Senator MCGREGOR.—And probably the boxes were provided by New South Wales. As to the item of £129 referred to by Senator Best, it must be remembered

that engineers from the different States gave expert advice, and performed a certain amount of work; and the item is in order to discharge the Commonwealth's obligation in this respect.

Senator BEST.—Have the experts done all they bargained to do?

Senator MCGREGOR.—They have done all they are really required to do. I understand that an arrangement was made by a previous Government with these gentlemen to give a certain report. That arrangement, of course, is now a matter of the past, and I do not know whether the present Government propose to do anything in connexion with the report.

Senator STEWART.—Where is the report?

Senator MCGREGOR.—This happened so long ago that I cannot tell where the report is.

Senator BEST.—What is the total amount?

Senator MCGREGOR.—I am informed that £129 is the total amount. The expenditure of £2,000 in connexion with the Federal Capital sites includes not only the cost of reports, but also £300, a portion of the cost of the Royal Commission which was appointed. Senators Dobson, Smith, and others were extremely anxious to obtain cart-loads of reports, and, apparently, at that time never thought about the cost; and I do not think that Senator Macfarlane should now raise objection when all are agreed that the most complete information must entail a certain expenditure.

Senator DOBSON.—We have not half enough information yet.

Senator MACFARLANE.—I hope that the Vice-President of the Executive Council does not think I am objecting to the expenditure; I am merely asking for information.

Senator MCGREGOR.—I know that Senator Macfarlane is merely asking for information. A number of honorable senators and members of another place have visited some of the sites since the previous amount under this head was voted; and, seeing the Government acted very liberally in this connexion, it is also likely that liberality will be shown to others who desire to complete their education by personal inspection. This is the way in which the £2,000 have been spent, and, having regard to previous amounts under this head, I think the present one is not unreasonable.

Senator GIVENS (Queensland).—While I agree that the conduct of the Common-

wealth elections, considering the time the officers had to prepare for it, and the amount of work to be done, was very good indeed, and gave almost universal satisfaction, there were particular instances in which the services rendered were not all that could be desired, and which call for some action on the part of the Government. The Electoral Act provides, in the first place, every possible precaution to insure the secrecy of the ballot; and it was the duty of the officers concerned to carry out the law, not only in the letter, but the spirit. We find, however, that in many instances everything was done which the Act said should not be done, and, so far as I know, the Government have taken no action in the way of inquiry or punishment.

Senator GUTHRIE.—There is a Select Committee of the House of Representatives at present inquiring into the conduct of the elections generally.

Senator GIVENS.—Be that as it may, honorable senators have the right to criticise at this stage, and that right I intend to exercise. In a number of places in the Herbert electorate in North Queensland, where from six to ten votes were registered, the ballot papers, instead of being bulked with the votes from other polling places, were, notwithstanding the express provision of the Act, counted separately by the presiding officers at each particular booth. The result was that the electors, knowing that such an arrangement would be carried out, were absolutely driven to vote in consonance with the wishes of those who possessed any control over them. In the case of the schooner *Alice*, the whole of the available nine votes were cast in one particular way, simply because of the arrangement to which I am directing attention. At Lucinda, on the Herbert River, where the whole of the electors are in the employ, or under the influence, of the Colonial Sugar Refining Company, only nine or ten votes were cast, and were counted in the same way.

Senator DAWSON.—That was distinctly against instructions.

Senator GIVENS.—Exactly; and the Government ought to see that nothing of the kind occurs in the future. If the electoral officials failed to perform their duty, it is for the Commonwealth to see that they are adequately punished for their gross breaches of the law. What is the good of a law unless it be enforced? At Stannery Hill the polling



practically amounted to open voting, owing either to the ignorance or to the wilful misconduct of the presiding officer, who, in some cases, actually went the length of writing the voter's name across the ballot-paper before handing it to the voter. These matters have been brought under the notice of the authorities, but no action has been taken.

Senator O'KEEFE.—Does the honorable senator mean to say that some of those specific cases were brought under the notice of the late Minister of Home Affairs, or whoever was in charge of the Electoral branch, and that no action was taken?

Senator GIVENS.—Yes. The cases I have quoted are only a few amongst a number, particularly in the Queensland electorates of Herbert and Cook, where the grossest irregularities were permitted. Unless the Government take care to see that the law is properly enforced, we can never have a fair and honest election. I respectfully suggest that something should be done to prevent these grave irregularities, so that the electors may exercise a free and untrammelled choice of representatives.

Senator KEATING (Tasmania).—Is it correct that at the present time a number of officers in several of the States have not yet been paid for services which they rendered during the elections. I know personally, that up to a fortnight or three weeks ago, some officers who gave their services at the December elections in Tasmania had not received their allowances, although they had written repeatedly to the Department. I notice in the press to-day a reference to similar cases in Victoria. If it be correct that there are unpaid claims of this character, when may the officers expect to receive the allowances to which they are entitled?

Senator MCGREGOR.—I understand that all claims which have been made and not disputed have been settled. I have no knowledge of disputed claims, but I believe that, speaking generally, all the claims have been paid. The only claims not paid are those which have not been presented or which are disputed.

Senator Sir WILLIAM ZEAL (Victoria).—I should like a little information regarding items of expenditure in connexion with the Government Houses in Sydney and Melbourne. Does the item in the Estimates represent the whole or a portion of the expenditure? If the items represent the whole, there seems to be a great disproportion between the £952 spent in Sydney

and the £69 spent in Melbourne. What is the cost of maintenance of each of the two Government Houses?

Senator MCGREGOR.—The explanation is very simple. During last year the grounds of both Government Houses were neglected, there being an idea on the part of the Federal Government that the work would be attended to by the States Governments. The result was that the amount allowed to the Governor-General under this head was not nearly expended in that year; but, during the present year, it is absolutely necessary for the Commonwealth to undertake the work which was neglected by the State. We must remember, however, that the amount in excess this year is counterbalanced by the amount saved the previous year; and I have no doubt that the expenditure in this connexion will be kept within statutory limits.

Senator Sir WILLIAM ZEAL (Victoria).—It would appear that a State has only to neglect its duty in a matter of this kind in order to compel the Commonwealth to make good the omission.

Senator MCGREGOR.—There was a misunderstanding.

Senator Sir WILLIAM ZEAL.—A misunderstanding which costs £900 is very expensive.

Senator KEATING.—It is treated as new expenditure.

Senator Sir WILLIAM ZEAL.—I am quite aware that these are Estimates of expenditure additional to those already voted, but the neglect of one State is causing an increase which we should not have to face. I think that this is a matter in which the Commonwealth Government ought to make some representation to the New South Wales Government.

Senator STEWART (Queensland).—Senator Givens has made serious charges against the administration of the electoral law, and I want to know whether the Government are prepared, if the charges are proved to be correct, to punish the offenders?

Senator MCGREGOR.—The House of Representatives have appointed a Select Committee to inquire into the conduct of the elections.

Senator GIVENS.—I am tired of bringing information to the Government and having it pigeonholed.

Senator DAWSON.—The honorable senator has never had any information of his pigeonholed by the present Government.

Senator KEATING (Tasmania).—I notice that, under the heading of the Department of Home Affairs, no provision is made for the cost of nautical surveys, and I desire to bring under the notice of the Government, as a matter for consideration, one case to which my attention was called some time ago. As far back as October last the steamer *Wakatipu*, trading between Launceston and Sydney, encountered, when in Bass Strait, a sunken shoal which was not marked on the Admiralty chart. The mercantile community and others interested in sea communication between Sydney and Northern Tasmania desired to have the locality re-charted, in order to discover what danger there was, and I approached the late Prime Minister on the matter. The Admiral on this station was written to, and he agreed that an early survey was desirable, but pointed out that he had no ship available at the time. Weeks went by, during which the Government were endeavouring to have some action taken; and the Admiral suggested that the people of Tasmania might do something, as, indeed, they were prepared to do if they were properly compensated.

Senator GUTHRIE.—By whom?

Senator KEATING.—That question suggests the reason of my present remarks. I mention the subject because this is a matter which concerns the whole of Australia. The uncharted rock is right in the fairway of Bass Strait, and may be encountered by ships of other lines. The matter remained in abeyance until the visit of the Fleet to Hobart in the latter part of January. The Admiral then told off two of the ships to attend some function at Launceston, and he decided that on their return they should take steps to have the locality surveyed. On the way from Launceston to Hobart, two vessels went to the vicinity and waited there for a few hours. They said, however, that it was too rough for them to do anything in the way of surveying, and went on to Hobart. It was suggested, I do not know with what truth, that the reason why the two vessels hastened away, was in order that the officers might attend some function, or fulfil certain social engagements that some of them had made in Hobart. They did not even wait until the sea had moderated sufficiently to enable them to put down their boats. Nothing has been done since then. I again approached the Prime Minister in connexion with the matter, and the Admiral has since stated that he cannot de-

tail a ship to do the work, though he quite agrees that the spot should be charted so that people who trade in those seas may know the dangers to be avoided. He suggested that the Marine Board of Launceston might do something. I approached them, and they said that they were prepared fully to equip a tug and crew to carry out the work. But the question was who was to bear the expense of doing it?

Senator GUTHRIE.—Exactly. We have no power to deal with navigation.

Senator KEATING.—It is a matter of surveying, that has been attended to in the past by the Imperial authorities.

Senator Sir WILLIAM ZEAL.—We cannot expect the Imperial authorities to do local work.

Senator KEATING.—These charts have been made by the Admiralty in the past at the expense, I take it, of the Imperial authorities, because it was recognised that proper charting concerns not only Australian shipping, but all shipping that comes into our waters.

Senator Sir WILLIAM ZEAL.—Then we have got the information for nothing.

Senator KEATING.—If the Admiralty supply information which is incorrect, as we have every reason to believe is the case in connexion with this locality, some remedy should be available. In other words, the Admiralty charts are inaccurate in this respect; and masters trading in these waters, and following the Admiralty charts, are likely to encounter unexpected shoals and bring their ships to disaster. The Admiralty have always in commission one or two ships for surveying purposes, and are constantly carrying out surveying work in these seas. Surely this locality, which is right in the fairway between Sydney and the northern ports of Tasmania, should receive some attention from surveying vessels. Therefore, I trust that the Government will approach the Admiral, and ask him to devote attention to this locality as soon as he can. As I have shown, he sent two ships to the spot, but they stayed only a few hours, and did nothing. By that act the Admiral admitted responsibility to correct the Admiralty's charts.

Senator FINDLEY (Victoria).—On page 9 of the schedule there is the item "Insurance of plant, machinery, and stock, £150." Does that pertain to the insurance of the property of the Federal Government? If so, what is the approximate

value of the plant, machinery, and stock insured?

Senator MCGREGOR.—The Commonwealth has purchased a number of linotypes and monolines at an expenditure of about £18,000. The insurance covers that property.

Senator DOBSON (Tasmania).—I wish to call attention to the expenses in connexion with the sugar bounties in New South Wales. There is an item, "Travelling expenses, £736;" a further item, "Temporary assistance, £977;" further on, a sum of £3,270 is voted in connexion with the Sugar Bounties Act; and a further item of £490 for travelling expenses. We are paying about £90,000 a year to carry out this portion of our White Australia policy. I should have expected that the Estimates would be framed with some reasonable accuracy, but we are now asked to pass £1,226 for travelling expenses, and £4,248 for temporary assistance, beyond what was voted in the annual Appropriation Bill. I should like to have some explanation.

Senator MCGREGOR.—The explanation is that a sum of nearly £90,000, which was voted, has been found to be £6,000 too little. There is nothing very extraordinary in that, when we remember that the conditions, both in New South Wales and Queensland, in respect to the sugar crop, were very different last year from what they were in the previous year. There was much more to be done, and consequently more assistance was required.

Senator DOBSON.—Are these payments made to inspectors and clerks?

Senator MCGREGOR.—Some temporary assistance was required in connexion with the administration, in order to carry out the will of the Parliament in granting the sugar bounties.

Senator STANFORTH SMITH (Western Australia).—I think the true explanation of this item is that previously the sums of money referred to by Senator Dobson were debited to transferred expenditure. Now the money is being debited to "Other expenditure."

Senator DOBSON.—That is a good explanation.

Senator MACFARLANE (Tasmania).—On page 34 there is a sum of £1,200 for paid parades in connexion with the Tasmanian Volunteers. What is the meaning of that item?

Senator DAWSON (Queensland—Minister of Defence).—The money is paid on account of parades which have already

taken place in Tasmania. There is an increase of £600, to which the men are entitled, and should have received before.

Senator O'KEEFE (Tasmania).—I understand that time and a half is allowed for Sunday pay, not only in the Post and Telegraph Department, but throughout the service. That Sunday pay is calculated by the Auditor-General on the basis of 1-365th part of an officer's yearly salary. I always understood that a daily wage should be reckoned as 1-313th part of a yearly salary. It will be seen that it makes a very important difference whether the daily wage is reckoned as a 1-313th or a 1-365th part of a man's salary. Can the Vice-President of the Executive Council give us any information on this point?

Senator MCGREGOR.—The legal interpretation furnished to the Government necessitates our basing Sunday pay on the 365th part of an officer's salary. We cannot divide an annual salary by 313, because there are many holidays to be reckoned as well as Sundays. The proper method we are advised is to divide by 365.

Senator O'KEEFE.—Overtime is reckoned on that basis?

Senator MCGREGOR.—Yes. We are informed by our legal advisers that that is the proper method.

Senator O'KEEFE (Tasmania).—Can the Vice-President of the Executive Council give the Committee any information as to when the classification scheme for the Public Service will be completed?

Senator MCGREGOR.—The Public Service Commissioner finds that the classification scheme is a very difficult task, and involves much more labour than he expected when he made the statement that it would be ready some time ago. He now finds that he cannot complete the work till July.

Senator GUTHRIE (South Australia).—Can the Vice-President of the Executive Council give the Committee an explanation as to why the Postmaster-General should have to refund to the Eastern Extension, Australia, and China Telegraph Company Customs duties? I find that a sum of £2,050 has been paid by the Post and Telegraph Department on account of duties for this company. The public ought to know what arrangement has been made that involves these payments.

Senator MCGREGOR.—The explanation is that, prior to Federation, there was an agreement between the Eastern Extension Company and the South Australian, Tas-

manian, and New South Wales Governments, under which the company was exempt from Customs duties with respect to material and plant. The Commonwealth, of course, had to take over the obligations of the States. That is the reason why we are compelled to refund Customs duties on behalf of the three States mentioned.

Senator STANIFORTH SMITH (Western Australia).—These refunds are in accordance with an agreement entered into by three States prior to Federation. But if we are compelled to recognise such an agreement, a very important question is opened up as to the right of the States to enact certain legislation which will be for all time binding on us.

Senator MCGREGOR.—Agreements of that kind cannot be made by the States in the future.

Senator STANIFORTH SMITH.—If it were possible for a State to make such an arrangement with the Eastern Extension Company which would be binding for all time the principle would appear to be admitted that it is possible for a State to enter into such an agreement with any person in Australia. If it was competent for a State, prior to Federation, to make an agreement for all time with a company that the goods of that company should be exempt from duty on import, it was equally competent for a State to make such an arrangement with a private individual.

Senator KEATING.—No.

Senator GUTHRIE.—Not now, but it was.

Senator STANIFORTH SMITH.—Therefore, it seems to me to open up a very large question. It is most unfair that the Eastern Extension Telegraph Company should be the one company in Australia which is allowed to import all its machinery duty free.

Senator Sir WILLIAM ZEAL.—Which was, not is, allowed.

Senator MCGREGOR.—Only in three States.

Senator STANIFORTH SMITH.—Prior to Federation these States entered into an agreement that the Eastern Extension Telegraph Company could import their machinery and stores for all time without paying duty.

Senator PLAYFORD.—They did not do it.

Senator STANIFORTH SMITH.—I have seen the agreements, which are interminable.

Senator KEATING.—They are terminable by mutual consent.

Senator STANIFORTH SMITH.—Exactly, and the company can decline to agree to terminate an agreement. It opens up the question as to whether a State, prior to Federation, had the right to contract with any individual, inside or outside the State, that he could for all time import certain articles without paying duty. The Attorney-General ought to be asked for an opinion as to whether this agreement, so far as these clauses are concerned, is binding on the Commonwealth for all time.

Senator KEATING (Tasmania).—With regard to the question raised by Senator Guthrie, I venture to suggest that the explanation is simple enough. Like New South Wales and Tasmania, South Australia had an agreement with the Eastern Extension Telegraph Company. The State, in effect, said to the company—"If you carry out this part of your agreement in connexion with giving us cable facilities with the old world, any goods which you may import into South Australia"—not into Australia, as Senator Smith said—"may come in duty free."

Senator STANIFORTH SMITH.—No one has hinted that the States, prior to Federation, could say to the company—"You can import goods free into Australia."

Senator KEATING.—That is what the honorable senator said, and that is what has led to his confusion.

Senator STANIFORTH SMITH.—I beg pardon, I did not.

Senator KEATING.—Each State said to the company—"You can import goods into our State free of duty, and your ships will be exempt from wharfage and harbor dues and such charges," while, in addition, Tasmania said—"Your buildings and land shall be exempt from land tax." After the establishment of the Commonwealth, and the transfer of the Customs Departments, Australia became one fiscal area, instead of six fiscal areas. The agreement with South Australia is still binding on South Australia, but in the State there is a new fiscal authority, whose jurisdiction ranges throughout all Australia, and which says to the company—"When you import goods to South Australia you must pay the Commonwealth duties." The company replies—"Well, we must pay the duties," and turning to South Australia they say—"The agreement we had with you is still in operation. You agreed that when we imported goods here they should come in duty free, but the Commonwealth now

prevents us from importing our goods free." "Very well," says South Australia—"You must pay the duties, and we shall have to refund you the amount." Accordingly South Australia has to refund to the company, in accordance with the obligation which it incurred prior to Federation, and it is nobody else's trouble but that State's. As to the allocation of this sum, I suppose that it is debited to the Postmaster-General's Department, simply because these goods are imported in connexion with the postal and telegraphic relations of the Commonwealth. That is the one Department of the Commonwealth, as it was of a State, which can be associated with such a company, and the proper Department in South Australia to be debited with an expenditure of this character. It is simply because we have changed the fiscal area that the Commonwealth can now say to the company what South Australia could not say, prior to Federation. But, as regards the question of what powers the States had, prior to Federation, of binding the Commonwealth interminably, I cannot see how it can engage our consideration now. We can only deal with each case on its merits. The obligations that the States contracted with the company are not binding on the Commonwealth as a whole. The particular State which incurred the obligations alone has to bear the burden of them now.

Senator STANFORTH SMITH.—That is all right during the term of the bookkeeping period, but it will not be afterwards.

Senator KEATING.—When that period terminates, it will be for the Commonwealth, in the light of a knowledge of the extent to which the States did exercise that power prior to Federation, to adjust the financial relations of the States and Commonwealth in connexion with each particular transaction. In proceeding to adopt a different system, the Federal Government will have before them the facts and the circumstances, and will adjust the financial relations between the States and the Commonwealth accordingly.

Senator Sir WILLIAM ZEAL (Victoria).—Whatever may be the result of the allocation of these moneys to the different States, I think it should be known that this position was caused partly by a breach of agreement. Queensland, New South Wales, and Victoria, and probably Western Australia, agreed to respect obliga-

tions they had entered into with the Pacific Cable Board, and it was a receding from that agreement which brought about this trouble. That being the case, it is manifestly unfair that the Commonwealth should have to bear this expenditure, however, it may be allocated. If South Australia chooses to make a bargain which is not just, she should pay, and so in the same way should New South Wales. If the latter State had adhered to her bargain with the Pacific Cable Board, none of these charges would have been brought before us now. Therefore, I think that the Government should see that the Commonwealth is not unduly charged with obligations which it had no interest in creating.

Schedule agreed to.

Bill reported without request; report adopted.

Bill read a third time.

#### SUPPLEMENTARY APPROPRIATION (WORKS AND BUILDINGS) BILL 1903-4.

Bill received from the House of Representatives and (on motion by Senator MCGREGOR), read a first and second time.

*In Committee:*

Clauses 1 to 3 agreed to.

Schedule.

Senator KEATING (Tasmania).—I desire to ask the Minister of Defence a question regarding the last item in the schedule—

Towards re-arming H.M.S. *Cerberus* (estimated cost £20,000), £5,000.

I wish to know if it is intended to proceed with the re-arming of the *Cerberus*, and, if so, whether this item of £5,000 is in addition to the estimate of £20,000, or is merely the first instalment of that estimate?

Senator DAWSON.—We are not going on with the original proposal. This sum is really in lieu of another vote.

Senator KEATING.—Will this sum of £5,000 be the limit of the expenditure so far as present indications suggest?

Senator PLAYFORD.—Are the Government going to re-arm the *Cerberus*?

Senator DAWSON.—That is not decided at all. Senator Keating will notice that this item of £5,000 is in lieu of another vote.

Senator KEATING.—I notice that; but do the Government intend to spend that sum of £5,000 in the immediate future in the direction of re-arming the *Cerberus*, or has it been spent?

Senator DAWSON.—This is only a re-allocation of money.

Senator Sir WILLIAM ZEAL.—Are the Government going to spend it in this way?

Senator DAWSON.—No.

Senator KEATING.—What is this sum of £5,000 intended for? If the original intention of re-arming the *Cerberus* at a cost of £20,000 has been abandoned, has it been done in favour of an intention to spend £5,000 in that direction? I desire to know if there is any use in spending such a small amount on re-arming the ship. Is it not a work that should be done completely if done at all?

Senator GUTHRIE (South Australia).—Senator Keating has raised an important question which deserves an answer. We ought to know if the Government have abandoned the intention to re-arm this ship at a cost of £20,000, and are now asking for a vote of £5,000.

Senator DAWSON.—We are not asking for £5,000 at all. This is merely in lieu of something else; it is only a re-allocation.

Senator Sir WILLIAM ZEAL.—But is that the case?

Senator DAWSON.—It is. There is no naval expenditure to take place at all, so far as this question is concerned.

Senator KEATING (Tasmania).—As the Bill has only just been circulated, having been read a first and second time, and taken into Committee straight away, it is almost impossible to take in at a glance everything which it contains. What I desire to elicit from the Minister of Defence, is whether the intention to re-arm the *Cerberus*, at a cost of £20,000, or to spend £5,000 in that direction, has been absolutely abandoned, or is anything going to be done?

Senator MCGREGOR.—That vote has been entirely withdrawn.

Senator KEATING.—There is to be no expenditure in that direction?

Senator MCGREGOR.—No expenditure has been decided on.

Senator Sir WILLIAM ZEAL (Victoria).—I did not notice at first that, while the total expenditure under the head of "Military" is set down at £97,000, the deductions under the heads of "Military" and "Naval" amount to £75,000, leaving a balance of £22,000.

Senator PLAYFORD (South Australia).—I desire to ask a question relative to the item of £3,800 for—

Removal and re-erection of buildings in connexion with the construction of batteries and armouries at North Fremantle and Fremantle.

Can the honorable gentleman say what the batteries and fortifications are likely to cost the Commonwealth?

Senator MCGREGOR.—That amount has also been withdrawn for the present.

Schedule agreed to.

Bill reported without request; report adopted.

Bill read a third time.

### SPECIAL ADJOURNMENT.

Motion (by Senator MCGREGOR) agreed to—

That the Senate, at its rising, adjourn until Wednesday, 29th June.

Senate adjourned at 4.8 p.m.

## House of Representatives.

Thursday, 9 June, 1904.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

### DISMISSALS OF CUSTOMS OFFICIALS.

Mr. WILLIS.—I desire to ask the Prime Minister whether he has any objection to placing on the table of the House copies of the correspondence which has passed between the Government and Messrs. N. J. Hendrick and W. F. Hemming, who have been dismissed from the Customs Department, and to whom large sums of money have been paid?

Mr. WATSON.—The papers relating to these and similar cases are rather voluminous. If the honorable member desires to have the papers relating only to the cases of the officers named, I do not think there will be much objection to placing them upon the Library table. I understand that Mr. Speaker has made an arrangement by which original papers may be placed on the Library table for the inspection of honorable members, instead of being laid upon the table of the House, and practically impounded by inclusion among our official records. My honorable colleague, the

Minister of Trade and Customs, informs me that any honorable member can see the papers at his office, in Spring-street, and if it would satisfy the honorable member for Robertson to inspect the papers there it would suit the convenience of the Minister.

Mr. WILLIS.—It would be more in keeping with my convenience if the papers were open for inspection here.

Mr. WATSON.—We do not care to leave original papers on the Library table unless we are assured that they are in safe keeping.

Mr. McCOLL.—They are generally placed in the custody of the Librarian, who looks after them.

Mr. WATSON.—Assuming that the safe custody of such papers has been arranged for, I am quite willing to lay the correspondence relating to the cases mentioned on the table of the Library.

Mr. SPEAKER.—I may point out that it would be very difficult for the Library authorities to accept any responsibility in such a case. They will do all that can reasonably be expected, but they could not exercise such supervision as would enable them to guarantee the safety of any particular document.

Mr. WATSON.—In that case I should hardly feel justified in laying original documents on the Library table.

Mr. WILLIS.—Why not lay them on the table of the House?

Mr. WATSON.—If I did so, they would be impounded. I would suggest the Minister might bring the papers to the Ministerial room attached to the Chamber, and that the honorable member for Robertson or any other honorable member might inspect them there.

Mr. DEAKIN.—If the papers were laid on the Library table, a document might be removed or tampered with.

Mr. WATSON.—There has been some suggestion of tampering with documents in another case, and I do not desire that that experience should be repeated.

Mr. FISHER.—Every facility will be afforded to honorable members to see the papers referred to.

#### DEDUCTIONS FROM PUBLIC SERVANTS' SALARIES.

Mr. POYNTON asked the Attorney-General, *upon notice*—

1. Has the Public Service Commissioner power to withhold from an officer who is performing his duties satisfactorily, and against whom no

charge of misconduct exists, any portion of the salary or increment of salary voted to such officer by Parliament?

2. If such power exists, will he quote the Act and section which confers it?

Mr. HIGGINS.—This question relates to the Department of my honorable colleague, the Minister of Home Affairs. After consulting with him I am able to say that he does not know of any such power as that referred to. If the honorable member has any specific action to complain of, my honorable colleague will be very glad to receive information regarding it.

#### ADDITIONS TO ELECTORAL ROLLS.

Mr. PHILLIPS asked the Minister of Home Affairs, *upon notice*—

Whether he will take the necessary steps to immediately have placed on the rolls the names of all electors not now on such rolls and entitled to be placed thereon, especially in the recently drought-stricken areas of Victoria, to which a large number of electors have returned, but find they are not enfranchised in their districts?

Mr. BATCHELOR.—The reply to the honorable member's question is as follows:—

The Premier of Victoria was asked on the 27th May, 1904, under what condition the services of the police would be available for the purpose of effecting a revision of the Commonwealth Electoral Roll of Victoria. Only an acknowledgment has been received, and a further letter was forwarded yesterday.

But every person qualified for enrolment may be enrolled by making a claim, or, if enrolled, may obtain a transfer by making an application to the Registrar or the Divisional Returning Officer.

#### DECIMAL COINAGE.

Mr. WATSON.—A day or two ago I was asked by the honorable member for South Sydney whether I was prepared to lay on the table the non-confidential portions of the correspondence which has passed between the British Government and the Commonwealth Government in relation to decimal coinage.

Mr. THOMSON.—And also in regard to minting silver.

Mr. WATSON.—The correspondence relates principally to the minting of silver. I am sorry to say that there is practically nothing in the correspondence as to the decimal system. We have had no indication so far of the intentions of the British Government in that regard. I have had extracted from the papers the non-confiden-

tial portion of the correspondence, and will lay it upon the Library table this afternoon.

### OLD AGE PENSIONS.

Mr. O'MALLEY (Darwin).—I desire that Notice of Motion, No. 1, standing in my name, be postponed.

Mr. DEAKIN.—I understand that some honorable members are prepared to debate the motion. Is the question of the postponement now before the Chair?

Mr. SPEAKER.—I would point out that if the motion had been moved it could only be withdrawn or set down for another date with the permission of the House; but, seeing that it has not been moved, it is quite competent for the honorable member to intimate his desire to have it set down for another day.

### CONCILIATION AND ARBITRATION BILL.

*In Committee* (Consideration resumed from 7th June, *vide* page 2080):

#### Clause 4—

"Industry" means business . . . employment on land or water in which persons are employed for pay, hire, advantage, or reward, excepting only persons engaged in domestic service.

"Lock-out" includes the closing of a place of employment, or the suspension of work by an employer, with a view to compel his employees, or to aid another employer in compelling his employés, to accept any term or conditions of employment.

"Strike" includes the cessation of work by employees, acting in combination, as a means of enforcing compliance with demands made by them or other employees on employers.

Upon which Mr. McDONALD had moved, by way of amendment—

That in lines 3 and 4, the words "excepting only persons engaged in domestic service" be left out.

Mr. DUGALD THOMSON (North Sydney).—I am rather at a loss to understand why the Ministry, after having decided to retain the provision regarding domestic servants, as contained in the Bill of their predecessors, should now have deserted that decision and have determined to support that which, judging from their previous actions, they intended to oppose. This is a rather curious attitude to adopt, in view of the fact that they had critically examined the

Bill, and proposed a large number of amendments. Their action is also peculiar because, from their support of the proposal to include domestic servants within the scope of the Bill, we may presume that they anticipate that such persons can be included within the scope of the measure. I do not think that the Prime Minister seriously believes that under the terms of the Constitution persons engaged in domestic service can be included.

Mr. WATSON.—I do not say that it is likely, but at the same time I do not see anything to prevent it.

Mr. DUGALD THOMSON.—In my opinion, it is very unlikely. If the calling of domestic servants is to be regarded as an industrial occupation, there is no occupation whatever that will not be included within the scope of the Bill, in spite of the supposed limitation of our powers by the word "industrial" in the Constitution. If we can include persons engaged in domestic service, the proposal of the honorable member for Kennedy will go much further than he apparently supposes, and include members of families—the wives, daughters, and sons of a household. When I interjected, while the honorable member was moving his amendment, "What about wives?" he said that the suggestion was absurd. I venture to say that there is no absurdity about it. Many honorable members, including the honorable member for Kennedy, do not seem to be aware of the far-reaching effects of the measure they are supporting. In New South Wales we have had ample experience of the effects of similar legislation, and we know that it extends, not merely to employés, who are not members of families, but that so far as it operates with regard to industries or occupations, it brings within its scope every member of the family—daughters, sons, or what not. The New South Wales Arbitration Court has decided that in occupations where sons or daughters are employed, they shall come under the operation of the Bill to the same extent as do employés, who are not members of the family.

Mr. THOMAS.—Hear, hear; why not?

Mr. DUGALD THOMSON.—I am not saying whether they should or should not. I am only replying to the remark of the honorable member for Kennedy that my suggestion was an absurd one. Having regard to the decisions of the New South



Wales Arbitration Court, the result of the omission of these words would be that persons engaged in domestic service in their own homes would come under the operation of the Bill. Is that the intention of the Committee? If it is, we should accept the amendment; but if it is not, we should certainly exclude domestic servants. Do not let us deal with the matter in the belief that, by omitting this provision, we shall include domestic servants, and at the same time exclude members of families who have to discharge domestic duties in their own homes. Every decision given by the New South Wales Arbitration Court goes to show that the omission of these words would have the contrary effect. The Arbitration Court in New South Wales has decided that persons employed by their fathers or mothers must receive the wages, and observe the hours and conditions fixed by the Court in respect of the occupation they follow. It has been decided in some cases that only a certain number of apprentices shall be allowed. This decision extends to youths employed by their fathers in any trade to which it applies, with the result that if the number of apprentices is in excess of that allowed they have to seek employment elsewhere.

Mr. BAMFORD.—Has any case come before the New South Wales Court in regard to persons employed as domestic servants in their own or their parents' households?

Mr. DUGALD THOMSON.—No; because the New South Wales Act excludes those engaged in domestic service.

Mr. WATSON.—The Court has given a decision in relation to persons engaged as servants in businesses carried on for profit.

Mr. DUGALD THOMSON.—The honorable gentleman is referring to quite another matter.

Mr. WATSON.—It is true that the Court has not given any decision in regard to the position of persons employed as domestic servants in their parents' household.

Mr. DUGALD THOMSON.—It has decided that the exclusion of persons engaged in domestic service from the provisions of the State Act does not apply to servants engaged in industries or business carried on for profit. I think that we ought not to exclude persons engaged in businesses of that kind. The provision that the honorable member for Kennedy wishes to omit from the clause does not exclude such persons from the scope of the Bill.

Mr. WATSON.—There has been no decision with respect to the position of wives and daughters engaged in the discharge of domestic duties.

Mr. DUGALD THOMSON.—No; because the Court cannot deal with them under the Act.

Mr. WATSON.—It might do so when they are discharging such duties in businesses carried on for profit.

Mr. DUGALD THOMSON.—I cannot say that there has been any decision as to the position of wives discharging such duties, but the New South Wales Court has decided that persons employed by their parents, in occupations which come under the Act, are subject to the conditions laid down by it. Whilst the provision to which the honorable member for Kennedy objects would not exclude from the operation of the measure those engaged in hotels, restaurants, boarding establishments and like businesses carried on for profit, it certainly would exclude daughters and wives discharging domestic duties in private houses. When we are dealing with a measure of this kind, it is well that we should provide for those engaged in businesses carried on for profit—in connexion with which the greatest danger of overworking exists—but it is highly undesirable to apply this principle to private households. If the amendment be carried, it will give rise to much uncertainty as to the position occupied by those discharging domestic duties in their own homes; although, having regard to the decisions of the New South Wales Court, I feel sure that, without this exclusion, the Bill would apply to all persons engaged in domestic service in private houses, and that even members of families so employed in their own homes would be brought before the Court, and their duties, responsibilities, privileges, awards, and hours of labour determined, whether they desired it or not; because persons employed by their fathers in certain occupations have been made subject to the awards of the Court as the result of action taken by others. This being the position, I think it should be clearly put before the Committee. It is unwise to do more than provide that all engaged in occupations carried on for profit shall be included. It would be almost impossible to apply a measure of this description to private households, and it certainly would be unwise to do so.

Mr. MALONEY (Melbourne).—I wish to know what right we have to differentiate

between citizen and citizen. Domestic servants have as much right to be considered as have those engaged in mining, manufacturing, commercial, or other pursuits. It may interest honorable members to learn the ratio which domestic servants in the United Kingdom bear to those engaged in other occupations. Booth's Digest of the census returns of Great Britain from 1841 to 1881 shows that in the United Kingdom in 1881 there were 4,535,000 persons engaged in manufacturing pursuits, 2,561,000 engaged in agricultural pursuits, and 2,448,000 employed as domestics. Domestic servants are third on the list.

Mr. DUGALD THOMSON.—According to the census returns, the proportion in Australia is lower. We have 28,000 domestics in New South Wales.

Mr. MALONEY.—I do not question the census returns referred to by the honorable member, but I think he will admit that there is a greater number of persons in Australia who can employ domestic servants, or, as the Americans more fitly describe them, "helps." Booth's Digest shows that in the United Kingdom the number of persons employed as domestics is almost twice as large as is that of persons engaged in commercial pursuits; over three times as large as the number employed in the building trade, and about four times as large as the number of persons working in mines.

Mr. McCAY.—Would not those figures include persons employed as domestics in hotels?

Mr. MALONEY.—I take it that any one employed in domestic service, whether in a private or public house, would come within this category, and I believe that there are far more domestic servants employed in Australia in proportion to the population than there are in the United Kingdom. In these circumstances I should like to know by what right it is proposed to differentiate between citizen and citizen. A woman working in an hotel or private house has as much right to the benefits of the law as has the highest lady in the land.

Mr. McWILLIAMS.—Then why differentiate between the employés of the Postal Department and the Department of Trade and Customs?

Mr. MALONEY.—I make no distinction so far as any human being is concerned.

Mr. McWILLIAMS.—The honorable member voted against a proposal that there should be no distinction in the Public Service.

Mr. WATSON.—Not necessarily.

Mr. MALONEY.—I think that the honorable member for Franklin is in error. If I voted as he suggests I did so in error, but I feel confident that he is making a mistake. The State should regard the people as the head of a family would regard the members of his household. If I had a daughter, a sister, or a wife engaged in domestic service, I should like her to be justly tried by the same law as would apply to the highest lady in the land. I shall vote according to that principle, and I trust that the Committee will determine that no distinction shall be made between different classes of citizens. We have extended the franchise to women—a privilege which no woman is considered fit to possess in Great Britain—and by the right which they enjoy to vote for men to make laws for the Commonwealth, these "helps" demand that this just and equitable measure shall apply to them.

Sir WILLIAM LYNE (Hume).—I think that some misapprehension exists in the minds of certain honorable members as to the difference between a Federal Arbitration Bill and a State Arbitration Bill. If this amendment related to a State Arbitration Bill I should give it my heartiest support; but its application to a Federal Conciliation and Arbitration Bill makes the position wholly different. There are four very distinct sets of persons who would probably be brought under a Commonwealth measure. These comprise miners, seamen, shearers, and railway servants. In my judgment, when we attempt to make the Bill applicable to other classes, we are, to a large extent, encroaching upon the domain of State legislation. I rose for the purpose of explaining my position in regard to this matter, because I intend to oppose the amendment. I hold in my hand a list of the hours that are worked by domestics in some of the leading hotels of Melbourne.

Mr. DUGALD THOMSON.—In New South Wales they are already covered by the State Arbitration Act.

Sir WILLIAM LYNE.—I know that they come within the scope of the New South Wales Statute, but I do not think that in Victoria any similar legislation applies to domestic servants as a class. The conditions which at present surround their employment ought not to be permitted to continue, but should be dealt with by State legislation. I know that in this city, domestics are frequently compelled to work for ninety hours a week at a wage of £2 18s.

6d. per month. That represents 14s. 7½d. per week, or under 2d. an hour. Such a state of things should not be tolerated in Australia.

Mr. KENNEDY.—Upon what authority does the honorable member base his statements?

Sir WILLIAM LYNE.—I am speaking from personal knowledge of specific cases. When domestic servants are compelled to toil for such long hours in return for the paltry pittance I have mentioned, it is high time that the State Legislature intervened. An honorable member says there is provision in a Victorian Statute to deal with cases of this kind; if so, I marvel that they are permitted to continue.

Mr. CROUCH.—There is no such legislation in Victoria. The Factories Act does not apply to them.

Sir WILLIAM LYNE.—If that be so, the sooner legislation is enacted by the State Parliament, to deal with the evil, the better. I venture to think that the people of Victoria would not permit this condition of affairs to remain unchecked if they were aware of its existence.

Mr. FRAZER.—They know all about it.

Sir WILLIAM LYNE.—There is a vast difference, however, between a Federal and a State Act. I do not think that the Commonwealth Parliament should legislate in regard to matters which properly come within the province of the States Parliaments. If, after a question such as this has been thoroughly ventilated, the States Parliaments make no effort to remedy the trouble, it will then be time to consider whether this Parliament should not intervene, although we must not in any way violate the spirit of the Constitution. Under that charter of government we are empowered to deal only with those cases which extend beyond the limits of any one State. I was privileged to be a member of the Federal Convention, and consequently know the intention of the framers of our Constitution. Sub-section xxxv. of section 51 was introduced chiefly with a view to dealing with maritime and pastoral disputes. It behoves us, therefore, to be exceedingly careful not to contravene the law in this connexion. In New South Wales the evil to which I have already alluded was responsible for the passing of two very important Statutes, namely, the Arbitration Act and the Early Closing Act.

Mr. KENNEDY.—Does the Arbitration Act in New South Wales apply to domestic servants?

Sir WILLIAM LYNE.—It does not cover domestic servants who are employed in private houses; but it extends to those who are engaged in hotels.

Mr. DUGALD THOMSON.—The New South Wales Act contains the same provision that is now before us.

Sir WILLIAM LYNE.—Whether that be so or not, the fact remains that we must have regard to things as they are. The Statutes to which I have referred would never have become law had it not been for the assistance of the Labour Party in that State. The point which I wish to emphasize, however, is that legislation of the character proposed was not contemplated when power to legislate was given. The more that publicity is given to the undeniable evils which exist, the more likelihood will there be that the States Parliaments will take action.

Mr. McCAY (Corinella).—I notice that the Government, whilst presenting a front of adamant towards amendments which may be proposed by honorable members upon the Opposition side of the Chamber, are not entirely free from the amiable weakness of most Ministries, who are prone to look upon amendments submitted by their own supporters with a more favorable eye. In the present instance, however, that practice is being given effect to in a somewhat novel way. The Government do not propose to accept the amendment.

Mr. WATSON.—I said that we would accept it.

Mr. McCAY. — I beg the honorable gentleman's pardon. I did not understand that.

Mr. WATSON.—I said that we accepted the amendment. I do not see any objection to it.

Mr. McCAY.—I am very curious to hear from the honorable gentleman, and from the advocates of that proposal, what benefit they expect to accrue from it. The Prime Minister himself admits that it is extremely unlikely that any dispute which might arise amongst domestic servants can extend beyond the limits of any one State, thereby coming within the purview of Federal legislation. It seems to me that provisions of this nature, entirely illusory as they appear to be, are not suited to the legislation of this Parliament. They recall more the travesties upon legislative methods which are sometimes presented in the works of those immortal authors, Gilbert and Sullivan. Here we have a proposal which admittedly is most unlikely to be called

into operation. If it produces any result whatever, it will consist only in the creation of certain hopes which can never be realized. We must recollect that our powers are limited by the words of the Constitution, to which reference has so frequently been made. Even if the amendment be accepted, domestic servants, so far as service in private houses is concerned, will not come within the purview of "industrial disputes," as the term is used in the Constitution. It is almost beyond doubt that the relation between husband and wife, or parent and child, is one of status, and not of contract, and, therefore, does not come within the legislative powers conferred upon us. I think that if Gilbert and Sullivan and their literary confrères are to be trusted, husband and wife had better settle their disputes without invoking the aid of an Arbitration Court. Such a tribunal would be likely to find itself in the position generally occupied by the peacemaker who intervenes in similar circumstances.

Mr. WATSON.—It is much worse than being an umpire at a football match.

Mr. FRAZER.—It is preferable that husband and wife should settle their differences in an Arbitration Court than in the Divorce Court.

Mr. McCAY.—But we do not propose to arbitrate in respect to the causes which bring persons into the Divorce Court.

Mr. SPENCE.—Very often the question that is involved in divorce actions is one of bread and butter.

Mr. McCAY.—But it is not every bread-and-butter question that constitutes an "industrial dispute." I object to the amendment, but not from any lack of sympathy with the class concerned, because I know that, as a rule, those engaged in domestic service lead quite as hard a life as do the members of any other class in the community. Although there are many advantages connected with that sort of service, there are corresponding disadvantages, and undoubtedly long hours is one of these. I do not believe, however, in the wisdom of embodying in Acts of Parliament placards which will never become anything more than placards. During the sittings of the Federal Convention, I recollect that two or three phrases were incorporated in the Constitution which were intended to be placards or finger-posts, to enable the public to realize the intention of its framers. But this is a placard which leads nowhere. "This is the road to

nowhere" is what the acceptance of the amendment will signify, whilst it may induce those who are not fully seized of the constitutional difficulties of the position to believe that the road leads somewhere. In the interests of all concerned, the Committee will be acting wisely if it rejects the amendment. It has been said that the States Legislatures can deal with these matters. Undoubtedly they can, so far as domestic relations are concerned. Indeed, the States Parliaments can deal with all sorts of questions which we cannot touch. The States can intervene in a way that the Federation cannot. In this instance, however, we are legislating for a specific purpose. The Government, it seems to me, have accepted this amendment not because they believe it will be of any service either to employer or employé in this particular branch of industry, but because they think it will give a symmetry and artistic completeness to the Bill which otherwise it would not possess. It seems to me that their acceptance of the amendment is a good example of following art for art's sake, and for no other purpose. However admirable artistic symmetry in legislation may be, we are not here as artists of that particular kind. We are here for more practical purposes. I have consequently been very much disappointed to learn that the Government have accepted the amendment. It will be a pity if it is carried, and if the Bill in this respect is not allowed to remain as it is. In the New South Wales Act of 1901, which was introduced originally, I believe, by the honorable member for Hume, the words used are almost the same as those in this Bill, the definition of industry finishing with the words—

but does not include employment in domestic service.

As has been pointed out, the Courts in New South Wales have held that that refers to domestic service which is unconnected with profit-making occupations, and that, therefore, the inclusion of the words in the New South Wales Act merely excludes servants employed in private houses. If these words are left out in the Bill before us, and if any weight is to be attached to the New South Wales decisions, and any notice is to be taken of them by our Arbitration Court, or by the High Court—without reference to the Constitution for the moment—it may be contended that by the omission of these words from this Bill the intention was to include those

Mr. SPENCE.—No wonder.

Mr. SKENE.—The honorable member seems to know a great deal about the subject. It is all very well to say that domestic servants are badly treated, but I think that too much is being made of that cry. As a rule, they receive good wages, and very fair treatment. Any good domestic servant who lives in one house for any length of time not only earns the regard of her employers during the time she is in service, but enjoys their respect for the rest of her life.

Mr. FRAZER.—What wages do domestics receive?

Mr. SKENE.—They can command pretty well what wages they like.

Mr. FRAZER.—What wages does the honorable member suppose are generally paid?

Mr. SKENE.—About 15s. per week.

Mr. THOMAS.—The rates of pay range between 6s. and 10s.

Mr. SKENE.—Speaking from my own personal experience, I have not known of any less rate than 12s. being paid.

Mr. SPENCE.—That is almost the highest wage paid to domestic servants.

Mr. SKENE.—So far as my personal knowledge goes, good domestic servants are paid 15s. per week, and are well found.

Mr. WILLIS.—I can answer for 16s. per week having been paid.

Mr. SKENE.—Yes, and more than that. Good trained servants can command almost any wage. The domestic servants who receive 12s. per week are in many cases untrained girls, who have to be taught everything by their mistresses. I have had some little experience in this matter. I am the father of a family, and have had a good deal to do with household arrangements. If this legislation has any effect at all, it will probably be detrimental rather than advantageous to domestic servants. Instead of bringing the indifferent servants up to the level of the better servants, it will probably have quite the reverse effect. In any case, it will greatly disturb domestic arrangements. I agree with the honorable member for Gwydir that it is well to confine a measure of this kind to cases in which there is the possibility of organizing labour under reasonable conditions, and where disputes are likely to extend beyond any one State. This is one of the cases, however, in which the Bill would have a bad effect. It would be far more easy to organize farm servants, and to make their conditions of hours and labour

subject to the determination of the Court, than to bring domestic servants within the practical operation of this measure. Any one who is acquainted with the conditions which prevail in Victoria must know that the dearth of domestic servants enables girls to command good wages. I presume that the Government must have acted with deliberation, but I would suggest that they had better leave well alone. By pushing matters to extremes, and adopting proposals of doubtful efficiency, they will create a great deal of prejudice against those provisions in the Bill which most of us regard as useful.

Mr. SPENCE (Darling).—The honorable member for Gwydir seems to have dug up the strange idea that inspectors will be necessary. I have never heard of such a suggestion in connexion with a measure of this kind. The people concerned in any particular industry or occupation are the best inspectors we can have, and domestic servants may be trusted to see that the decisions of the Court are carried out. They have more courage than such men as we were recently discussing, namely, the labourers employed by dairy farmers and others. We can confer the benefits of the Bill upon domestic servants as readily as we can confer them upon any other class of employers. We could, for example, fix reasonable working hours, and determine other conditions. We have been agitating for a number of years for the adoption of a standard number of working hours in all industries, and there is no reason why we should not include domestic servants within such an arrangement. I recognise that the point raised by the honorable and learned member for Corinella is an important one. No doubt the late Government had it in view when they refrained from including the proposal now before us in the list of their amendments. They probably doubted whether, in view of the limitation of our powers under the Constitution by the word "industrial," domestic servants could be brought within the scope of the Bill. No doubt that is a moot point, but the principle upon which I have acted in dealing with this Bill has been to give the benefit of the doubt to those who need protection, and leave the High Court to decide whether we have exceeded our constitutional powers. It is proposed to make a Justice of the High Court the President of the Arbitration Court, and we may feel assured that he will not overstep consti-

tional bounds. I feel strongly that we should not make any distinction between different classes of the community—that we should not punish one class of persons for an act which other persons would be perfectly free to commit without incurring any penalty. We should declare all strikes to be illegal, and, therefore, I am in favour of including all classes of employes within the scope of the Bill.

Mr. McWILLIAMS.—The honorable member did not vote in favour of bringing all public servants within the scope of the Bill.

Mr. SPENCE.—I voted in favour of including everybody.

Mr. McWILLIAMS.—The honorable member voted against my amendment, which was intended to bring all public servants within the scope of the Bill.

Mr. SPENCE.—What surprises me is that honorable members opposite have not argued that early rising is a very good thing for domestic servants, who have to get up in the morning to make coffee for their masters and mistresses. We have had represented to us the benefits of early rising in connexion with the dairying industry, and I am surprised that we have not also been told that the fact of a girl having to get up at 6 o'clock in the morning to make coffee for her master will have the effect of developing her character, and improving her health.

An HONORABLE MEMBER.—Do domestics have to bring coffee to their masters early in the morning?

Mr. SPENCE.—Yes; many of them have to get up at 6 o'clock, whereas their masters and mistresses lie in their bed till 9 o'clock. I am not speaking without knowledge of the subject. I have had something to do with the organization of domestic servants into unions, and I have addressed large meetings in Melbourne, where the female domestics had a very good organization. The union of which I was the head, employed a very able woman in Sydney, at a salary of £3 per week, to organize domestic servants. She disguised herself, and went through all the registry offices in Sydney, and inquired thoroughly into their systems of working, and also ascertained how domestic servants were treated. She also came to Melbourne and made a similar investigation. Therefore, I can say that I have taken some trouble to ascertain the position of affairs from the employes' side. If honorable members desire to know how domestic servants are

treated, they should not go to the drawing-rooms to obtain information. I know of certain people, distinguished in society, with whom no domestic will live—whose names are notorious in the circle of domestic servants. No doubt servants could explain why some of the friends of the honorable member for Grampians have found it so difficult to obtain domestic help. There are some people who, when in the drawing-room, are as agreeable and charming as possible, but who do not know how to treat their domestics properly. I am speaking from the experience of friends of mine. Some people will not give their servants sufficient to eat. They lock up the food supplies, and they even begrudge the fire in the kitchen to keep the girls warm on cold winter nights.

Mr. SKENE.—The honorable member, surely, does not call such people his friends.

Mr. SPENCE.—No; the girls who have had experience of such people are my friends. I was amused to hear the honorable member for Grampians speak of the way in which his friends treated their servants. He gave us the drawing-room side of the question. Some of the employers think they treat their servants well; but the servants have a different story to tell. Many domestics, when applying for a situation, ask questions as to the character of the food supply. Their experience has taught them that that is necessary, even in the case of the wealthiest people. The difficulty experienced in securing good servants is largely due to the treatment accorded them by their mistresses, who do not regard them as worthy of recognition as human beings. There are no doubt other reasons; but the domestic servants as a class certainly require all the protection we can give them. They refuse to accept many situations, because they know the nature of the work which they will be called upon to perform, and object to it. No one assumes for a moment that every mistress treats her domestic unfairly; but there is always what is known as a scramble for a vacancy in a household in which it is known that servants are well treated. The so-called shortage of domestic servants is really due to the fact that many mistresses deal most unreasonably with their domestics. Some of the girls are almost starved, and many "places," as they are called, are so notorious in this respect that no girl would think of going to them. In New South Wales an organization with

Mr. SPENCE.—No wonder.

Mr. SKENE.—The honorable member seems to know a great deal about the subject. It is all very well to say that domestic servants are badly treated, but I think that too much is being made of that cry. As a rule, they receive good wages, and very fair treatment. Any good domestic servant who lives in one house for any length of time not only earns the regard of her employers during the time she is in service, but enjoys their respect for the rest of her life.

Mr. FRAZER.—What wages do domestics receive?

Mr. SKENE.—They can command pretty well what wages they like.

Mr. FRAZER.—What wages does the honorable member suppose are generally paid?

Mr. SKENE.—About 15s. per week.

Mr. THOMAS.—The rates of pay range between 6s. and 10s.

Mr. SKENE.—Speaking from my own personal experience, I have not known of any less rate than 12s. being paid.

Mr. SPENCE.—That is almost the highest wage paid to domestic servants.

Mr. SKENE.—So far as my personal knowledge goes, good domestic servants are paid 15s. per week, and are well found.

Mr. WILLIS.—I can answer for 16s. per week having been paid.

Mr. SKENE.—Yes, and more than that. Good trained servants can command almost any wage. The domestic servants who receive 12s. per week are in many cases untrained girls, who have to be taught everything by their mistresses. I have had some little experience in this matter. I am the father of a family, and have had a good deal to do with household arrangements. If this legislation has any effect at all, it will probably be detrimental rather than advantageous to domestic servants. Instead of bringing the indifferent servants up to the level of the better servants, it will probably have quite the reverse effect. In any case, it will greatly disturb domestic arrangements. I agree with the honorable member for Gwydir that it is well to confine a measure of this kind to cases in which there is the possibility of organizing labour under reasonable conditions, and where disputes are likely to extend beyond any one State. This is one of the cases, however, in which the Bill would have a bad effect. It would be far more easy to organize farm servants, and to make their conditions of hours and labour

subject to the determination of the Court, than to bring domestic servants within the practical operation of this measure. Any one who is acquainted with the conditions which prevail in Victoria must know that the dearth of domestic servants enables girls to command good wages. I presume that the Government must have acted with deliberation, but I would suggest that they had better leave well alone. By pushing matters to extremes, and adopting proposals of doubtful efficiency, they will create a great deal of prejudice against those provisions in the Bill which most of us regard as useful.

Mr. SPENCE (Darling).—The honorable member for Gwydir seems to have dug up the strange idea that inspectors will be necessary. I have never heard of such a suggestion in connexion with a measure of this kind. The people concerned in any particular industry or occupation are the best inspectors we can have, and domestic servants may be trusted to see that the decisions of the Court are carried out. They have more courage than such men as we were recently discussing, namely, the labourers employed by dairy farmers and others. We can confer the benefits of the Bill upon domestic servants as readily as we can confer them upon any other class of employers. We could, for example, fix reasonable working hours, and determine other conditions. We have been agitating for a number of years for the adoption of a standard number of working hours in all industries, and there is no reason why we should not include domestic servants within such an arrangement. I recognise that the point raised by the honorable and learned member for Corinella is an important one. No doubt the late Government had it in view when they refrained from including the proposal now before us in the list of their amendments. They probably doubted whether, in view of the limitation of our powers under the Constitution by the word "industrial," domestic servants could be brought within the scope of the Bill. No doubt that is a moot point, but the principle upon which I have acted in dealing with this Bill has been to give the benefit of the doubt to those who need protection, and leave the High Court to decide whether we have exceeded our constitutional powers. It is proposed to make a Justice of the High Court the President of the Arbitration Court, and we may feel assured that he will not overstep constitu-

tional bounds. I feel strongly that we should not make any distinction between different classes of the community—that we should not punish one class of persons for an act which other persons would be perfectly free to commit without incurring any penalty. We should declare all strikes to be illegal, and, therefore, I am in favour of including all classes of employes within the scope of the Bill.

Mr. McWILLIAMS.—The honorable member did not vote in favour of bringing all public servants within the scope of the Bill.

Mr. SPENCE.—I voted in favour of including everybody.

Mr. McWILLIAMS.—The honorable member voted against my amendment, which was intended to bring all public servants within the scope of the Bill.

Mr. SPENCE.—What surprises me is that honorable members opposite have not argued that early rising is a very good thing for domestic servants, who have to get up in the morning to make coffee for their masters and mistresses. We have had represented to us the benefits of early rising in connexion with the dairying industry, and I am surprised that we have not also been told that the fact of a girl having to get up at 6 o'clock in the morning to make coffee for her master will have the effect of developing her character, and improving her health.

An HONORABLE MEMBER.—Do domestics have to bring coffee to their masters early in the morning?

Mr. SPENCE.—Yes; many of them have to get up at 6 o'clock, whereas their masters and mistresses lie in their bed till 9 o'clock. I am not speaking without knowledge of the subject. I have had something to do with the organization of domestic servants into unions, and I have addressed large meetings in Melbourne, where the female domestics had a very good organization. The union of which I was the head, employed a very able woman in Sydney, at a salary of £3 per week, to organize domestic servants. She disguised herself, and went through all the registry offices in Sydney, and inquired thoroughly into their systems of working, and also ascertained how domestic servants were treated. She also came to Melbourne and made a similar investigation. Therefore, I can say that I have taken some trouble to ascertain the position of affairs from the employes side. If honorable members desire to know how domestic servants are

treated, they should not go to the drawing-rooms to obtain information. I know of certain people, distinguished in society, with whom no domestic will live—whose names are notorious in the circle of domestic servants. No doubt servants could explain why some of the friends of the honorable member for Grampians have found it so difficult to obtain domestic help. There are some people who, when in the drawing-room, are as agreeable and charming as possible, but who do not know how to treat their domestics properly. I am speaking from the experience of friends of mine. Some people will not give their servants sufficient to eat. They lock up the food supplies, and they even begrudge the fire in the kitchen to keep the girls warm on cold winter nights.

Mr. SKENE.—The honorable member, surely, does not call such people his friends.

Mr. SPENCE.—No; the girls who have had experience of such people are my friends. I was amused to hear the honorable member for Grampians speak of the way in which his friends treated their servants. He gave us the drawing-room side of the question. Some of the employers think they treat their servants well; but the servants have a different story to tell. Many domestics, when applying for a situation, ask questions as to the character of the food supply. Their experience has taught them that that is necessary, even in the case of the wealthiest people. The difficulty experienced in securing good servants is largely due to the treatment accorded them by their mistresses, who do not regard them as worthy of recognition as human beings. There are no doubt other reasons; but the domestic servants as a class certainly require all the protection we can give them. They refuse to accept many situations, because they know the nature of the work which they will be called upon to perform, and object to it. No one assumes for a moment that every mistress treats her domestic unfairly; but there is always what is known as a scramble for a vacancy in a household in which it is known that servants are well treated. The so-called shortage of domestic servants is really due to the fact that many mistresses deal most unreasonably with their domestics. Some of the girls are almost starved, and many "places," as they are called, are so notorious in this respect that no girl would think of going to them. In New South Wales an organization with



which I was associated appointed a clever intelligent woman to investigate the system adopted by registry-office proprietors, and much interesting information was obtained. We learned, for example, that many registry-office owners send girls to situations, although they know that their services would not be retained for a week. They know that they are unsuitable, but send them out for the sake of securing the fees.

Mr. WEBSTER.—Is that union now in existence?

Mr. SPENCE.—That is not the question; but I would mention that the Government of New South Wales have established a registry-office which is doing excellent work. Let me deal now with the question of wages. General servants, in exceptional cases, receive 14s. and 15s. per week.

Mr. WILSON.—Cooks and laundresses as much as £1 and 25s. per week.

Mr. SPENCE.—No; as much as 17s. and 18s. per week is paid to cooks and laundresses; but the wages generally received by housemaids are 12s. per week.

Mr. WILSON.—Housemaids in Victoria receive 15s. per week.

Mr. SPENCE.—I am not referring to individual cases. We investigated the whole matter in New South Wales, and obtained authoritative information in regard to it.

Mr. WILSON.—Is the honorable member speaking of New South Wales?

Mr. SPENCE.—Yes; in some cases higher wages are paid in Victoria. The better class of mistresses in Victoria pay slightly higher wages than are given in New South Wales; but it is not correct for the honorable member to say that housemaids in this State receive 15s. per week. The wages I have mentioned are paid in households in which two or three domestics are employed; but the general class of servants, who are employed in houses in which only one girl is engaged, receive from 5s. to 10s. per week in Victoria.

Mr. SKENE.—What? As general servants?

Mr. SPENCE.—Yes.

Mr. R. EDWARDS.—Surely the honorable member must be mistaken.

Mr. SPENCE.—No; 8s. and 9s. per week is a very common wage.

Mr. WILSON.—Can the honorable member say where girls are to be obtained at that rate of wage?

Mr. SPENCE.—I know of many who are willing to work for such a wage. The

services of a woman of experience, who can be trusted in the best households, may be obtained for 12s. per week. As a rule, that is the wage paid in Sydney, although in exceptional cases persons who have many valuables in their homes, are prepared to pay more. The lady-helps, who wish to be aristocratic, occupy the worst position.

Mr. DUGALD THOMSON.—The honorable member is understating the wages paid in New South Wales.

Mr. SPENCE.—That is not so. I have taken the trouble to ascertain the prevailing rate of wages, and I speak from personal knowledge. The lady who was appointed to investigate this matter by the union of which I have spoken, made an exhaustive inquiry, and we found that it was not impossible to organize domestic servants. I believe that organizations of domestic servants have been formed in Western Australia, and are doing good work. It may appear to be difficult to band them together, but no greater difficulty would be experienced than was met with in organizing temporary employes on stations. We do not know what interpretation will be placed upon the provision in the Constitution on which this Bill is based, but I am prepared to take all risks, and to vote for the inclusion of every one who can be brought within the Bill, leaving it to the Court to determine the constitutionality of our action.

Mr. WILSON.—How would it be possible to have an Inter-State dispute amongst domestic servants?

Mr. SPENCE.—We could soon work one up.

Mr. WILSON.—That is the point. Is this Bill designed to prevent disputes, or to encourage them?

Mr. SPENCE.—There is no more difficulty in dealing with domestic servants than there is in dealing with any other section of the community. My experience is that they exhibit for the most part an independence of character which is in the highest degree praiseworthy. They are ready to stand up for their rights just as were the men of the backblocks stations. I have found some of the finest women to be met with engaged in domestic service. For the most part, they are intelligent; they realize exactly what their grievances are, and they are prepared, if necessary to take action to remedy those grievances. The most difficult question associated with this proposal is that of whether domestic servants are

engaged in an "industrial occupation." I believe that they are, but the legal definition of the term may not agree with mine. I have, however, every faith in the High Court. I believe that the members of the Court will do their best to see that justice is meted out to all, and that they would not strain a point to exclude this section of employes from the jurisdiction of the Arbitration Court. I am, therefore, in favour of extending the operation of the Bill as far as possible, leaving it to the Court to determine whether any persons have been improperly included. The scarcity of domestic servants is largely due to the fact that many girls prefer to work in factories and shops rather than to suffer the disadvantages attaching to domestic service. We know, of course, that there are many homes in which servants are well treated, but even in these places they do not have the opportunities for outdoor pleasure which those in shops enjoy. I know of women who have a preference for domestic duties, but hesitate to accept employment as servants because of the drudgery associated with such work. The hours are long, and this is often due solely to the thoughtlessness of mistresses. I wish it to be understood that I am not attacking any class. I recognise that a percentage of employers in all classes will act fairly to their fellows, but we all know that there is a large percentage of persons who will not do so. Another drawback to domestic service is the fact that architects, when designing even large houses, give no consideration to the accommodation to be provided for servants. As a rule these girls are put in the worst rooms in the house. I have known of houses, erected at a cost of several thousands of pounds, in which the servants' rooms were immediately above the kitchen range or oven. Often no provision is made for the ventilation of the rooms occupied by domestics; and in many cases even persons who are excellent masters and mistresses fail to provide anything like reasonable accommodation. We have found it necessary to compel owners of factories to make proper provision for their employes, and it would not be difficult for employers of domestic servants to provide suitable accommodation for them without incurring increased cost. But for the facts disclosed by the investigation to which I have referred, I should never have believed that even persons enjoying large incomes would limit the supply of food to

their employes. But inquiries showed that in numerous cases mistresses caused the food supplies to be put under lock and key, so that the domestic servants could not have access to them. If honorable members refer to those who have had any experience of these matters in New South Wales, they will find that I have every justification for these statements.

Mr. MCWILLIAMS.—In the course of these inquiries, was any attempt made to ascertain how the wages paid to girls employed in factories and shops compared with those received by domestic servants, taking their board and lodging into consideration?

Mr. SPENCE.—I have not made any comparison, but I know that many girls prefer to secure employment in shops because there their working hours are limited. In many cases servant girls are allowed a weekly half-holiday, and that, in the opinion of some mistresses, means from 2.30 p.m. to 10 p.m.

Mr. SKENE.—Does not the honorable member think that they should be in by 10 p.m.?

Mr. SPENCE.—No. I have so much faith in them that I would impose no such restriction. If a girl has to travel any distance in order to pay a visit to her friends, it is barely possible for her to return by 10 p.m. The fact is that servants are not allowed sufficient liberty. It often happens that even their closest friends are not permitted to call on them; and they are treated practically as prisoners.

Mr. WILSON.—That is not so.

Mr. SPENCE.—I could, if necessary, mention an aristocratic household in Sydney in which this state of affairs exists. My remark applies also to Melbourne. I trust that the Committee will carry the amendment, even if it is only on the ground that, as suggested by the honorable member for Hume, we should do something to encourage the States Parliaments to take action. If we provide for the inclusion of domestic servants, we shall show them that we consider it desirable that these persons should be brought under the control of an Arbitration Court, and that no distinction should be made. The passing of this amendment would have an excellent moral effect.

Mr. LONSDALE (New England).—Those who believe in the principle of compulsory conciliation and arbitration are fully justified in endeavouring to make the

Bill as far-reaching as possible. If people can be made happy by Act of Parliament, let us all be made happy. If it can be demonstrated that this Bill will improve conditions all round, I shall vote for it most heartily. I have no doubt whatever that there are homes in which domestic servants are not treated as well as they might be. On the other hand, there are establishments in which they are treated well. Human nature will always remain the same. There is just as much tyranny exercised by employes as there is by employers.

Mr. MAHON.—The employé does not get a chance to exercise tyranny.

Mr. LONSDALE.—It will generally be found that where men serve their employers well they receive good treatment. That is my experience. If, instead of creating two hostile camps by means of this class of legislation, we could provide for some method of conciliation between employer and employé, it would be very much better. I was very pleased with that portion of the speech of the honorable member for Darling in which he admitted what I have consistently contended in this Chamber. He declared that the Bill was intended to create strikes.

Mr. SPENCE.—I said that it was designed to prevent strikes.

Mr. LONSDALE.—The honorable member admitted that the object of the Bill was to bring about strikes. He said that under its operation the domestic servants in the States could be organised so as to bring about an industrial dispute. I have never known a strike to occur amongst domestic servants. Where, then, is the necessity for including them in the Bill?

Mr. SPENCE.—A "dispute" is not a strike.

Mr. LONSDALE.—In New South Wales the bulk of the disputes which have congested the business of the Arbitration Court have been created by the operation of the State Arbitration Act. Under this amendment, all that the honorable member for Darling would require to do, in order to bring about an "industrial dispute," would be to induce the domestic servants at Wodonga and Albury to enter into an industrial agreement with their employers.

Mr. SPENCE.—It is impossible to enter into an industrial agreement without the consent of the employers.

Mr. LONSDALE.—Quite so; but the employers, if they know their way about, will not object to an Arbitration Act. I

am beginning to fight this class of legislation in the interests of the great masses of the community, who stand between the employers and the employes, and who will be crushed between the upper and nether millstones.

Mr. BATCHELOR.—But there are not many individuals outside the ranks of employers and employes.

Mr. LONSDALE.—The bulk of the community cannot possibly be brought within the scope of this Bill. I am of opinion that the amendment proposed goes altogether too far. If by its adoption any one would be benefited, I should not object to it. But I hold that it is impossible to assist anybody unless we increase the productiveness of the Commonwealth. Instead of helping the bulk of the people, my own impression is that legislation of this character will injure them.

Mr. HUGHES.—Does the honorable member oppose unionism?

Mr. LONSDALE.—No; I believe in co-operation. At the time of the great maritime strike I preached that doctrine.

Mr. FOWLER.—How can there possibly be co-operation without a common understanding?

Mr. LONSDALE.—But it must be a mutual understanding which cannot be secured by law. The Government should not have accepted the amendment, which does not come within the scope of the powers conferred upon us by the Constitution. They would have acted a more dignified part had they said "No; this proposal exceeds the powers which are vested in the Commonwealth Parliament, and, therefore, we shall resist it." I shall vote against the amendment.

Mr. JOHNSON (Lang).—If there is one section of the community which deserves our sympathy, and which may be regarded as being specially entitled to any benefits which legislative enactments can confer by way of improving the conditions under which its members live, it is that section which is engaged in domestic service. Under such circumstances, it seems to me remarkable that those who profess to advocate the claims of the workers should object to extending to them the provisions of this Bill. Domestic servants have to perform most arduous work, frequently under the worst possible conditions, and for the lowest rates of remuneration. They are denied privileges which are enjoyed by those engaged in other avenues of employment.

In view of this aspect of the question, the hostile attitude of some of those who come into this House as the direct representatives and professed champions of wage-earners seems to me most peculiar. I confess my own inability to see how those who are engaged in domestic service can come under the heading of industrial workers—under the generally accepted definition of the term “industrial.” At the same time I cannot understand the opposition which is being offered to their inclusion in this Bill by direct labour representatives. The elimination of that portion of the clause which relates to persons engaged in domestic service does not necessarily mean that they will be so included. It simply leaves the matter in a state of doubt. Indeed, ambiguity is one of the chief characteristics of this measure. It contains no specific definition of its scope or terms, and it appears to me that there is a desire on the part of many honorable members to brand those who wish to make the interpretation clause clearer as enemies of the Bill. The honorable member for North Sydney touched upon a very important point this afternoon. I refer to the case in which the New South Wales Arbitration Court decided that the members of a family were bound by the decisions of that tribunal equally with other persons engaged in certain callings. I do not think that the Committee desire to make this Bill applicable to families, although I have noted one or two declarations on the part of honorable members opposite in favour of extending its provisions even that far. Personally, I believe in preserving the privacy of the home, and I can conceive of nothing which would more closely approximate to an invasion of that privacy than the adoption of such a proposal as this. To guard against that, I intend to move a further amendment. I desire to insert after the word “reward” the following words—“other than members of the employer’s family.”

The CHAIRMAN.—I would point out to the honorable member that it is not competent for him to move an amendment on a portion of the clause which precedes that with which the Committee are now dealing. We cannot go back, and the amendment which the honorable member desires to move would intervene between that which we are now discussing and a previous portion of the clause.

Mr. JOHNSON.—Then I shall submit the amendment at a later stage.

The CHAIRMAN.—The honorable member would be quite in order in moving it then.

Mr. McLEAN (Gippsland).—I cannot claim to have had the varied experience which the honorable member for Darling acquired whilst masquerading in the somewhat novel position of leader of a servant girls’ union. It would be interesting to know what were the qualifications of membership in that union. However, that may be, I can say that the cases of domestic oppression which he depicted so graphically have never come under my observation, and I am surprised to hear that they have any existence in the Commonwealth. In my opinion the honorable member gave his whole case away when he informed the Committee that if we extend the provisions of this Bill to domestic servants, he would soon work up a dispute amongst them. I do not propose to support the Bill from any such motive. When I voted for its second reading I did so in perfect good faith, believing that it was intended for the settlement of industrial disputes, such as would naturally arise in the ordinary course of industrial enterprise. I never dreamed that any section of its supporters intended that it should be used as an engine for the creation of disputes. I am anxious that the Bill shall be extended to all industries to which past experience shows that its application is necessary for the settlement of disputes. These, as we know, will unfortunately arise without the aid of an agitator. From time to time many such cases occur in our midst. If we pass a Bill to create disputes, which otherwise would not arise, we prostitute the powers that have been vested in us by the Constitution. I am not prepared to say that cases similar to those referred to by the honorable member for Darling do not exist. But I do not believe he is helping his case by including this provision in the Bill, when most of us are agreed that it can never become operative. No honorable member supposes for a moment that such a dispute will arise in domestic circles as will extend beyond the limits of the State, and thus come under this Bill. In my opinion, the effect of including domestic servants in the Bill when we know that the provision will never be operative, will be to prevent those people securing the enactment of a provision in a State Act, where it really might be of some benefit to them.

If we agree to the amendment, and a State Minister is asked to introduce a measure for such a purpose in a State Parliament, he will naturally say that the matter is already provided for under the Commonwealth law, and that it would, therefore, be superfluous to provide for it by a State law. If we omit such a provision from this Bill, the matter is much more likely to be dealt with by the State authorities. Our interference in such a case can only work mischief instead of being of any advantage to those whom the honorable member for Kennedy desires to benefit. I have taken up the same attitude all through in regard to this Bill. I am willing to support its application to all cases in connexion with which our past experience has shown that some such measure is necessary for the settlement of industrial strife. But I am not prepared to burden the statute-book with provisions that will never come into operation, and which will only delude those whom they are intended to benefit.

Mr. GROOM (Darling Downs).—I intend to vote against the amendment. It is a great mistake for us to attempt to insert a provision in this Bill which obviously cannot accomplish the purpose for which it has been proposed. I have shown by the votes I have given in support of this measure, in the last Parliament and in this Parliament, that I am thoroughly in sympathy with its principles, but I consider it a mistake to hold out delusive hopes to certain people that we are giving them a means of redressing their grievances, when we know that in reality we do not give any such thing. I was unable to speak upon the amendment proposing the exclusion of persons engaged in rural industries, and I had, owing to illness, to leave before the division on the amendment took place; but I secured that my vote should be registered against their inclusion. I favoured their exclusion, on very much the same grounds as those upon which I oppose the present amendment. In the case of these two classes of workers, there is a domestic relation between employer and employé which, in my opinion, cannot be modified in any way by the decisions of an Arbitration Court. It is very difficult to believe that domestic servants are engaged in what may properly be called an "industry," and we know that they are subject to various conditions of employment in various grades of society. After all, in most cases, the relation between employer and employé in

this class of work is purely a personal one. As regards the conditions of this employment they are also essentially personal, and I do not believe that any arbitration award could be given which would alter the human feeling that should exist between those concerned in this personal relationship. It is, perhaps, unfortunate that some of the women candidates were not elected to this Parliament, that they might speak upon this question. We could have gained from them first-hand information in dealing with the subject that we cannot expect from the male candidates who were returned. In domestic service, the personal element predominates. It is of no use generalizing from individual cases, to conclude that because one mistress treats her servants improperly, all do the same thing, or, on the other hand, that because one or two mistresses treat their servants exceptionally well, they are well treated in every instance. Honorable members need not suppose that, by agreeing to the amendment, we shall be holding out some ideal which all mistresses will act up to. I believe that it is quite possible for the States Parliaments, in their domestic legislation, to accomplish good work in this direction. For instance, in a State Building Act, it would be useful to provide that quarters allotted for the accommodation of domestic servants shall be healthy, and fit for their occupation. I may point out that, in Queensland, it is the duty of inspectors, in visiting children who have been sent out to domestic service from the orphanages, to see how they fare, and that proper accommodation is provided for them. It is in such directions as these that the States Parliaments might do much good by legislation. There is one aspect of the question which, to my mind, concludes the matter as affecting this amendment. I fail to see how a dispute arising between domestic servants and their employers can be considered an "industrial" dispute in any sense of the term. In dealing with this question, we are limited by the Constitution to "industrial" disputes, and I fail to see how such a dispute can possibly arise between persons whose relations are purely domestic. We are not here dealing with an occupation in which two persons are engaged for the purpose of manufacturing something for sale, or are combining to perform some service for the public. The occupation of domestic servants in private families can in no sense be termed an industrial occupation. The relation between employer and employé in this case is a purely domestic re-

lation, as the very words of the clause suggest. Further, even though a dispute in such circumstances were considered an industrial dispute, before it can come under the operation of this Bill it must have extended beyond the boundaries of one State. It is possible that by artificial means such a dispute might be made to extend beyond the boundaries of one State, but it would obviously be an artificial dispute, and one manufactured for the purpose of bringing it under the Bill. It was never the intention that the Bill should deal with such matters. We must consider that the intention was to deal with questions that are essentially national. As a National Parliament we are asked to solve national problems. The function of the Federal Parliament in this connexion is to legislate for disputes in which large bodies of men are concerned; such, for instance, as the seamen's strike, extending throughout the Commonwealth, and blocking trade and commerce; a dispute connected with our railways, which would also block trade and commerce, and disputes arising between employers and large bodies of men, such as shearers, whose occupation takes them from State to State throughout Australia. It is quite possible that in time we shall have large organizations of those engaged in manufacturing industries. It may become essential for them to combine in all the States. It is very probable that we shall have in Australia trusts and combines, whose operation will extend throughout the States, and the men engaged in the industries controlled by these trusts and combines may, in self protection, be compelled to form organizations to resist oppressive conditions. I am satisfied that honorable members generally believe that such disputes as those to which I have referred should be dealt with by Arbitration and Conciliation Courts; but the essence of those disputes is that they are national concerns. We are essentially a Parliament constituted to deal with national matters, and yet, by the amendment, we are invited to include a provision to deal with the persons engaged in an occupation in connexion with which there has not been a suggestion that there is a State dispute, let alone a national dispute. We have in the Bill before us a comprehensive measure capable of doing great work in promoting the peace and welfare of the community, and, in my opinion, it would be most unwise to try to extend its provisions unduly. I therefore hope that the honorable mem-

ber for Kennedy will see his way to withdraw the amendment, and will allow us to proceed with the Bill in its integrity. We have been here for three or four months for the purpose of dealing with legislation. After the little incidents which have transpired we have now an opportunity to deal with practical legislation, and I therefore suggest that we should confine our amendments to practicable proposals, which will make the Bill a workable measure, and thus try to get some business accomplished to the credit of the Federal Parliament.

Mr. DAVID THOMSON (Capricornia).—As I do not propose to follow the Government in connexion with this amendment, I think it is necessary that I should give some explanation of the course I intend to pursue. I am very sorry that the Prime Minister should have announced that the Government have no objection to this amendment. I have, perhaps, given employment to as many domestic servants as has any other member of the Committee, and I fail to see how we are to extend to domestic servants the benefits which the amendment is intended to confer upon them. Servant girls are often required to stay in during the evening to look after the children of a household, and, as I understand the amendment, what is proposed is that in such cases they may be given the right to leave, or to go to bed and let the mother look after the children. I have no wish to oppose the Government, but I intend to vote against the amendment. I shall not speak at length upon it, but I consider it unnecessary and impracticable.

Mr. KELLY (Wentworth).—When we are called upon to consider the advisability of supporting an amendment of this nature, it is right that we should look to our power to enact such a provision. If we accept the amendment, is it at all likely that it will be found effective? We find that, under the Constitution, our powers are limited to the prevention and settlement of disputes extending beyond the limits of any one State, I do not see how trouble amongst the domestics in one house can be held to be likely to extend from Sydney to Melbourne, for instance. I think it would require a walking delegate of the benevolent inclinations possessed by the honorable member for Darling, to foment such a domestic difficulty into a Federal dispute, extending beyond the boundaries of one State. The suggestion is obviously absurd.

Mr. McLEAN.—Such a dispute might arise in a house built on the border line, with rooms in each of two States.

Mr. KELLY.—If a house were built on the border-line between two States, with the servants' quarters in one State and the rest of the house in the other, a Federal dispute might arise.

An HONORABLE MEMBER.—Or on a punt on the Murray.

Mr. KELLY.—One might occur on a punt on the Murray. Curiously enough, the New South Wales Arbitration Act specifically excludes domestic servants, so that a dispute of this kind arising in New South Wales would have to come before a Federal Court before it could be heard by a local Court. What does the amendment mean? It means that any domestic servant having a dispute with her mistress would communicate the fact to her union secretary, who might be the honorable member for Darling. The union secretary would write to a similar organization in Victoria, and that organization would foster a dispute of an exactly similar nature in some house in Melbourne. Then both disputes could be ventilated at the same time, and the Federal Arbitration Court could be brought into action.

Mr. McCAY.—And a common rule applied.

Mr. KELLY.—The Federal Arbitration Court would be brought into action, and might decide whether or not "Bridget," the cook, should be compelled, in the words of the chestnut, "to serve up the salad undressed." I do not think that such trivial matters are proper matters for the jurisdiction of the Federal authorities. That is the first aspect of the question. It is obvious that, in order to have her case heard by the Federal authorities, the domestic servant must, in some way that is not *bona fide*, convert her dispute into a Federal dispute, extending beyond the boundaries of one State. The honorable and learned member for Corinella interjected that the Court might apply a common rule. But how is any Arbitration Court to apply a common rule to an occupation, the conditions of which are entirely different in every separate household. In some houses there may be twelve domestic servants, whilst in the great majority there is only one. We should have a Judge of the Arbitration Court deciding that a cook could cook, and should do nothing else, then finding out that in smaller estab-

lishments she who cooks is expected to do much else besides. I do not see how a common rule could be applied to such cases.

Mr. DAVID THOMSON.—The whole suggestion is ridiculous.

Mr. KELLY.—I am very glad to hear my honorable friend say so. In the State of Victoria, there are something less than 45,000 domestic servants, whereas there are 230,000 houses. Therefore, there is only one domestic for every five houses. If the duties of hired domestics are onerous, those which fall to domestics who are not hired, but perform the work of the household because they are wives or daughters, must be equally onerous; and, in common fairness, we should apply the arbitration principle to the relations between a man and wife and a man and his daughters. If not, why not? If we carried this proposal to its logical conclusion, all sorts of momentous questions would probably have to be dealt with by the Arbitration Court. I think I have said quite enough to show that this measure could not in any way benefit domestics. It is not so designed. Why are our friends opposite, then, with one or two notable exceptions, thoroughly in accord in supporting this amendment? Because, like the honorable member for Darling, they hope to be able to organize domestic servants in the same way that they proposed to deal with farm labourers—not for the benefit of the workers, but for the advantage of the gentlemen who would control the unions, and gain their support in moments of trial, such as exist at the time of Parliamentary elections. I think that the proposal to include all and every one under the provisions of a Bill of this nature—which can only become workable when its operation is restricted to a few well-defined trades—is not conceived in the interests of the principle of arbitration, but solely for the benefit of those who live by political agitation. I shall leave this question to which I have referred for discussion at a later stage, when we are dealing with the amendment of which I have given notice, relating to the political rules of organizations registered under the Bill. In the meantime, I shall oppose this amendment.

Mr. STORRER (Bass).—I do not, for one moment, contend that all masters and mistresses are good to their servants, or that all servants are as attentive to their duties as they might be. There are good and bad on both sides. I was sorry to hear the honorable and learned member for

Wannon state that those who advocated legislation of this kind were indulging in a lot of clap-trap. I do not think that anything is to be gained by the use of language of that kind. The honorable member for Echuca said that the amendment was a sham, and that was an inexcusable expression. Many years ago I advocated the establishment of friendly societies for females. The proposal was looked upon by some persons as impracticable, and described as farcical. I urged, however, that if men, who professed to be the lords of creation and altogether superior beings, required to unite for their own protection, it was only right that they should assist their sisters to unite for their own welfare. In the same way, we should, if we possibly can, extend to female workers the full benefits of this measure. I do not anticipate that the amendment will have any practical effect, but, as I have before stated, I am entirely opposed to anything in the nature of class legislation. We are urged to exclude domestic servants from the operation of the Bill upon very much the same grounds that were advanced by the opponents of the women's franchise. We were told that women did not want the franchise, and would not vote, and yet at the very first election, after women had been granted the right to vote, we found them exercising their privilege almost as fully as did the men. I shall strongly support the amendment, because we are legislating not for tomorrow only, but for many years to come. If the domestics form themselves into unions, and engage in disputes extending beyond any one State, they should have a perfect right to appeal to the Arbitration Court. I was very sorry to hear some honorable members speak of the indifferent accommodation provided for domestic servants. Reverting to the question of farm labourers, I think that many honorable members were misled by the extreme statements made regarding the prevailing rates of wages. Yesterday I met a man who had been working for 3s. a week and his rations, and he said that he was very sorry to lose his job. I do not say that all farm labourers work for 3s. per week, but I mention this case as indicating the extremes to which some people will go, and to show that all farm labourers do not receive £2 per week; as some honorable members would have had us believe.

Mr. WILLIS (Robertson).—The honorable member for Darling told a very sorry tale regarding the hardships to which

domestic servants are subjected. He told the House that many of them were poorly paid, and that many others were only fairly well paid. I believe every word the honorable member said with regard to the low wages which some domestic servants receive, and also with reference to the bad treatment meted out to them. At the same time, I do not think that this legislation will improve their conditions. Good domestic servants can always find good homes, in which they are well fed and well paid. Such servants have no desire to be organized, or to have the conditions of their employment brought under inspection; nor do they desire to be singled out and labelled "domestics." A very large number of wives and mothers in the community have seen service as domestics, and I know of no more honorable calling. Until domestic servants show that they require some special protection, we may very well allow them to go their own way. They have shown no inclination to submit to interference, and I hope that we shall not provide any facilities for organizing them for political purposes at election times. That appears to me to be the principal object of the amendment. I do not think that domestics as a class have any sympathy whatever with those democrats who call themselves labour representatives, or with any of their political nostrums. The Bill would not have the effect which seems to be aimed at, namely, that of increasing the rate of wages.

Mr. McDONALD.—There are other considerations besides wages.

Mr. WILLIS.—No doubt that is the principal object of the measure. One of its effects would probably be to cause many employers to give up their servants altogether, and this would lead to diminished employment for domestics. We have had some experience in Victoria and New South Wales of the difficulty which domestic servants experience in finding employment during periods of commercial depression, and we may judge of the results which would ensue if a large proportion of householders found it impossible to comply with hard-and-fast conditions regarding their employment. If it could be proved that legislation of this kind would remedy the evils referred to by some honorable members, I should support it; but no arguments have been advanced to show that such a measure is required, and it will therefore be my duty to oppose the



amendment. I regret that the Government have decided to depart from the resolve first made by them to take the Bill as it stood. They would have played a more creditable part had they refused to accept this amendment. I believe that the Government are honestly anxious to do their best in the interests of the Commonwealth. It is because I hold this view, and hoped that they desired to suppress the demagogues—who persuade one section of the people that the classes are opposed to the masses—that I have learned with surprise of their intention to support this amendment.

Question—That the words “excepting only persons engaged in domestic service,” proposed to be omitted, stand part of the clause—put. The Committee divided.

Ayes	...	...	...	25
Noes	...	...	...	18

Majority	...	...	...	7
----------	-----	-----	-----	---

## AYES.

Deakin, A.	McLean, A.
Edwards, R.	McWilliams, W. J.
Ewing, T. T.	Phillips, P.
Forrest, Sir J.	Skene, T.
Fuller, G. W.	Smith, S.
Gibb, J.	Thomson, D.
Harper, R.	Thomson, D. A.
Johnson, W. E.	Webster, W.
Kelly, W. H.	Willis, H.
Kennedy, T.	Wilson, J. G.
Lee, H. W.	<i>Tellers:</i>
Liddell, F.	Groom, L. E.
Lonsdale, E.	McCay, J. W.

## NOES.

Bamford, F. W.	Ronald, J. B.
Carpenter, W. H.	Spence, W. G.
Crouch, R. A.	Storrer, D.
Culpin, M.	Tudor, F. G.
Fisher, A.	Watson, J. C.
Frazer, C. E.	Wilkinson, J.
Hutchison, J.	<i>Tellers:</i>
Mahon, H.	McDonald, C.
Page, J.	Watkins, D.
Robinson, A.	

## PAIRS.

Chanter, J. M.	Mauger, S.
Knox, W.	Higgins, H. B.
Quick, Sir J.	Maloney, W. R. N.
Chapman, A.	Brown, T.
McColl, J. H.	Thomas, J.
Turner, Sir G.	Kingston, C. C.
Bonython, Sir J. L.	Fowler, J. M.
Glynn, P. Mc.M.	Batchelor, E. L.
Reid, G. H.	Hughes, W. M.
Conroy, A. H.	Cook, J. H.
Fysh, Sir P. O.	O'Malley, K.

*In Division:*

The CHAIRMAN.—Before the tellers conclude their labours, I direct that the name of the honorable member for Warran be included in the list of those voting

for the “noes.” I take this action in accordance with standing order 295.

Question so resolved in the affirmative.

Amendment negatived.

Mr. ROBINSON.—I crave the leave of the Committee to make a personal explanation. When the question was put I called “The noes have it,” because I was under the impression that the question was, as usual, that certain words be added. I was not aware that the question was “that the words proposed to be omitted stand part of the clause,” and consequently I erroneously called with the “Noes,” instead of with the “Ayes.” I might mention that I was paired with the honorable member for Grey, and that, in no circumstances, would I be guilty of breaking a pair. I think that I am entitled to make this explanation, especially as I was drawn into the division as the result of an error. I presume that there is no excuse, and that I must submit to the result of my mistake.

The CHAIRMAN.—There is no alternative. The standing order is imperative on the point.

Sir JOHN FORREST.—I should like to know, Mr. Chairman, whether there is no way of rectifying the error?

Mr. McDONALD.—The honorable member can give notice of motion when the House resumes.

Sir JOHN FORREST.—Is there no means of rectifying a mistake of this character?

Mr. McDONALD.—I rise to a point of order.

Sir JOHN FORREST.—Oh, it is always the gag.

The CHAIRMAN.—Order!

Mr. McDONALD.—I ask your ruling, Mr. Chairman, whether the right honorable member for Swan is in order in discussing, at this stage, something that took place in connexion with a recent division.

The CHAIRMAN.—I understand that the right honorable member is putting a question to the Chair. Any honorable member has a right to seek information in this way.

Sir JOHN FORREST.—I only wish to know, Mr. Chairman, whether you can afford us any information on the point?

The CHAIRMAN.—So far as I am aware, there is absolutely no remedy.

Mr. EWING.—Will you look into the question, Mr. Chairman? I think there must be a way out of the difficulty.

Mr. ROBINSON (Wannon).—I move—

That after the word "service," line 4, the words "and persons engaged in agricultural, viticultural, horticultural, or dairying pursuits," be inserted.

These words were inserted in the paragraph relating to the definition of "industrial matters," and I think it is desirable that this consequential amendment should be made, so that the industries in question will be excluded from the definition of "industry" as well as of "industrial matters." I do not know that it is absolutely necessary; but I think that, for greater safety, it is advisable that the exception should be made in both cases. The honorable member for Gippsland has given notice of an amendment that is practically the same; but my object in bringing this proposal forward is merely to carry out the decision which the Committee arrived at on Tuesday last.

Mr. MCLEAN (Gippsland).—I think this is purely a consequential amendment, and that it may well take the place of that of which I have given notice.

Amendment agreed to.

Mr. DEAKIN (Ballarat).—The honorable and learned member for Angas has given notice of an amendment that the words "closing of a place of employment or the suspension of work," in the definition of "lock-out" be left out, with a view to insert in lieu thereof the words "cessation of work caused." The words have the advantage of great brevity, because a man cannot close a place without ceasing work, and he cannot suspend work without ceasing work. It would not be fair to ask the Prime Minister to accept this amendment without consideration, but he may make a note of the suggestion. I was not aware that the honorable and learned member for Angas would not be here to submit the amendment, which appears to me to simplify and in no way to diminish the force of the phrase.

Mr. WATSON.—Does the honorable and learned member for Ballarat think that the amendment provides for a partial cessation of work?

Mr. DEAKIN.—It appears to me to provide for any cessation of work.

Mr. WATSON.—But who ceases work? It is not the employer.

Mr. DEAKIN.—But the employer causes the work to cease. This is not a definition, but merely says that "lock-out"

includes the cessation of work caused by an employer.

Mr. WATSON.—I have not attempted to fully consider the interpretation of the suggested words, but at first sight they do not seem to provide for a partial cessation of work, which the Government have in view in their amendment. It might be argued that a cessation of work meant the closing of the whole of the premises, or locking out the whole of the employés. I want it to be made as clear as possible that something less than a total cessation of work may be held to be a lock-out.

Mr. McCAY.—Use the words "any cessation of work."

Mr. DEAKIN.—Or the words "total or partial."

Mr. WATSON.—I want it made clear, at any rate, that the meaning is total or partial cessation of work.

Mr. DEAKIN.—I am only asking the Prime Minister to consider the point.

Mr. WATSON.—I rather like the suggested phraseology as being simpler than that in the Bill; but, as I have said, it must be made clear that a partial lock-out gives the Court jurisdiction. An employer might keep one branch of a large establishment going while he locked out the workmen in all the other branches. A case of the kind occurred in Western Australia, where the Court found that, under a technical reading of the law, it was unable to interfere, because a complete lock-out had not been insisted on by the employer. We want to prevent any cases of that kind arising.

Mr. GROOM.—The present definition leaves the matter in doubt.

Mr. WATSON.—I think it does. So long as the point is made clear I do not care what phraseology is used.

Mr. McCAY.—The suggested amendment has the advantage of harmonizing the phraseology with that used in the definition of "strike."

Mr. WATSON.—I think there is much to be said for the suggested phraseology, and I shall consult the Attorney-General on the point.

Mr. CROUCH (Corio).—The president of the Employers' Federation in Geelong has made a suggestion to me on the point to which the honorable and learned member for Ballarat has referred, and, although this Geelong gentleman is a political opponent of myself, I think his opinions ought to receive our consideration. The suggestion made by the president of the Employers' Federation is similar to that of the

honorable and learned member for Angas, but while the phraseology may be shorter, I do not think that the meaning is altered. I have considered the matter myself, and I think that the use of the words "cessation or suspension of work" would carry out the object which the Prime Minister has in view.

Mr. JOHNSON (Lang).—I gave notice of an amendment in this particular clause, and I think that this is now the time to submit it. In my opinion, the words "and members of an employer's family" ought to be inserted. I desire to make it clear that there can be no application of this definition to any member of an employer's family. The honorable member for North Sydney, a little while ago, referred to a recent decision of the New South Wales Arbitration Court, which bound the members of an employer's family to the terms of award. My object is to exclude the members of the family from the provisions of the Bill.

Mr. WATSON.—The word "family" sometimes has a very extensive range, as was found in New Zealand in the case of the Early Closing Act. Sisters, cousins, and aunts came from all over the country to work for employers.

Mr. JOHNSON.—Even admitting that contingency, surely the members of a man's family may choose to help in any enterprise in which he engages, whether for profit or otherwise. That is a sort of mutual arrangement of a character very different from that made with any outside person to work for hire, reward, or advantage. What a man may do in the circle of his home by arrangement with the members of his family is not a matter which should come within the purview of a Court.

Mr. HUGHES.—No proposal of the kind is needed, because the High Court of New South Wales has already ruled that a clause of the kind applies only to persons in the relationship of employer and employed. According to the High Court of New South Wales an employer under the circumstances is exempted, and it may be taken that a relation of an employer is also exempted.

Mr. JOHNSON.—I am referring to the case mentioned by the honorable member for North Sydney, in which it was held by the Court that the provisions did apply to the domestic circle. That I imagine is, or should be, beyond the intention of the Committee. I want to preserve the sanctity of a man's home from the intrusion of inspec-

tors or other officials, and from any interference by a Court in family life.

Mr. WATSON.—With regard to the suggestion of the honorable and learned member for Ballarat, as to the phraseology in which this definition of "lock-out" should be cast, I think I shall accept it, though it is one which we might more fully consider at a later stage. I am rather inclined to favour the phraseology suggested, but would like to have an opportunity of consulting my colleague, the Attorney-General, who is temporarily absent. In the meantime, I ask the Committee to amend the clause in a way which I shall propose, and the Bill may, if necessary, be recommitted later on.

Mr. McCAY.—The Prime Minister had better consider the definition of "strike" with that of "lock-out," in order to make them harmonize.

Mr. WATSON.—I shall make a note of the suggestion. I move—

That after the word "place," line 5, the words "or part of a place" be inserted.

Amendment agreed to.

Amendment (by Mr. WATSON) agreed to—

That before the word "suspension," line 6, the words "total or partial" be inserted.

Mr. CROUCH (Corio).—I mentioned previously that some recommendation had been sent to me by the President of the Employers' Federation in Geelong, and I desire to submit an amendment which ought to receive serious consideration. I intend to move—

That after the word "work," line 11, the words "or the refusal to accept work on terms and conditions previously ruling" be inserted.

Mr. DUGALD THOMSON (North Sydney).—Before that amendment is dealt with, I should like to ask a question in regard to the definition of "State industrial authority." That phrase is held to mean any—

Board or Court of Conciliation or Arbitration, or tribunal, body or person having authority under any State Act to exercise any power of conciliation or arbitration with reference to industrial disputes within the limits of the State.

I should like to know from the Prime Minister whether that definition will include the Wages Boards of Victoria?

Mr. WATSON.—At first sight I am inclined to think that the Wages Boards will not be included. It is true that a Wages Board is a tribunal having authority; but

the question is whether that authority extends to conciliation and arbitration. The jurisdiction of a Wages Board is certainly in the nature of arbitration.

Mr. McCAY.—A Wages Board can act in the absence of any dispute, whereas a Conciliation Board or Arbitration Court does not.

Mr. HUGHES (West Sydney—Minister of External Affairs).—The difficulty might be met by using the words "having sole authority." The difference is, that while an Arbitration Court has sole authority within its jurisdiction all over a State, the authority of a Wages Board is limited to a particular trade.

Mr. DEAKIN.—And to that particular trade in certain parts of the State?

Mr. HUGHES.—That, of course, is an additional limitation. And, therefore, I make my suggestion in order that it shall be perfectly clear an Arbitration Court is referred to, and not a Wages Board, which differs fundamentally in some particulars. The intention of the Committee ought to be more clearly expressed.

Mr. WATSON.—I think that, on the whole, it would be well to allow the clause to pass, on the understanding that it shall be recommitted if necessary. I shall take time to look into the matter.

Mr. DEAKIN.—Does the Prime Minister agree that the Wages Boards ought to be included?

Mr. WATSON.—That is the very point. The Act so far contemplates the delegation of powers to similar bodies under the States or Federal authorities. A Wages Board is not a similar body. There is a very marked distinction between the two.

Mr. GROOM.—Can an "industrial dispute" be brought before a Wages Board?

Mr. WATSON.—I am disposed to think that it can. When once a Wages Board has been established it proceeds at stated periods to determine the wages which shall be paid in the particular trade over which it exercises authority. It is a regulative body, and therefore it differs from a Court which is created for the express purpose of dealing with industrial disputes as they arise. However, it would not be wise on my part to express a definite opinion upon the matter at the present time. If I am asked to do so, I shall be quite prepared at a later stage to recommit the clause, to allow of the re-opening of this particular question.

Mr. McCAY.—And of any other discrepancies?

Mr. WATSON.—Yes. In any case, I am willing to consider the suggestion which has been put forward by the honorable member for North Sydney.

Mr. DUGALD THOMSON (North Sydney).—I am perfectly willing to agree to the adoption of the course which the Prime Minister suggests. I do not know that it may not be desirable to make use of such bodies as Wages Boards. I would further point out that a State industrial authority might request the Arbitration Court to deal with an industrial dispute. It might therefore be wise to invest those Boards with power to refer disputes.

Mr. HUGHES.—In effect, industrial disputes never come before a Wages Board.

Mr. DUGALD THOMSON.—I do not know that such disputes cannot come before Wages Boards.

Mr. McCAY (Corinella).—This debate has disclosed that, however carefully the interpretation clause may have been drawn, it requires further consideration. I think, therefore, that the Prime Minister ought to be liberal enough to agree to recommit any portion of this provision, concerning which a reasonable case can be made out, in addition to the particular matters to which reference has been made.

Mr. WATSON.—We do not wish to have another general debate.

Mr. McCAY.—I do not think that the Committee will assist any honorable member in raising important questions which have already been decided.

Mr. WATSON.—I have no objection to rectifying errors of draftsmanship.

Mr. McCAY.—I understand that the Prime Minister will recommit the definitions to which honorable members have referred.

Mr. WATSON.—Yes.

Mr. McCAY.—Then I am perfectly satisfied.

Mr. DEAKIN (Ballarat).—The relations which are to exist between State industrial authorities and the Federal Arbitration Court are of a dual character. The Federal Court may refer certain matters to them, or they may refer particular disputes to the Commonwealth Arbitration Court. In both cases Wages Boards might prove very useful. If, for example, an appeal were made to the Federal Arbitration Court, relating to a dispute in New South Wales, it might happen that a Wages Board in Victoria had just dealt with that very question, so far as this State was concerned.

Mr. WATSON.—Do the boards regulate hours?

Mr. DEAKIN.—Within some limits I think.

Mr. TUDOR.—There is no limit whatever.

Mr. DEAKIN.—In any case, it is very desirable to confer upon the central Court the power of disembarassing itself of local matters. In the same way these State industrial authorities might remit disputes to the Federal Arbitration Court.

Mr. HUGHES.—Does the honorable and learned member think that the High Court would hold that the Arbitration Court will have authority to refer disputes to Wages Boards?

Mr. DEAKIN.—I think that many disputes ought certainly to be referred. The work performed by Wages Boards, strictly speaking, is more in the nature of arriving at a determination than of arbitration, and, I think, therefore, that they should be named.

Mr. WATSON.—Under the circumstances, I am quite prepared to recommit this particular portion of the clause, and any other part, regarding which there is a difference of opinion as to draftsmanship. In order to meet the suggestions of honorable members, regarding the definition of a strike, I move—

That before the word "cessation," line 11, the words "total or partial" be inserted. That will make that portion of the clause harmonize with the alteration which has been effected in the definition of "lock-out."

Amendment agreed to.

Mr. CROUCH (Corio).—I desire to submit an amendment which should have the sympathy of the Prime Minister, because I believe that he desires to act fairly alike to employers and employés. I therefore thought of moving—

That after the word "work," the words "or the refusal to accept work on the terms and conditions previously ruling" be inserted.

In support of my proposal, I would point out that an employer may employ twelve men. As the result of one of these discontinuing work, the business of the whole establishment may be disorganized, and a strike ensue through the refusal of outside labour to take his place. Again, through causes other than a strike, a shop might be disorganized. Some employés might absent themselves from work, or die. It could not be said that there had been a cessation of work. Nevertheless, if new hands refused to accept employ-

ment, the conditions of a strike would practically be created. Take, as an example, the case of the Outtrim coal miners, who went upon strike. Let us suppose that just about that time their employers discovered that the coal seam upon which they had been working was exhausted, and that it was necessary to open a new one elsewhere. If the men refused to accept employment on the new seam, the conditions of a strike would be brought about. My proposal does not prejudice the rights of honest employés.

Mr. WATSON.—I do not see how it is possible to accept the amendment of the honorable and learned member, because it seeks to prejudice the right of persons who have never been employed.

Mr. CROUCH.—The words "acting in combination" govern the whole of the amendment.

Mr. WATSON.—That is provided for under the ordinary law. If the amendment be adopted, this position will be raised: a number of individuals may approach an employer and inquire the terms which he is prepared to offer them. He may say that he is willing to pay 5s. per day. If the men refuse to accept those terms, the honorable member wishes their action to constitute a strike. That is a ridiculous proposal to submit. There is no necessity to import new conditions in that regard into the Bill.

Mr. GROOM.—In some States Acts there is a penalty for inducing a person to break the law.

Mr. WATSON.—In that connexion, that may be a very proper provision; but the introduction of a provision of this sort into a measure which is designed to regulate the relations between employers and employés is out of the question. I cannot, therefore, assent to the amendment.

Mr. HUGHES (West Sydney—Minister of External Affairs).—There does not seem to be any power known to the law by which persons can be compelled to accept terms under the conditions suggested in the amendment. Supposing that A's employés say to him, "You must pay 6s. or 5s. a day, or 1s. an hour," and he replies, "No, I shall either leave the State or give up business." Could we prevent him doing so? To be logical, the honorable and learned member must alter the definition of lock-out, in order to provide for the employer being compelled to pay that rate under

any circumstances, and to have no option of refusal. I do not think that that is contemplated at all. I have heard the Judge in the Arbitration Court say to an employer dozens of times, as of course is very obvious, "These are the terms on which you must carry on your industry," but there is nothing to prevent the employer from saying, "I cannot, and I shall shut up my business." If he does shut it up, with a view to compelling the men to accept certain terms, he commits an offence against the Act. But if he simply says, "The Court has made its award, but it pays me better to put my money in the bank, or to invest it on mortgage," then under these circumstances he cannot be compelled to carry on his business. This is not a Bill designed for the purpose of catching hold of a man, and saying to an employer, "Here is an employé. If you do not employ him you will commit an offence against the Act, and we shall make you employ him;" or, of saying to an employé, "If you do not work on that job on the terms which the Court says you have to accept, you will commit an offence against the Act, and we shall make you work for the employer." My honorable and learned friend knows that there is no power to attain that end. An injunction is the most that could be got, and I should like to see the kind of injunction which would be of effect here under such conditions. Therefore, I submit that the amendment is absurd on the very face of it. Take the objection offered by the Prime Minister as to its interference with persons who are not in the relationship of employer and employé. Supposing that A, an employer, has a dispute with B, an employé, and that C comes along and says, "Well, is there any chance of a job here for me?" Is C within the scope of the Act? I do not know whether he is or not. The question is, does this deal with only the relationship of employer and employé, already constituted as such, or does it interfere with employer and employé who are only contemplating such relationship. I know that yesterday, in New South Wales, the Judge certainly expressed an opinion that you could not so interfere. Take the question of giving preference to unionists. A question arose as to whether a person who sought employment came within the Act at all. My honorable and learned friend on the other side held that until he was employed he did not come within the Act. That, in my opinion, is not good law ;

but, nevertheless, it was seriously contended—

Mr. DEAKIN.—What was held by the Court?

Mr. HUGHES.—That delicate point was not dealt with.

Mr. MCCAY.—What is the Minister's view?

Mr. HUGHES.—My views are fully expressed in cold type here.

Mr. MCCAY.—I wish to know the Minister's view as to whether this Bill can apply in that case.

Mr. HUGHES.—The question whether the Bill contemplates interfering with persons who are seeking employment rather than with persons who are already employed is a matter for argument. This is a measure to deal with disputes between employer and employé, and the question arises: Is a person, when he is merely seeking employment, an employé?

Mr. DUGALD THOMSON.—What does this Bill intend?

Mr. HUGHES.—I am just putting this idea forward, and in this quagmire I refer the honorable member to the Attorney-General, whose opinion on this point will, I have no doubt, be valued by the Committee. I put it to the honorable and learned member for Corinella whether this is not a point which requires some discussion, although it may be clear enough in my own mind. Under certain circumstances, the matter seems perfectly clear, but under others it is not. But when the honorable and learned member for Corio says that a person seeking employment for the first time will be met with this statement—"You cannot be employed at all, unless you work for a certain sum; and if you refuse to do so, you will commit an offence against the Act," my reply is that I do not think that we have any jurisdiction in such a case. If there is not a contract of employment, how is that man an employé? And if he is not an employé how does the Act apply?

Mr. MCCAY.—Would the Minister apply that view to the rule of giving preference to unionists, for example?

Mr. HUGHES.—I am now dealing with the amendment. It may be a bad point, or it may be a good one, but there it is. I question very much whether the Court would have jurisdiction, but if it had, I contend that it would manifestly be beyond the power of any Act to compel such persons to work, and if it could do so it could also compel an employer to employ

a man at a rate which, obviously, according to his intimate acquaintance with his affairs, he could not afford to pay. Supposing that a firm of ship-owners is told—"You must employ a person at £10 a month," and they say—"We cannot," what is the alternative? Is there anything in the Bill by which we can compel the firm to sail their ships at the scheduled time, and pay the scheduled rates?

Mr. DUGALD THOMSON.—The alternative is to go out of business.

Mr. HUGHES.—Precisely.

Mr. McCAY.—And the man's alternative is to go out of his business.

Mr. HUGHES.—That is the point. If a man is employed in an industry, and the Court says to the employer—"You must pay six shillings a day in that industry," it does not say—"You must keep on that industry, whether you like it or not," but it says—"If you keep on the industry, you must pay six shillings a day." Or, suppose that there are five employers in any one industry in a State; the Court says to them—"If you carry on business, each one of you five men, and as many more as may come within the common rule, must pay five shillings a day to your men." It does not say to every one of the five men—"You must keep on your business." Any one of them may shut down, and provided that he does not shut down for the purpose of compelling his employés to accept any other terms of employment, he does not commit an offence against the Act.

Mr. DUGALD THOMSON.—The alternative is that the employer has to go out of business.

Mr. HUGHES.—Yes.

Mr. DUGALD THOMSON.—Does the honorable gentleman propose that men shall not be allowed to engage in that business?

Mr. HUGHES.—Undoubtedly, the men are subjected to precisely the same penalty; that is to say, they go out of that business. Surely the honorable member does not propose to compel the men to work, but not to compel the employer to employ them?

Mr. DUGALD THOMSON.—No; I only wished to get an interpretation, and the Minister has given that.

Mr. HUGHES.—In my opinion, this is simply a Bill to endeavour to settle industrial disputes. No sort of means, short of physical force, has yet been devised by which a man can be compelled either to employ men or to work for others.

Mr. DUGALD THOMSON.—That is the most instructive criticism of the Bill!

Mr. HUGHES.—I have not the slightest doubt that if the Court said to a man—"If you do not do so-and-so, we shall put you in gaol until you do," even that would not in all cases compel him to comply. For we know that there are litigants so determined that they will not obey an order of the Court even though they may be sent to gaol—although that course is generally effective.

Mr. McCAY.—Passive resistance.

Mr. HUGHES.—Yes, like the Non-conformists at home. I do not think that the amendment is capable of being given effect to. I question very much whether a man who is seeking employment for the first time would be held to be making a contract of employment, and, if not, I do not think that they would come within the scope of the Bill, and, therefore, in any case, the clause would not apply.

Mr. McCAY (Corinella).—I agree with the interjection of the honorable member for North Sydney, that if the views of the Minister of External Affairs are correct, there is a great deal in this Bill which will suffer very considerably from that criticism. Take the case of wharf labourers, who, as I understand, are not in any one's permanent employment. The view of the honorable and learned member for Corio is that if this measure is applied to a case of that kind, it is all on one side. Suppose that one job is finished, and that when the next job comes along, the employer says to the men—"I want you for this job," and they say—"Oh, we are not going to take on this work at the rate which has been ruling up to the present time." That is, to all intents and purposes, equivalent to a strike.

Mr. HUGHES.—That is an entirely different thing.

Mr. McCAY.—That is exactly one of the cases which would arise, and very probably it was the case which was in the mind of those who made this suggestion.

Mr. WATSON.—In New South Wales they have been brought under the Act without the phraseology of the amendment of the honorable and learned member for Corio.

Mr. HUGHES.—Will the honorable and learned gentleman allow me to interpose a few remarks?

Mr. McCAY.—Certainly.

Mr. HUGHES (West Sydney—Minister of External Affairs).—What I understand the honorable and learned member to ask is, whether the wharf labourer casually employed, and not necessarily by the same man, should finish the job he is working on, and

whether, having finished that job, he should refuse to work for another man.

Mr. McCAY.—Oh, no; on a fresh job.

Mr. HUGHES.—There is no power in the Bill to compel any person to commence a fresh job. The reason which he or any member of the union gives for declining to work must not be that the conditions or terms are unsuitable. If he is a member of a union he must work under those terms or conditions, or give it up. If the award were for 15d. an hour, or under those conditions, and other stated conditions, and one of those wharf labourers said to the stevedore, "I shall not work for 15d. an hour," and if the employer is thereby put to any loss, damage, or inconvenience, he can proceed against the union to which the wharf labourer belongs. In any case, the man is liable to a penalty. There is no sort of doubt about that in my mind. As a matter of fact, in one particular case where men did so refuse to work an application was made to their union, and the union authorities had immediately to send other men down to do the work. The responsibility lies upon the union in such cases, preference being given to unionists, to carry out the work on the terms laid down.

Mr. McCAY (Corinella).—That is after an award.

Mr. HUGHES.—Precisely.

Mr. McCAY.—We are dealing at present with the definition of "strikes," and this Bill is intended to prevent strikes.

Mr. HUGHES.—The honorable and learned member was speaking of the conditions existing before an award?

Mr. McCAY.—Yes. The Bill says that a man must not stop work, having taken it up under certain conditions stated. It is suggested by the Minister of External Affairs that the conditions which bring people within the scope of the measure do not arise until the relation of employer and employé has arisen.

Mr. HUGHES.—I did not suggest that. The matter was suggested yesterday in Court, and I say it is a question on which there may be a difference of opinion.

Mr. McCAY.—I may have misunderstood the honorable and learned gentleman. But I thought he inclined to the view that there must be the relation of employer and employé existing before the law would apply.

Mr. HUGHES.—I did not intend to convey that.

Mr. McCAY.—The honorable and learned gentleman said that sometimes it would and sometimes it would not.

Mr. HUGHES.—I say that, in some circumstances, there appears to be no doubt that the relationship does arise.

Mr. McCAY.—The difficulty is that we ought to know whether this Bill is intended to apply in any case prior to the relationship of employer and employé arising.

Mr. HUGHES.—Would such a provision be *ultra vires*, no matter what we put in the Bill?

Mr. WATSON.—There is no intention on the part of the Government to bring within the scope of the Bill, and the ordinary forms of arbitration, persons who are not employés or employers.

Mr. McCAY.—Then the intention is that the Bill will only apply after the relationship between employer and employé has arisen. I think we shall find some difficulty in sustaining some of the clauses of the Bill, such as the possibility of giving preference to any particular class.

Mr. HUGHES.—The question is, when is a contract of employment completed?

Mr. McCAY.—I mention that in passing. The amendment proposed by the honorable and learned member for Corio, as I understand it, is intended to meet a case in which the advantage would otherwise be all on the side of the employé, because the employer would be requiring the services of the men all along. In the case suggested of the stevedore and the wharf labourers, the men would be employed at a particular job, and when that was finished, they would be required to take up another of the same kind. They might say that they would not start on the next job, and it would be a question whether it was a continuous employment, as it practically would be.

Mr. WATSON.—It practically is, and I understood that it had been held to be so by the Court in New South Wales.

Mr. HUGHES.—No; the very reverse has been held.

Mr. McCAY.—I am still referring to what may take place prior to an award. I am still dealing with the question of a "strike," and not with a question of non-compliance with an award. The honorable and learned member for Corio desires to meet that case.

Mr. WATSON.—In that case the employer will be no worse off under the Bill than he is to-day without the Bill.

Mr. McCAY.—I remember that we discussed this question last session to some



extent, when the honorable and learned member for Ballarat introduced the Bill. I think that it is partially true to say that the employé would get fuller advantage from the Bill under those circumstances than the employer would get. I see that there is a difficulty; but, nevertheless, I cannot support the amendment. In the endeavour to cope with one difficulty, the amendment would create a set of relations which would be impossible under any Arbitration Bill that could be conceived, except by the most ardent supporter of such a Bill in its most unfettered form; and under such a Bill everybody would be fettered. Desiring, as I do, that the Bill shall be fair to both sides, I cannot support an amendment which, in the endeavour to meet one difficulty, would tend to create many more. However, I commend the matter raised by the amendment to the consideration of the Government. I desire to say that the Minister of External Affairs misunderstood me a few minutes ago. I had not followed what the honorable and learned gentleman was saying, and I therefore desired that he should repeat it. The honorable and learned gentleman evidently thought I was trying to heckle him. On some occasions I shall, no doubt, heckle the honorable and learned gentleman, but on that particular occasion I was not doing so.

Mr. SPENCE (Darling).—I point out to the honorable and learned member for Corio that the difficulty which he seeks to meet by his amendment is already met by clauses 6 and 7.

Mr. CROUCH.—They only refer to agreements.

Mr. SPENCE.—They cover the whole position. The Bill is framed on the recognition of the two parties concerned, and on the recognition of organizations, and organizations are held responsible for action taken by their bodies as combinations. If the honorable and learned member will look at the clauses to which I have referred, he will see that there can be no combination of men to refuse work.

Mr. MCCAY.—That is only where an agreement has been made.

Mr. SPENCE.—It applies after an award has been made. I have not the least doubt that the honorable and learned member for Corio would be no party to the introduction of such a law as existed in the time of Edward III., when a land-owner had the right to tap on the shoulder a man who owned no land, and compel him to work for him. That system would make men abso-

lute slaves. Men should not be compelled to work for others whether they desire to do so or not. The Employers' Union has complained that the Bill contains too many restrictions, and yet they are here endeavouring to introduce a further restriction. It is clear that no man should be compelled to work for another upon any terms he chooses; but there can be no objection to the way in which unions are bound under the Bill. The unions are held responsible under the Bill if there is any attempt made by combination to prevent work going on before it is started, or to interfere with work which has been begun.

Mr. GROOM (Darling Downs).—I am afraid that the amendment proposed by the honorable and learned member for Corio is utterly impracticable. The honorable member proposes to read into the meaning of the word "strike," that it shall include the refusal by the members of an organization to accept work on the terms and conditions previously ruling. Let us take a specific instance for the purpose of illustration: There are woollen mills established at Geelong. No award has been given in connexion with the work of persons engaged in woollen mills. Three persons in those mills are members of an association; they give notice of the termination of their contract; the contract is terminated, and they walk out. According to the amendment it would appear that if they are asked to work on the terms and conditions previously ruling, and they refuse, they are guilty of a strike?

Mr. CROUCH.—No.

Mr. GROOM.—Here are three persons members of an organization, refusing to accept work on terms and conditions previously ruling, when they have been offered such work by their former employers.

Mr. CROUCH.—The honorable and learned member is making this mistake. He has not read the amendment with the other words of the clause governing the whole thing, "acting in combination, as a means of enforcing compliance with demands made by them or other employes." The amendment must be read with its context.

Mr. GROOM.—The amendment means that no man ought to be allowed to notify the termination of his agreement, in accordance with his contract of employment. The Prime Minister will probably be aware that Mr. B. R. Wise dealt with this question. He said that it was never intended by any Arbitration and Conciliation

Act to compel men to work, any more than it was intended to compel any other person to employ them. The object was that, if disputes arose between employers and employes, during the continuance of that relation, instead of having strikes there should be a proper settlement of those disputes. But our rules of common law still remain, and any man may give notice in accordance with the terms of his contract, to cease employment; whilst in just the same way an employer has the right, by giving notice of dismissal within the terms of his contract, to get rid of any man working for him. I understand that the honorable and learned member for Corio does not press the amendment strenuously, but has felt that he was bound to submit it.

Mr. CROUCH.—It grows upon me that it is a very just amendment.

Mr. GROOM.—It would make too great an alteration in the common law governing the relations between employer and employé to meet with my approval. Perhaps the doctrine of compulsory working might be usefully applied in certain portions of Australia to certain persons in the community, who exhibit no inclination to work; but the amendment appears to me to be beyond the scope of an Arbitration and Conciliation Act, which should deal with men only in respect of their relations as employers and employes. If an employé proposes to terminate his contract of employment by proper notice, he should be allowed to do so.

Mr. KELLY (Wentworth).—I am inclined to agree with the honorable and learned member for Darling Downs, that this amendment goes rather too far, but I think that the discussion which has taken place has proved useful in indicating the comparative advantages which either side may obtain from the measure. It is necessary that we should understand what we are doing, because the Bill will be a source of great danger if one side obtains too much advantage over the other. I would ask the Prime Minister whether he has taken into consideration the case of an employer who has, say, ten hands employed at 10s. per day. If a workman came along and offered to work for 8s. a day, could the employer dismiss one of his old hands and take on the workman at the lower rate?

Mr. WATSON.—If there was no award of the Court he could do so.

Mr. KELLY.—But he could not dismiss one man and take on the other?

Mr. WATSON.—He could do so before a dispute came within the jurisdiction of the Court. The existing state of affairs is not to be interfered with between the time that a dispute comes within the cognisance of the Court and the announcement of the award.

Mr. KELLY.—I understand that if the wage were fixed by the Court, the employer could not dismiss one man and take on another at a lower rate of wage; but, that, on the other hand, an employé would be free, upon the completion of his term of service, to accept more lucrative work.

Mr. DEAKIN.—That would be employment at another class of work.

Mr. KELLY.—Yes; it would have to be, if the common rule were rigidly applied.

Mr. WATSON.—The employé would have to give the notice prescribed under the award; it might be a fortnight or three weeks, according to the custom of the trade.

Mr. KELLY.—What I desire to point out is that the employé is in a position different from that occupied by the employer.

Mr. WATSON.—I do not think so, in principle. Each has the right to refuse to continue the existing arrangement beyond the period of notice fixed by the award.

Mr. SPENCE.—The employer could give up his factory.

Mr. KELLY.—I think that that is a most frivolous point to take. If an employer gave up his factory he would also probably have to give up the accumulated savings of a life time.

Mr. McDONALD.—But, suppose that he could see a better investment?

Mr. KELLY.—An employer can very rarely see a better investment for the capital which he has embarked in his business.

Mr. WATSON.—I know of one manufacturer in Sydney who closed down his boot factory and went into the jam making business. He attributed the closing of his factory to the Arbitration Act, whilst other boot factories were springing up in all directions.

Mr. KELLY.—I think it is the duty of all honorable members, irrespective of party, to assist in making the measure thoroughly workable, and it is solely with this object that I am seeking to ascertain how the Bill would apply to cases such as I have mentioned.

Mr. CROUCH (Corio).—I first mentioned the amendment as a suggestion which I thought worthy of consideration, and the discussion which has taken place

has shown that unless some such provision is made a very strong weapon will be placed in the hands of the employés. What would be the position of a ship-owner whose vessel arrived at a pier at Geelong or Melbourne or Sydney, and who desired to have his vessel unloaded, if the wharf labourers, without first entering into the relationship of employés, declined to discharge his ship? There seems to be no provision in the Bill to meet such a case, and the suggested amendment is intended to make good the deficiency. Unless the relations of employer and employés are established between the parties, the refusal of the workers to accept employment would not come within the definition of the word "strike" in the clause as now drafted. What is sauce for the employé is also sauce for the employer. Suppose that an employer had a woollen factory and the spinners went out, whilst the weavers remained at work. If the employer found that the weavers, who were satisfied with their wages and met all his requirements, were passing some of their pay on to the strikers, would he have the right to not only to insist upon the weavers being dismissed, but to refuse to employ fresh weavers? Would not his refusal to employ these necessary new hands be regarded as a lock-out? And why should not similar action by the employés be equally condemned? This is a matter which should be considered, because the Bill should not embrace any lop-sided provisions distinguishing between employer and employé. On the other hand, the employés will be able to please themselves as to whether or not they accept work, and the employer may be entirely at their mercy. We should recognise that the Bill does not meet all the conditions that may arise, and that it is to that extent faulty. Neither the Prime Minister nor the honorable and learned member for Darling Downs have read the amendment as if it were a part of the clause. The amendment is only intended to come into operation upon the refusal to work by men acting in combination, as a means to enforce compliance with demands made upon the employers. If men acting in combination deliberately refuse work, in order to assist strikers, they should be treated upon exactly the same footing as those who have actually struck, because they are endeavouring to secure by their abstention better terms of employment for the strikers. The pro-

*Mr. Crouch.*

posal to limit the application of the amendment to members of organizations is a proper one. If this restriction were not made, it would become the duty of some persons, perhaps an officer of the Court, or of the employer who was bringing his employés before the Court, to go all over the place asking people, "Are you a possible, or probable, employé?" By limiting the application of the amendment to the members of organizations, I have met the objection raised by some honorable members. This will meet the case of those who endeavour to enforce their demands by inducing members of similar organizations to refuse to accept work. If the suggested amendment were adopted, the paragraph would read as follows:—

"Strike" includes the cessation of work by employés, or the refusal by members of organizations to accept work on terms and conditions previously ruling, acting in combination as a means of enforcing compliance with demands made by them or other employés on employers.

I think that if we are to accord equal treatment to employers and employés this amendment should be inserted.

Mr. WATSON.—I contend that there is really no necessity for the suggested amendment; because under the Bill employers would be in no worse position at the period to which the honorable member's amendment would refer, than they are at the present time.

Mr. McWILLIAMS.—In addition to that, any employer knows that men who are forced to work are not worth having.

Mr. WATSON.—Exactly. It would probably be far worse for the employer if he had to pay men 8s. a day for standing about, and pretending to work. Apart from that, however, in such a case as that alluded to by the honorable member—that of a ship-owner desiring to obtain labour and unable to secure it—the employer would to-day be in the same position that he would occupy under the Bill. He now has to run the same risk of the men declining to engage that he would incur under the Bill. If, during employment, there were a strike, the employer could appeal to the Court and obtain an award, and immediately that award was given, the union would be bound, after having obtained preference for its members, to find the employer a sufficient number of men to carry on the work. Any refusal to go to work upon a temporary job would become a breach of the award. That is the position under the New South Wales Act, the pro-

visions of which are equivalent to those in the Bill, so far as this matter is concerned. Once an award is given, the conditions indicated by the honorable and learned member for Corio are provided for. The union would be responsible under a penalty for any breaches of the award.

Mr. CROUCH.—But the union is responsible only for its own members.

Mr. WATSON.—Quite so; and all that the honorable member proposes to do is to deal with the members of the union. After an award had been given, the union would be bound to supply labour to the full extent of its membership, if necessary, and under the Bill the employer would be in no worse position than at present. Until a dispute had arisen the Court would not interfere. It would be an unheard-of thing to seek to compel men to enter into employment—not to continue in employment—where they have no desire to do so. I am sure that the honorable member has not quite appreciated the position that the Bill seeks to create in trying to settle disputes between employer and employé.

Mr. McWILLIAMS (Franklin).—I sympathize with the intention of the honorable and learned member for Corio, that, if possible, both barrels should be loaded, and each side treated alike.

Mr. KELLY.—So that both may be shot?

Mr. McWILLIAMS.—In some instances that would be the effect of this proposal. Speaking as one who has employed a good deal of labour, I must say that I recognise that it is utterly futile for a man to attempt, not merely to force a person into his employment, but to keep him in that employment when he is not satisfied. My experience relates more particularly to the newspaper printing trade. If a practical man in that business finds that an apprentice is not satisfied with his position, he is very foolish if, notwithstanding that indentures have been entered into, he attempts to retain him against his will. I always felt that, if any of my employés were not satisfied with the conditions of their service, the quicker we parted company the better it would be for both of us.

Mr. JOHNSON.—Employment under such conditions would not give the best results.

Mr. McWILLIAMS.—Certainly not. I most strenuously object to any attempt to force men into a position that they do not desire to occupy. I am afraid that, in another part of the Bill, we are going too far in the other direction; but that is a matter with which we shall be able to deal when

it comes before us. As one who has had to make his way through life, who has had to seek employment, and to sell his labour in what he considered to be the best market, I protest against any attempt to force men to accept employment when they know that they can secure better terms and conditions in another market. If there is one object above all others, which Parliament should, if possible, seek to achieve, it is that of creating conditions in which a man would be as free as the air to better his position, and to secure the best results from his labour. However estimable may be the object which the honorable and learned member has in view, I must vote against any attempt to force men into employment which they do not desire to accept.

Mr. ISAACS (Indi).—I think that the best way to test the suggested amendment is to apply it to a concrete case. Let us take the example cited by the honorable and learned member for Corio—the case of wharf labourers who refuse to accept work. If they, “acting in combination,” to use the words employed in this paragraph, “as a means of enforcing compliance” with some demands made by them, took up a certain stand, what would be their position? We will assume that they have met together, and have declared that they require an additional sixpence or one shilling a day in future, but that the employers wish to engage them according to the previously ruling rates. The men say—“We have combined. We think that we have not been receiving a sufficient wage, and we demand more.” Immediately they refuse, in combination, to take what they consider to be insufficient, and to enter into this service, they will, if this suggested amendment be adopted, become liable to be punished.

Mr. McWILLIAMS.—It would make slaves of them.

Mr. ISAACS.—Quite so. It is a proposal which goes beyond the principles of the Bill, or any that we could imagine. I can see no justice in it, especially as there is no correlative provision with regard to a lock-out. Where is there a provision in the Bill which would, as has been suggested, act as a second barrel, by declaring that if employers refused to give men work when they were requested to do so, they should be adjudged guilty of bringing about a lock-out? It is impossible to even imagine the working of a provision such as that proposed by the honorable and learned member in relation to a number of men who were not in any employment—so that there could be

no suggestion of their throwing down their tools and causing disorganization—but who merely said, “We require some condition that we have not yet obtained.” The point at issue might not relate to wages. It might relate to the question of hours of labour, or other conditions; but if they agreed on reasonable grounds not to accept any future employment from certain persons, they would be held to be strikers. I think that my honorable and learned friend will forgive me for expressing the opinion that his proposal is altogether foreign to the principle of the Bill, and should find no place in it.

Clause, as amended, agreed to.

Clause 5—

When any person is convicted of an offence against any provision of this Act for which a pecuniary penalty is provided, the Court before which he is convicted may direct that the defendant shall not continue or repeat the offence under pain of imprisonment, and thereafter the defendant shall not continue or repeat the offence.

Penalty: Three months' imprisonment.

Mr. HIGGINS (Northern Melbourne—Attorney-General).—I move—

That the words “thereafter the defendant shall not continue or repeat the offence. Penalty: Three months' imprisonment,” be left out, with a view to insert in lieu thereof the words, “if thereafter the defendant continues or repeats the offence, he shall be liable, in addition to the pecuniary penalty for the offence, to imprisonment for any period not exceeding three months.”

This is purely a drafting amendment, and is designed to prevent any ambiguity. No new principle is involved.

Amendment agreed to.

Mr. DUGALD THOMSON (North Sydney).—This clause, which renders a person liable to imprisonment for repetition of an offence, seems to me to be rather severe. I do not know whether the Attorney-General has considered the desirableness of providing that the fine shall be doubled, in the case of a second offence, rather than declaring that imprisonment may follow the repetition of an offence. It may be necessary to provide for imprisonment in certain cases, but I do not care for such a provision in a measure of this kind. I should not be pleased to see two or three thousand men imprisoned. Such a thing would be practically impossible. No one would think of pushing this clause to that extreme. I do not propose to move any amendment, but the Minister might well consider whether it would not be better, instead of providing for imprisonment for the first repetition of an offence, to de-

clare that in such a case the fine shall be increased. If imprisonment is to be resorted to at all, it should not be ordered until that stage has been passed. One of my objections to this clause is that the imprisonment of a great number of workmen, apart altogether from the imprisonment of employers, would be so obnoxious to public sentiment that it would not be resorted to. If the provision is not to be carried out, there are other means of dealing with the repetition of an offence that would probably be far more effective.

Mr. HIGGINS.—I agree with the honorable member that it is important that, except in extreme cases, persons should not be made criminals. We should not provide for imprisonment unless there is strong reason for doing so. If the honorable member looks at the clause, he will see that the punishment of imprisonment is to be inflicted only when the Court makes a special order warning a man that if the offence be continued he will be liable to imprisonment. It is only in the event of a very special order being made by the Court—and we must trust the Court in these matters—that the punishment of imprisonment is to be inflicted. It will be necessary for the Court of Conciliation and Arbitration to say in effect, “If this offence be repeated you will be liable to imprisonment.” A man will be warned before this penalty is resorted to, and I do not think that the Court will lightly use it. I quite agree with the main principle, that a simple repetition of an offence ought not to involve imprisonment. It is only in a case in which the Court finds that it is utterly impossible to deal with the matter, by inflicting a fine, that it will say to the offender, “We shall provide in our order that if you offend again you shall be liable to imprisonment.”

Mr. DUGALD THOMSON.—For intentional resistance.

Mr. HIGGINS.—After the offender has been specially warned.

Mr. DUGALD THOMSON.—There is a possibility of a man being imprisoned before that stage is reached.

Mr. HIGGINS.—We must largely trust the Court. There are really two Courts to be considered, so far as this matter is concerned. The Arbitration Court must, first of all, specially warn an offender that he will be liable to be imprisoned if he repeat an offence; and, secondly, the Court of Petty Sessions must see fit, in the circumstances, to order imprisonment. I think, therefore, that the honorable member will

see that the course proposed is not extreme. I shall, however, act on his suggestion, and look into the matter. I shall ascertain whether there is any similar provision in the New Zealand or New South Wales Acts.

Clause, as amended, agreed to.

Clause 6 agreed to.

Clause 7—

Where persons . . . have entered into an agreement with respect to employment in that industry, any of such purposes . . . shall be deemed to be guilty of a lock-out or strike, as the case may be.

Mr. HIGGINS (Northern Melbourne—Attorney-General).—I move—

That after the word “an,” line 1, the word “industrial” be inserted.

The object of this amendment will be apparent to honorable members. It is desired that this clause shall not apply to every agreement that may be made between an employer and an employé, but to an industrial agreement, which will mean a formal agreement made between organizations or between an employer and an organization. It is obvious that it is not for the Court to interfere, and to punish a man for a mere breach of a private agreement between employer and employé.

Amendment agreed to.

Clause further verbally amended and agreed to.

Clause 8—

Any organization of employers or employees which, for the purpose of enforcing compliance with the demands of any employers or employees, orders its members to refuse to offer or accept employment, shall be deemed to be guilty of a lock-out or strike, as the case may be.

Mr. GROOM (Darling Downs).—Will the Attorney-General explain how this clause will work out in practice? If a meeting were held and resolutions passed, do only the persons present at that meeting so bring themselves within the clause as to be deemed guilty of an offence, or will the whole organization be held responsible?

Mr. HIGGINS.—The whole organization; the levy will be against the organization.

Mr. SPENCE.—Against the organization funds.

Mr. GROOM.—Supposing the matter be left in the hands of a strike executive of five men, will there be any method of punishing these men, other than by getting

at the funds of the organization? Will there be any penalty such as imprisonment?

Mr. SPENCE.—The union itself is punished.

Mr. HIGGINS.—The matter will all depend on whether the five men are or are not authorized by the union. If the five men are authorized, the organization is liable; but if they are not authorized, then we have to find such remedy as we can against them.

Mr. LONSDALE (New England).—It appears to me that if the executive of an organization order a strike, the organization ought to be bound; otherwise the position would be most extraordinary. I take it, however, from what the Attorney-General has said, that there must be some special authority given before the organization is bound. But in my opinion the very fact that the executive hold their positions binds the organization. An executive cannot act as individuals in ordering a strike. If the secretary or president of an employers' organization ordered a lock-out, I take it that the organization would be bound, even in the absence of any special resolution.

Mr. HIGGINS.—There is no distinction drawn between an employers' organization and an employés' organization.

Mr. LONSDALE.—I am making no distinction. I take it that if the president and secretary of an industrial union ordered a strike, the very fact of their being officers would bind the organization, and that the same argument holds good in the case of an employers' union. It appears, as I said before, that, in the opinion of the Attorney-General, there has to be some resolution of the organization to bind it.

Mr. HIGGINS.—No.

Mr. LONSDALE.—I only desire that the honorable and learned member for Darling Downs should understand the position, and at present I do not think that the answer he received was quite the answer he expected. Then, again, an individual employer might say, “I cannot carry on my business under the conditions laid down, and, therefore, I shall close my establishment.” Surely it cannot be called a lock-out if an individual, apart from any organization, and from any preconcerted action, decides to close his works.

Mr. HIGGINS.—What is the object?

Mr. LONSDALE.—If I were in business in any industry, and the conditions laid down by the Court were such that in

my opinion I could not carry on at a profit, surely no law in the world could compel me to go on at a loss?

Mr. HIGGINS.—Such a person is perfectly free to give up his business.

Mr. LONSDALE.—And close it completely?

Mr. HIGGINS.—Yes.

Mr. LONSDALE.—Then I want it made clear that no penalty attaches under such circumstances. And in the case of the men, if the conditions laid down are against them, why punish them for saying that they cannot accept the position?

Mr. SPENCE.—The definition of "lock-out," which we have already passed, meets the case.

The CHAIRMAN.—That matter is not dealt with in the clause before us.

Mr. LONSDALE.—But it certainly has to do with the question before us. The clause provides—

Any organization of employers or employees which, for the purpose of enforcing compliance with the demands of any employers or employees, orders its members to refuse to offer or accept employment, shall be deemed to be guilty of a lock-out or strike, as the case may be.

The CHAIRMAN.—The honorable member is discussing the question of an individual employer who takes independent action.

Mr. LONSDALE.—I want it made clear that if the president and secretary, or other officers, advise a lock-out, the organization which accepts the advice shall be held to be guilty.

Mr. GROOM.—According to the Attorney-General the officers must receive authority from the organization, and I am satisfied with the answer.

Mr. LONSDALE.—What is the authority? If officers of an employers' association order a lock-out, and the order is accepted by the employers, surely that is a breach of the law for which the organization is responsible; otherwise there can be no breach of this provision.

Mr. HIGGINS.—I think the honorable member for New England has asked a very fair question. He desires to know whether, if an order be given by, say, the president of an association, the organization is bound and liable. I think I can best answer by putting a similar case. If a director of a company goes to a bank and borrows money for the company, which he has no power to borrow under the articles, the company is not liable. It has to be shown against the company that the director had the authority

to borrow; and the same holds good in the case we are discussing. If an official of an association does a thing, or purports to do a thing which he has no authority to do, the organization is not liable. It has to be proved in every case that the organization does the act, and if the act be done by the organization's authorized agent, of course the organization is liable.

Mr. DEAKIN (Ballarat).—Perhaps the best answer to the honorable and learned member for Darling Downs is to be found in schedule B, which requires that the affairs of an association must be regulated by rules providing for the following matters:—

(a) The appointment and continuance of a committee of management, a chairman or president, and a secretary;

(b) The powers, duties, and removal of the committee, and of the chairman or president and the secretary.

(c) The control of the committee by general or special meetings.

Mr. GROOM.—But if an association delegated the power to order lock-outs, would that not be contrary to the Bill?

Mr. DEAKIN.—The rules will determine the powers of the committee of management, and if they are authorized to act for the organization as a whole, then, following the Attorney-General, I think the organization is bound. If authority is not given to act for the organization as a whole—though probably it would be given by general or special meeting in such critical matters—then another course would have to be followed. We should have to look at the rules in each case to discover whether the body purporting to issue the order is, by the organization's rules, authorized to issue it.

Mr. SPENCE (Darling).—Honorable members who have any acquaintance with trades union matters in the past, know that the most restrictive rules are applied in order to safeguard any action calculated to produce a strike. In the large organizations of the old world, a vote of the whole of the members is taken, so that in a body like that of the Amalgamated Engineers, there cannot be a strike in one town without the whole body of members throughout the country expressing approval. These safeguards are created simply because the organizations are opposed to strikes, which they regard as a last resort. I may frankly admit, and I think I shall be borne out by the honorable and learned member for Ballarat, that it was the action of the Shearers' Union, with which I am as-

sociated, as president, that gave rise to this particular clause. In such an industry, the work is intermittent, only lasting for about three months in each year, and it would be possible for the union, as a body, by asking the members to stay at home, to prevent any work unless the terms they desired were conceded. Under the New South Wales Act, that was held not to be a strike, though my own opinion is that, under that Act, there was power to interfere. I am not objecting, nor does my organization object, to this provision; and it was my suggestion that the word "industrial" should be inserted, seeing that, in the case of ordinary agreements, the common law made full provision. In the Shearers' Union it would be utterly impossible to have a meeting of the members as a whole; but a vote is taken, and, as far as possible, the members are consulted before any extreme step is taken. Before the executive, which is a small body, can take any action which is effective, they must be supported by a consensus of opinion amongst the members, or otherwise the members would not observe the order issued. If the executive take any action which does not please the majority of the members, that body, who are elected on a plebiscite, may be quickly turned out. I can assure honorable members that large unions will always see that proper safeguards are provided; a union ought to be held responsible under the clause for any act ordered by its officers.

Mr. DEAKIN.—An organization cannot be registered unless that provision is made.

Mr. SPENCE.—I do not care if even only one officer were concerned, the union should be held responsible, and should take it upon itself to punish the officer if he be at fault. That is simply a form of the responsible government of which we hear so much.

Mr. LONSDALE (New England).—I am quite willing to accept what has been said by the honorable member for Darling. My desire is to make a union responsible for the action of its officers.

Mr. SPENCE.—This clause meets the case.

Mr. LONSDALE.—I am not saying whether the clause does or does not meet the case; my observations were based on the answer of the Attorney-General, that there must be some authorization by the organization. If the commands of the executive of a union are acted upon, I claim that the organization concerned should at once become

responsible. The Attorney-General, in replying to the honorable member for Darling Downs, led me to believe that that would not be so.

Mr. HIGGINS.—The honorable member must have misunderstood me.

Mr. LONSDALE.—Perhaps I did. I merely wish to make my position perfectly clear.

Mr. GROOM (Darling Downs).—I am perfectly satisfied with the explanations which have been offered by the Attorney-General and the late Prime Minister. It seemed to me that we were considering a new proposal, and, therefore, I thought it desirable to ascertain exactly where we stood. I am firmly convinced that the value of Conciliation and Arbitration Acts depends entirely upon the loyalty with which employers and employes generally submit to decisions and awards. I wanted to be assured that provision was made in the Bill, whereby, if the executive of any union took action, the responsibility for such action might be sheeted home to it. Clause 8 did not appear to meet the case. The late Prime Minister, however, has pointed out that the powers, duties, and functions of all trades' organizations must be defined in their rules, and that if those rules contain an instruction which is not in accord with this clause, it will be contrary to the provisions of the Bill, and, as such, cannot be registered. It seems to me that if we render the whole industrial organization liable, and clearly define the functions of the unions by regulation, the Bill will be thoroughly safeguarded.

Mr. WILSON (Corangamite).—I desire to point out that this Bill deals, not only with strikes and lock-outs, but with disputes which may eventually develop into strikes or lock-outs. I should like to know if any provision has been made in the Bill for dealing with leaders of unions, organizers, or propagandists who deliberately work up disputes, so that certain employes may be brought within the scope of this Bill? Only this afternoon we had an admission from the honorable member for Darling, that he was prepared to visit the different States for the purpose of organizing the domestic servants. His declaration practically gives away the whole position. No provision is contained in the Bill for dealing with persons who designedly create industrial strife. That is a very serious matter, and one which the opponents of the Bill have always feared. They suspected



the intentions of members of the labour organizations. In view of the statement of the honorable member for Darling, it would be well if the Government withdrew the measure, which, instead of being intended to promote industrial peace, is apparently designed to create industrial discord.

Clause agreed to.

Clause 9—

1. No employer shall dismiss any employee from his employment by reason merely of the fact that the employee is an officer or member of an organization, or is entitled to the benefit of an industrial agreement or award.

Penalty: Twenty pounds.

2. No proceeding for any contravention of this section shall be instituted without the leave of the President or the Registrar.

3. In any proceeding for any contravention of this section, it shall lie upon the employer to show that any employé, proved to have been dismissed whilst an officer or member of an organization or entitled as aforesaid, was dismissed for some reason other than those mentioned in this section.

Mr. LONSDALE (New England).—I still think the proposal that an employer must not dismiss an employé because the latter belongs to a trades union is a very drastic one. In my judgment, it requires safeguarding in some way. Where men make themselves offensive by endeavouring to foment disturbances, they have been dismissed, and justifiably so. If an employé is continually interfering with the business of his employer, thus bringing about the subversion of all discipline, I think that the Arbitration Court ought to uphold the employer in getting rid of him. It is all very well for us to think that our class is superior to any other.

Mr. HIGGINS.—The honorable member should speak for himself.

Mr. LONSDALE.—I feel that we should endeavour to make this Bill fair to everybody. I protest against the proposal to place an employer at the mercy of the members of any union. In New South Wales a similar provision has been used to protect men who were dismissed for very good reasons.

Mr. CARPENTER (Fremantle).—The honorable member for New England has previously informed the Committee that his acquaintance with the operation of arbitration laws has been entirely gleaned from the newspapers. I am not one of those who claim to be possessed of all knowledge upon the subject, but if the honorable member had any practical acquaintance with the relations that frequently exist between workmen and their employers, instead of wishing

to delete this clause, he would desire to make it more drastic. He affirms that he does not think employers would discharge men simply because they were members of a union.

Mr. LONSDALE.—I said that there were cases of that sort.

Mr. CARPENTER.—That affords the strongest reason why the clause should be retained. It frequently happens that a man is quietly dismissed, simply because he is an officer of a union. But the reason which is assigned for his dismissal is always a fictitious one. I regard this provision as perfectly useless. I have been discharged from employment merely because I held office in a union. Every other member of that union working in the same establishment was similarly treated. It was a deliberate attempt to burst up our organization. When the employer was asked the reason for our dismissal, he merely replied—"I do not require your services any longer." Though this clause aims at protecting alike the employer and employé, it confers upon the latter no protection whatever. I hold that we should compel the employer, in circumstances such as I have outlined, to satisfy the President of the Arbitration Court as to the real reason underlying his action.

Mr. LONSDALE (New England).—I desire to be perfectly fair in this matter. An employer should not be permitted to discharge an employé simply because he is an officer of a union. I admit that that has been done. I would point out, however, that there are cases in which officers of unions make themselves exceedingly unpleasant to their employers. In such circumstances, the employer ought to be able to go into Court and say, "I have dismissed this man on account of his continued interference between myself and my employés, and because he has created trouble which otherwise would not have arisen." I claim that we should make the Bill a fair one.

Mr. KELLY (Wentworth).—It seems to me that we might well alter both clauses 9 and 10, so as to throw the onus of proof on to the person aggrieved. It is an ordinary principle of British justice that a person shall be held innocent of an offence until he is proved guilty. But these clauses seem to be an exact reversal of that principle.

Mr. WATSON.—It has been departed from in several important instances.

Mr. ROBINSON.—In all labour legislation it is.

Mr. KELLY.—I think that the Prime Minister will agree with me that the more seldom it is departed from the better. The Bill has been drawn up by the Ministry with a due regard for the equal rights of both employers and employes, and if we alter these clauses by dropping the third sub-clause both parties will be similarly treated. The only difference will be that the onus of proof will be not with the party accused, but with the party aggrieved. That will be bringing the Bill, I think, into line with the ordinary British practice. The honorable member for Fremantle told us that very often a man is dismissed because he is a unionist or a union leader. That, I regret to say, is very possibly true in some cases, and I do not think it is a proper action for an employer to take. But at the same time I am convinced that a number of men are dismissed, not upon any definite charge—it would be hard to bring a definite charge against them—but for general slackness which cannot be sheeted home. Such a case might very well happen, and then the onus of proof would lie, as the Bill stands, not with the party aggrieved, but with the employer, and *vice versa*, under clause 10. For this reason I hope that the Prime Minister can see his way to drop sub-clause 3 from clauses 9 and 10.

Mr. HUGHES (West Sydney—Minister of External Affairs).—In my opinion the statement of the honorable member for Fremantle is borne out by our experience in New South Wales. Section 35 of the State Act is, almost word for word, the same as clause 9 of this Bill. Only one conviction has taken place under that section. A tanner at St. Mary's dismissed a man, and on being asked if he had dismissed the man because he was a unionist, he said plainly, "I did so." He asked the man, "Are you a member of a union?" and when he said "Yes," the employer said "I do not want you any more; clear out," or words to that effect. With that one exception, although a number of cases has been brought up, no conviction has taken place, and practically none can take place. So far as my experience goes, clauses 9 and 10 are absolutely inoperative and powerless to do anything beyond meeting such a case as I have quoted.

Mr. KELLY.—In that case, the Minister will not object to having them altered?

Mr. HUGHES.—The honorable member admitted that, if a man did dismiss an employe because he was a member of a

union, it was improper; and so did the honorable member for New England.

Mr. KELLY.—It is improper; but we wish to alter the onus of proof.

Mr. HUGHES.—Am I not explaining that, with the onus of proof as it is, it has been found impossible to secure a conviction in New South Wales, except in a case where the defendant admitted that he did dismiss the men for the reason mentioned? Any honorable member who has had any experience of the operation of that Act, knows that if an employer dismisses a man, not because, among other facts, he is in a union, but merely because of that fact, it is practically impossible to secure a conviction. Therefore, if a man annoys an employer, or gives him impudence, or is a little slow at his work, or comes late in the morning, and that fact is added to the fact that he is a unionist, the section will not apply. It has been contended in the Arbitration Court of New South Wales that if a man's face does not suit an employer he has a perfect right to dismiss him or refuse to employ him. I do not deny that a man's face can be very annoying, and give sufficient provocation for doing anything. Therefore, this word "merely" takes all the sting out of the clause. The honorable members who oppose the provision can rest quite sure that it can never be operative except in a case when, as the honorable members for New England and Wentworth admit, it ought to be.

Mr. WILSON (Corangamite).—Notwithstanding the able pleading of the Minister of External Affairs, I am still disposed to agree with the honorable member for Wentworth. I think that the Minister's argument is altogether in favour of the suggestion that sub-clause 3 in clauses 9 and 10 should be deleted. It is quite possible that one can feel considerable sympathy with a tanner who dismissed an employe because he was a member of a union. I have no particular objection to men who are members or officers of unions, or to anything of that sort. But it has been a very annoying practice for members and organizers of unions to come on to a shearing board when every one was very busy and interfere with the work. That is a reason why a man might with good cause dismiss a man because he was a member or an officer of a union. Under these circumstances I should be delighted to see this clause omitted. I shall certainly vote with the honorable member for Wentworth to remove sub-clause 3 in

clauses 9 and 10, so that as regards both parties the onus of proof shall lie in the usual way.

Mr. KELLY (Wentworth).—The Minister of External Affairs said, in his reply to my proposal, that in New South Wales there had been only one case where an employer had been found guilty of contravening a similar provision. I wish to ask him if he does not think that in very numerous cases it is quite possible that employers may have been very chary of dismissing employes whom they wished to dismiss for general negligence, or for some not too well defined clause, because of the onus of proof lying on themselves.

Mr. HUGHES.—I believe that very many employers are too honorable to think of such a thing.

Mr. KELLY.—There is no dishonour attached in the way I mean. I put the case of an employer who finds that he is not getting satisfaction from a man who may be, for all he cares, a non-unionist.

Mr. HUGHES.—Let the employer discharge the man. This clause does not apply.

Mr. KELLY.—Yes, but then he has to prove the reasons for his dissatisfaction.

Mr. HUGHES.—He proves them by saying, "the man was not giving me satisfaction." The Court has held that that is conclusive, and then the onus is shifted on to the plaintiff to show that he was giving satisfaction.

Mr. KELLY.—If the Prime Minister will assure me that that will be the course adopted, and that that is what is meant in the Bill, I shall be perfectly satisfied.

Mr. LONSDALE.—There have been four or five cases, I think, in New South Wales.

Mr. FRAZER (Kalgoorlie).—To my mind the clause does not go far enough. Since I entered the Chamber this evening, I have been trying to find some words whereby we could get more protection for the employes after an award has been given. In Western Australia it is notorious, that soon after the Arbitration Court has given a decision which had a tendency against the employers, in many cases they found that a number of their employes were unable to fill positions which they had held for years, and dismissed them. For instance, I was engaged in a case for the hotel and restaurant employes in Kalgoorlie. We got an increase of wages, and two days after the decision was given, the services of waiters who had been in the employ of the Palace Hotel for a number of years, and

who were officers of the union, and had given evidence against the conditions which existed there, were no longer required, and the excuse which was given for their dismissal was that women could do the work for a little less than they were getting. Why were they not honorable enough to admit that the men were dismissed from their positions because they were connected with a union? I think it will have a tendency to "cruel" the principle of arbitration if we allow any persons to be victimized on account of the action which they have taken in a Court of Justice in endeavouring to get livable conditions to work under. It is very necessary for the Committee to endeavour to place on the statute-book a provision which will enable those persons who have taken part in the conduct of a case before the Arbitration Court or a Conciliation Board to get justice from their employers after a decision has been given. The men to whom I referred were prominent unionists, who had sacrificed a considerable amount of their time in bringing unions into existence, whereby labour troubles might be settled in a peaceful manner, instead of by means of a strike, and the only reward which they have got for their trouble has been, that when a useful award has been given, they have been dismissed. My only difficulty, I repeat, is that I am unable to discover any language by which the position could be made more secure.

Mr. LONSDALE (New England).—The honorable member for Kalgoorlie has just shown how this thing fails. May I inform the honorable member how the New South Wales Act has affected employes in Armidale? When the award was given in the bootmakers' case, men in Armidale were dismissed by their employer, although he wished to keep them on.

Mr. HUTCHISON.—Can they not stand justice in Armidale?

Mr. LONSDALE.—The difficulty is that it is not justice, and honorable members, in trying to help certain persons, injure others. The men to whom I refer had been working for years for their employer. Their relations were friendly, and he desired to keep them on; but the award of the Arbitration Court raising their wages to a rate which the employer could not afford to pay them for the work they did, he had to dismiss them. I have no desire to debate the question further, but I should like the Bill to be made a workable measure. The honorable member for Kalgoorlie has pointed out, in the case to which he has referred, that

the wages of waiters having been raised to a rate which the employer did not consider their services were worth, they were dismissed, and women were engaged at a lower rate of wages. That is exactly what this kind of legislation leads to, and it should be borne in mind.

Mr. FRAZER.—In the case to which I have referred we secured higher wages for the women, and the proprietor of the hotel then took the men back.

Mr. ROBINSON (Wannon).—The honorable member for New England, in replying to the remarks of the honorable member for Kalgoorlie, has shown exactly what is the effect of this kind of legislation. The experience in Victoria has been just the same. We have had these awards, which it was claimed would do justice and bring about the millennium, and the result always has been that a number of men whose services are not worth the wages fixed by the Wages Boards have had to go. It is the weakest who go to the wall first. What the honorable member for Kalgoorlie suggests is about the coolest thing I have ever heard. He proposes that men shall be continued in their employment at the rate fixed by the Arbitration Court whether they are worth it or not. I never heard of a more impudent suggestion. The honorable member has shown that the desire is, to use the words of the Chief Justice of New South Wales, "to take the control of the employer's business out of the employer's hands." The honorable member has shown clearly what is aimed at. The desire is to increase wages and shorten hours, and to force employers to extend the improved conditions to men whose work is not remunerative at the price.

Mr. WATSON.—That is not conveyed by this clause.

Mr. ROBINSON.—It is legitimate comment upon the remarks of the honorable and enthusiastic Government supporter from Kalgoorlie. The honorable member desires that there shall be even more protection for the worker than is provided by this clause. He desires that once the Arbitration Court has fixed a scale of wages no individual worker shall be liable to dismissal in any case whatever.

Mr. KENNEDY (Moir).—I see no reason to object to the clause as it stands. It is a sound principle that no employé should be dismissed for the sole reason that he is a member of the union. The honorable member for Kalgoorlie and many

enthusiastic supporters of the Bill expect too much from it. They appear to forget that the basic principle of this Bill does not in any way widen the field of employment, or create more wealth. Under the balance is held very evenly indeed between employers and employes, legislation of this kind will react in every instance on the employes. The instance referred to by the honorable member for Kalgoorlie has proved that.

Mr. FRAZER.—It did nothing of the kind.

Mr. KENNEDY.—I could give similar instances within my own knowledge. As soon as an award is made, fixing either wages or hours of employment, which work out to exactly the same thing, at a level above that which an industry can pay, the decision will react on the employé. I am one of those who are prepared to go as far as any member of the Committee in attempting to ameliorate the condition of the workers. I have been working amongst them all my life, and, although I am now employing labour, I know, from the practical results of every day experience, that the better the conditions the employer can give to his employé the better will be the results to the employer. Speaking from practical experience, I have never known cheap labour profitable to the employer. But even as an employé myself, in New South Wales, I never lost sight of the basic principle that as soon as you attempt to force from an employer more than the industry in which he is engaged can pay, the reaction will be injurious to yourself.

Mr. SPENCE.—The success of an industry depends upon many things other than wages.

Mr. KENNEDY.—Undoubtedly, but as soon as there is a demand for a greater return than the labourer is entitled to, the industry in which he is engaged will be crushed out. I am prepared to agree with the honorable member for Darling, that, in many instances, labour does not get all that it is entitled to. We are engaged upon legislation intended to remedy that, and that is why I am an advocate of it.

Mr. SPENCE.—It will stop sweating.

Mr. KENNEDY.—Certainly. We are only in the experimental stage in connexion with this legislation in the Commonwealth at the present time, though in this respect we are much in advance of the older nations of the world. We have attempted, by legislative enactments, to meet that difficulty here, as it affects our industrial population.

tion; but when we are experimenting, it is not advisable to do something which we have reason to believe will injuriously affect our industrial classes. I cannot see that any ill effect whatever is likely to accrue to either employé or employer if the clauses now under consideration are passed as they stand. It should not be permissible for an employer to dismiss an employé simply because he is a member of a union, or may have taken an active part in forming a union. It must, however, not be forgotten that human nature is just the same the world over. There is always a little "cussedness" in it, and there may be exceptional instances where a prominent union leader may make himself obnoxious to an employer. In such a case the employer, even though this clause should remain in the Bill, will be quite within his rights in dismissing such a man.

Mr. WATSON.—If he is dissatisfied with his general conduct.

Mr. KENNEDY.—He will be quite within his rights, and will be subject to no penalty under this Bill.

Mr. WILSON.—The honorable member has suggested the danger of the clause.

Mr. KENNEDY.—I see no danger in the clause. The Minister of External Affairs has referred to what has occurred in New South Wales under the operation of a similar provision. I think the honorable and learned gentleman mentioned five cases of improper dismissals of employés which were brought before the Court, and a conviction was obtained only in one case, where the employer admitted that he had dismissed his employé simply because he was a member of a labour union.

Mr. WATSON.—Quite a number of such cases were tried in New South Wales, and that was the only one in which there was a conviction.

Mr. KENNEDY.—I do not see why, under this clause, any employer could not, without any risk whatever, dismiss an employé who is a representative of a labour union, but who will not do a fair proportion of work, or who is impertinent or careless.

Mr. WILSON.—The onus of proof is laid upon the accused.

Mr. KENNEDY.—That applies both ways. I see no reason for any alteration of this clause in the interests either of employer or employé.

Mr. EWING (Richmond).—I agree with the last speaker that this is not a Bill to nationalize industry, but a measure intended

to hold as evenly as possible the scales of justice between employer and employé. It does not propose to go further than that. I should imagine that it was never apprehended, even by enthusiasts in support of conciliation and arbitration, that this measure should take out of a man's control the management of his own business. On the question now under discussion, honorable members must be aware that if an employer dismisses a man because he is a unionist he will not give that reason for his action. All through life we form our opinions first, and find our reasons for them afterwards. Our opinions are influenced by personal bias, national bias, or local bias, and we can always find reasons in support of them.

Mr. LONSDALE.—I have often rejected opinions, when I have had good reasons for doing so.

Mr. EWING.—That only proves what I have always thought about the honorable member's opinions. Honorable members must be aware that any man dismissing another from his employ will be adroit enough to take action in a legal way. If the honorable member for Kalgoorlie had himself been in charge of the caravansary, or whatever it was, to which he referred, and felt that his workmen had ranged themselves in antagonism against him, he would not have liked them any better for it. If you do not like a person you will not have him about you, and you will find a reason which will have nothing to do with the law, or with unions, for getting rid of him. But this is all beside the question. This clause is as fair as any that could well be drafted. We are all agreed that no employer should dismiss a man from his employment merely because he is a unionist. Why, therefore, should we not put that in the Bill? As every man ought to be able to give a good reason for dismissing an employé, there can be no objection to the latter part of the clause. Having accepted the principle of arbitration, and believing that no man should be penalized for being a unionist, I can see no objection to the clause.

Mr. FRAZER (Kalgoorlie).—The honorable member for New England, and the honorable and learned member for Wannon have availed themselves of the opportunity afforded by my remarks to argue strongly against the Bill as a whole. What I said, was that, as soon as the decision of the Western Australian Arbitration Court was made known, it suddenly dawned upon

a prominent hotel-keeper that certain men in his employment were not fit to fill their positions.

Mr. WILSON.—But the wages were raised.

Mr. FRAZER.—Certainly they were; but the award was not given in regard to that particular hotel. It affected all similar establishments, numbering some hundreds, within a twelve-mile radius. The proprietors of the other hotels and restaurants did not think it necessary to dismiss their employés immediately after the decision was announced.

Mr. KELLY.—Perhaps they could afford to carry on.

Mr. FRAZER.—Perhaps the honorable member for Wentworth knows more than the Judge of the Arbitration Court, as to the rate of wages which should be paid in Kalgoorlie. I am sure that that official will give considerable attention to the opinion expressed by certain honorable members that he is not competent to carry out his duties, and perhaps he will ask one of them to take his place. I explained that, in a case in which prominent unionists were concerned, the employer thought fit to dismiss his servants immediately after the decision of the Court was announced, and there is no doubt that his action was taken because of the position which his employés occupied in regard to the union.

Mr. HUTCHISON (Hindmarsh). — I protest against the misrepresentations of the honorable and learned member for Wannon with regard, not only to the Factories legislation in Victoria, but to the Bill now under consideration. In the first place, the Factories Act of Victoria does not compel an employer to pay the standard rate fixed by the Wages Board, unless a workman is competent to earn it. Any incompetent workman can appeal to the Board, and obtain permission to work for what he is worth; and such permission is being given at the present time. Similar latitude will be allowed under this Bill. We have heard from the honorable member for Kalgoorlie of a case in which men have been replaced by women, and this shows that we are not going far enough. It was decided by this House, in connexion with the Public Service Bill, that women, if doing similar work, should be paid the same wages as men, and I hope that before long we shall be able to establish a general practice on these lines.

Mr. WILSON.—The millennium will arrive when this Bill is passed.

Mr. HUTCHISON.—The millennium will never arrive whilst the honorable member is alive. It is stated that only one case has been proved in which unionists have been dismissed because of the action which they have taken in regard to industrial disputes. We have, however, had scores of cases of a similar character in South Australia, and also in other States. Any one who has had experience as an employer and an employé—and I have had experience in both capacities for many years—can testify to this fact.

Mr. WILSON.—Were the cases of which the honorable member speaks proved in Court?

Mr. HUTCHISON.—No. It is impossible to prove anything against an employer when he wants to dismiss a workman. I was concerned in a strike which was brought about by the dismissal of a first-class workman. We took a stand against the action of our employers, and asked them to give us a reason. They declined to do so, but we knew what their real reason was, and we went out on strike, and remained out for about twelve months. The employers refused to re-instate the man, and his shop-mates declined to work until such time as he was re-instated, or a reason was given for his dismissal. An employer will never give a reason if he can help it. We knew that the man was victimised on account of his being an active unionist. Honorable members may rest assured that the workmen would not have sacrificed positions in which they had been earning from £4 to £6 per week, unless they had been convinced that their fellow-workman was being hardly dealt with. It is only fair that we should protect unionists against unjust treatment at the hands of the employers. Unionists believe in organization on the part of the employers, and do not ask for anything beyond what they are prepared to grant to others. The provision in the Bill does not go far enough. It is about as mild as it possibly can be, and, unfortunately, will not afford the full degree of protection that the men deserve.

Mr. JOHNSON (Lang).—The intention of this clause is, perhaps, a good one, but it is open to the objection which I entertain regarding nearly every provision in the Bill, the loose construction of which renders many of its clauses capable of such divergent interpretations that it is almost impossible to arrive

at their actual meaning. If the Bill is ever brought into operation, it promises to prove prolific of fat fees for lawyers. I have not very much faith in legislation of this character, because I do not believe that it will achieve the main object in view, which can be better accomplished by adopting other methods. However, as it has been decided to accept the principle of Conciliation and Arbitration, it is necessary to ensure that the provisions of the Bill shall be properly applied, and to provide safeguards against evasions. The first part of the clause reads as follows:—

No employer shall dismiss any employé from his employment by reason merely of the fact that the employé is an officer or member of an organization or is entitled to the benefit of an industrial agreement or award.

Of course, we understand that there are many ways in which an employer might escape the necessity of giving any of these reasons as the actual ground of dismissal. But assuming, for the sake of example, that the Court made an award, which it was impossible for an employer to accept and still profitably carry on his business, and that he decided to close down his business altogether, and dismiss the whole of his employés, would he be subject to the penalty?

Mr. WATSON.—No. He would be supposed to comply with the usual conditions in just the same way as the men.

Mr. JOHNSON.—I see no objection to that.

Clause agreed to.

Clause 10 agreed to.

Clause 11—

There shall be a Commonwealth Court of Conciliation and Arbitration, which shall be a Court of Record, and shall consist of a President and two other members, all of whom shall be appointed by the Governor-General.

Mr. WATSON.—I move —

That all the words after "President" be left out.

The object of the amendment is to eliminate the provision for the appointment of two permanent members of the Court, other than the President. The Bill contemplated the appointment of, first, a President, who should be a Justice of the High Court, and two other members, one representing the employers, and the other the employés. I admit that that form of constitution has been adopted in all the Arbitration Acts in the States and in New Zealand. They each provide for permanent members of the Court, in addition to the President. I acknowledge that there is a great deal to be said

in favour of that form of tribunal. No doubt the members of the Court are able to make themselves acquainted with the forms to be followed, and to appreciate the value of evidence, in the same way as the Judges of our ordinary Civil Courts. From that point of view, there is something to be said in favour of the course adopted in the States. But, on the other hand, there are grave objections. In New South Wales our experience has not been altogether satisfactory under this head. I do not suppose that we could have obtained the services of a man who knows more from the employés' side, or is acquainted with a greater variety of industries, than one member of the Court—Mr. Samuel Smith. If we had to rely on one man, we could not, in my opinion, improve upon Mr. Samuel Smith. He is a level-headed, painstaking, knowledgeable, and conscientious man. Although Mr. Smith is the best man that could have been selected from the workmen's organizations of New South Wales, on many occasions grave objections have been raised to the constitution of the Court. It would be impossible for Mr. Smith, or any other man, to possess the detailed knowledge of the various disputes, involving the understanding of all the ramifications of very intricate and technical trades and callings, that would be necessary to enable an arbitrator to arrive at a just decision. It would be impossible to find any man possessing the requisite knowledge and the understanding of the details of all the disputes that come before the Court for determination. In the Newcastle district, particularly, a great deal of dissatisfaction has been expressed, not with Mr. Smith individually, but with the constitution of the Court as a whole. The contention on the part of the miners is that any dispute affecting their calling should be adjudicated upon by the President of the Court and two assessors, one representing the miners, and the other the employers. They are fully convinced that had technical knowledge been possessed by the members of the Court, the decisions, so far as their industry is concerned, would have been very much more satisfactory. Then, on the employers' side, we have Mr. Cruickshank, who is a very estimable man. I do not know him personally, but I am to some extent acquainted with his record, which is certainly such as to impress every one with his fairness and fitness for his present position—that is, so far as any one man could be expected

to discharge the duties pertaining to it. But there, again, the objection which has been advanced against the member of the Court who represents the workers applies. Mr. Cruickshank represents the employers, and the difficulties which arise, so far as these members of an Arbitration Court are concerned, have been found in many cases to be almost insuperable. The whole object of having members of the Court, other than the President, is that they shall be selected by the two great opposing parties. Disguise it as we may, the organized employers and organized employes are, in this relation, the opposing parties.

Mr. JOHNSON.—And their representatives are really advocates.

Mr. WATSON.—I was just about to say that. Bearing that fact in mind, the position unquestionably resolves itself into that of having two assessors—one representing each side—able to advise the Judge and explain to him matters which, perhaps, through lack of technical knowledge, he may not have been able to appreciate at their full value when presented before him in evidence. The method of selection—the mere fact that these members of the Court are representatives of the two respective sides—shows practically that they are assessors and not Judges. If we once admit that they occupy the position of assessors, we must surely recognise that it is desirable to obtain men to act in that capacity who are cognizant of the practical details of the particular trade or calling into which the Court is called upon, for the time being, to inquire. The permanent members of the Court in New South Wales were appointed for a period of five years, and it is quite possible that, after the lapse of perhaps a year or two, those who recommended the appointment of the two assessors may become dissatisfied with them. They may not consider that they are still representatives, and when that feeling arises a most unfortunate state of affairs prevails. I am informed that in one place something of the kind has occurred. I do not propose to make any definite statement in regard to the matter, but I understand that in one place there is grave dissatisfaction with a member of the Court, the opinion being that he is not now representative of those who, in the first instance, selected him. That, to my mind, is another objection to the proposal that these members of the Court should be permanently appointed. That objection would be of no value if these gentlemen were to be regarded as Judges.

A man who is appointed as a Judge is not expected to represent the opinions of those responsible for his selection. He is supposed to administer the law fearlessly and without favour, and, consequently, it should be immaterial whether his conduct generally gives satisfaction to those responsible for his appointment. But, in my opinion, the position occupied by assessors is entirely different. So far as they are concerned, we must take care that there is a frequent re-selection made by those whom they are supposed to represent, so that, apart from all other considerations, they may be kept in touch with the general feeling and condition of those whose case they are expected to put in the fairest light before the presiding Judge.

Mr. JOHNSON.—A Judge should not be a partisan.

Mr. WATSON.—No; but the principle underlying the appointment of an assessor is that he is to be a representative. He is expected to exercise that wide discretion which, after all, will secure the best results for his own side. He is not to be indiscreet in his manner of stating his case, but it is expected that by being reasonable he will secure more attention than he otherwise would from the permanent head of the Court. There is another feature which I will admit is of somewhat minor importance. If the hope of those who favour this legislation is realized—the hope that it will act more as a preventive than as a cure—

Mr. DUGALD THOMSON.—We all hope that.

Mr. WATSON.—Quite so; but I claim that that feeling relates more particularly to those who are pushing this measure forward. We believe that it will have the effect of preventing many strikes that would otherwise occur.

Mr. DUGALD THOMSON.—We do not quite agree with that.

Mr. WATSON.—If our hopes are realized, it is possible that for a considerable time after this measure becomes law there will be no cases to engage the attention of the Court.

Mr. DUGALD THOMSON.—A decision by the High Court might also limit its powers.

Mr. WATSON.—Certainly. A decision given by the High Court might seriously limit the powers of this tribunal. The extent of our powers is extremely doubtful. It is difficult to say how far we can go in this direction, or what is the class of case



with which this Court, when created, will be able to deal; and for the reasons I have just enumerated it seems to me that it would be tentatively unwise to bring into existence a permanently expensive piece of machinery. Of course, if disputes arose that were likely to assume large proportions, we should be justified in incurring an expenditure of even many thousands of pounds in order to secure their settlement on a peaceable basis. I am not assailed by any doubts as to the propriety of expending the taxpayers' money, once there is evidence of the evil assuming large proportions. I should not hesitate to expend the public money to prevent so dire a calamity. It is not because of any desire to adopt a cheeseparing policy that I think it would be unwise to expend, perhaps, £1,500 or £2,000 a year by way of salaries to permanent assessors.

Mr. DEAKIN.—£1,400.

Mr. WATSON.—It would be unwise to expend even £1,400 a year on two assessors, and the expenditure would not provide for all the officers who would be necessary. If we appointed permanent assessors, the Court would probably have to be clothed with all the usual appendages.

Mr. DEAKIN.—It would not be necessary in the case of this Court.

Mr. WATSON.—Perhaps not.

Mr. JOHNSON.—There is a proposal to limit the term of its existence.

Mr. WATSON.—Quite so. Even assuming that the appointment of two permanent assessors would involve a cost of only £1,400 a year, I still think that we could better provide against possible contingencies in the shape of no business or of a limitation of the powers of the Court—a limitation that might seriously reduce the volume of work that the Court would be called upon to do—by providing for the appointment of special assessors for each case, in the event of either party desiring it. I believe that, in many cases, the parties to a dispute will be content to accept the award of a Judge sitting by himself. In many other cases, involving technical details, it is only reasonable to suppose that each party will desire the right to be represented by an assessor.

Mr. JOHNSON.—The Judge will always have, when necessary, the advantage of expert assistance.

Mr. WATSON.—That is what we propose. Our proposal is that assessors shall be appointed when either, or both, parties

desire it. We provide, too, that the Commonwealth shall pay the fees of the assessors, so that the parties shall not be subjected to any expense in that connexion. But the main feature of the proposal I am putting forward, does not relate to the question of economy, which, I admit, is, after all, a small matter. Our chief object is to secure some degree of satisfaction to those who are likely to bring disputes before the Court—to ensure that the assessors representing them will be men who have not only a knowledge of the industry in regard to which the dispute has arisen, but a local and a recent knowledge of the dispute. In the case of a coal-mining dispute, for example, it would not be enough that the assessor in his early years had laboured in a coal-mine. He might not have been employed in a coal-mine for twenty or thirty years. In that event he would have probably forgotten the experience of his early days, or the conditions of labour might have so changed as to render utterly valueless any ideas that he had formed on the subject. In view of all these facts, I trust that the Committee will recognise the wisdom of agreeing to the proposition we are putting forward to eliminate from the Bill the proposal that there shall be permanent members of the Court other than the President.

Mr. EWING.—I should like the honorable gentleman to make it clear whether the President of the Court, who will be a member of the High Court, will have a fixed salary and period of service, just as is the case with the other Judges of the High Court.

Mr. WATSON.—The President will certainly be a member of the High Court, and his independence will be protected just as is that of every other member of the High Court.

Mr. EWING.—He will be appointed for the same period and enjoy the same salary?

Mr. WATSON.—I do not anticipate that, in appointing a particular Judge to be President of the Arbitration Court, we should necessarily withdraw him from service in the High Court until it had been shown that the pressure of work was too great to permit of his continuing to discharge the special duties in connexion with the last-named tribunal.

Mr. EWING.—Any member of the High Court may be President of the Arbitration Court?

Mr. WATSON.—One member of the High Court is to be specially appointed as

President. The appointment will be made from time to time.

Mr. JOHNSON.—When occasion arises?

Mr. WATSON.—Yes. A Judge of the High Court will be appointed as President; but, in the event of his desiring to resign, any other Judge of the High Court will be eligible for appointment.

Mr. EWING.—At present there are three members of the High Court, and one of these Judges will become President of the Arbitration Court. What I wish to know is, who is to decide who shall be the President to deal with each case?

Mr. WATSON.—We contemplate appointing a Judge of the High Court permanently, or practically permanently, as Judge of the Arbitration Court.

Mr. EWING.—The President will be one of the three members of the High Court, as at present constituted, or perhaps a fourth Judge will be appointed?

Mr. WATSON.—We say that a Judge of the High Court shall be President of the Arbitration Court, but we do not say that we shall specially appoint a Judge for that purpose. If it is demonstrated later on that, owing to the pressure of this and other work, the appointment of a fourth Judge of the High Court is necessary, it will be the duty of the Government of the day to take steps to secure parliamentary sanction for such an appointment. I do not think it likely that there will be any necessity for another appointment to the High Court Bench, unless there is a large volume of business to be dealt with under this head. The question of adding to the strength of the High Court Bench does not affect this matter.

Mr. EWING.—The President of the Court will be virtually a Judge of the High Court?

Mr. WATSON.—He will be actually a Judge of the High Court, and will enjoy all the privileges that the Parliament considered necessary to confer upon the members of the High Court as a guarantee of their independence and integrity.

Mr. DEAKIN (Ballarat).—This Government have given notice of a number of amendments on the Bill as it left the hands of the late Government. Many of these amendments are more verbal and explanatory than material, but the one before us is material, and, in my judgment, unjustifiable, and it would be an absolute mistake to accept it. If I had not already fully laid my views before honorable members, I should feel called on, so strongly

do I feel in the matter, to deal with it at great length. But I have expressed, as clearly and as emphatically as I can, some, if not all, of the reasons which led me to prefer a strong and relatively permanent Court to a Court consisting of only one permanent official, assisted in each particular case by two experts, appointed for the special purpose. If my object were to endeavour to confute my friend the Prime Minister, I might be quite content to answer him out of his own mouth, by placing parts of his speech of to-night in juxtaposition with other parts. Practically, when we come to exercise the proposal, we find that there is only one argument to be urged on its behalf, and it is an argument to which the Prime Minister has not ventured to attach much importance. The gain is said to be in economy; but, in my opinion, it is an economy which is unwise, and eventually will prove costly. It is an economy which, at the utmost, will amount to £1,400 a year; but if the House of Representatives in launching a measure of this kind, with its enormous scope and complexities, to which I have often alluded, consider that it is worth while to "spoil the ship" for that amount of "tar," I do not envy the estimation which honorable members have of it.

Mr. WATSON.—I do not emphasize that point.

Mr. DEAKIN.—I have already said so; but the Prime Minister's remarks appear to me to answer one another. When the Prime Minister says that the argument of economy is one of the least, he overlooks the fact that, on consideration, it will be found to be the only argument he has addressed to the Committee. When the Prime Minister urged that what was asked for in other States, was that the men who sat with the Judge should be fresh from the particular industries concerned—men appointed with the most recent information—he urged what none will deny, and what is provided for in one of the very clauses which he proposes to strike out. The late Government proposed that in every case where either the Court or the parties thought it necessary, there should, in addition to the Justice of the High Court and his two practically qualified Associates, be two or more additional members chosen as experts, one from the employers and one from the employés. In my view, whenever a dispute of any magnitude comes before the Court, experts will be necessary. Their

permanent appointment would not involve extra expense as compared with the proposal of the Prime Minister, who himself desires that there shall be experts. The Prime Minister intends that these experts shall sit with the Court, and the late Government made a similar proposal; and the only extra cost involved by our scheme is the £1,400 per annum for permanent members. The Prime Minister's remarks, therefore, appeared to me to be beside the question, when he dwelt—and this is an argument in which I think we must all coincide—on the necessity of having expert assessors associated with the Judge of the High Court. This Court has cast on it functions, not only new, but extremely difficult. Many of these duties, as Presidents of the Arbitration Courts in the States have already pointed out, are singularly foreign to the ordinary judicial tasks which fall to Judges day by day. They call for the exercise of a different attitude of mind. We want the chief of this Court to be one of the ablest men we can find. We want one who is intimately possessed of the principles of law, and who decides in accordance with those principles. For that reason a Judge of the High Court is made President. But we do not require him to obey the letter of those principles of law with which, as a Judge recently remarked, he has to deal every day, and apply in a certain fixed and definite manner, in accordance with abundant precedent, following in the footsteps of his predecessors at every turn. When President of this Court a Judge is to be governed by equity and good conscience, wholly and solely. He has to put aside the legal principles of interpretation whenever they seem to him to obstruct his clear view of the case. A Judge of an Arbitration Court has to transform himself for the time from the lawyer and the Judge into an arbitrator, who will be called upon, although he possesses a knowledge of law, to be guided chiefly by expert opinion and business methods. The arguments of the Prime Minister would lead the Committee to infer that an appointment of experts is a substitute for the permanent members of the Court, but it is no such thing. The late Government always proposed the addition of expert members, but made two of them permanent, because we wished to give the Court a strength and standing which otherwise it could not obtain. I do not think it can possibly be denied by any one who

*Mr. Deakin.*

compares the present project with the proposal which I submitted a few months ago, that the latter must result in a distinctly weaker Court. The late Government proposed that the President should be a Justice of the High Court, and a similar proposal is now made. The late Government proposed to have experts in connexion with particular disputes—men specially informed in the matters before them concerning industries or business; and such experts are provided for in the Bill. The late Government proposed in addition, two men not chosen from the legal profession, but one selected by the employers, and another selected by the employés, should be permanently appointed, as practical, fair-minded, men. Such permanent experts, whether chosen in this way or selected as Judges are, in the course of their duties as assistants to the President, acquire an intimate knowledge of the, perhaps, rather rough-and-ready methods which will be adopted, so far as the reception of evidence, and similar questions concerned. In a very short time they would become familiar, as no casual experts could, with the methods of the Court. Experts brought into particular cases for the first time, without any knowledge of the procedure to be pursued, and without any experience of the value of evidence—men brought there really more as witnesses than as assistant Judges, simply to interpret technical difficulties—could afford the Judge no judicial assistance, but, on the contrary, would be very likely to embarrass him. They would fail to appreciate or understand without explanation, the course pursued by the Judge, or to see the purport of some of his criticism, and he would have to explain his reasons again and again. The Judge would be continually associated with fresh men, who would enter the Court without the least qualifications for discharging judicial functions. What we want is three judicial minds, one legal and two practical.

Mr. WATSON.—But when special assessors were brought in, there would have to be two explanations.

Mr. DEAKIN. — Special assessors are more for the purpose of giving evidence as to particular industries; they take no part in adjudicating.

Mr. WATSON.—I do not think that is so.

Mr. DEAKIN.—The late Government assumed that the assessors would be ordinary assessors, their attention concentrated on one or two questions as to which they have special knowledge, but, otherwise, not

interfering. A Court merely enjoys the advantage of the special knowledge of the assessors when that knowledge is needed; but but, according to the Bill, the assessors will be associated with the President as part of the Court. They are not, and cannot become, judicial. If the assessors are to perform the ordinary functions of assessors only, then there is cast on the President a burden which is more than fair. By making the President a Judge of the High Court, we shall get a man of the highest standing and ability, and if it is thought that economy is effected by rendering such an official the only permanent member of the Court, we shall necessarily make a much larger demand on his time than if he were assisted by two men continually taking part with him in judging matters of the kind. Consequently, instead of the President's services being available for the ordinary work of the High Court, he would be withdrawn from that work to an extent, equal, probably, to the £1,400 a year which would suffice to pay for the two permanent assistants. In fact, so far as I can form an opinion at present, without that interpretation of our powers under the Constitution which we have yet to receive from the High Court, but, taking a moderate view of the scope of this measure as it will be finally interpreted for us, I venture to say that, if the Government follow the course proposed, it will necessitate the early appointment of a fourth Judge.

Mr. HUGHES.—That is so.

Mr. DEAKIN.—I do not look on that as a matter to be regretted; in fact, I do not say there would not be the same result if two permanent assessors were appointed. But I say that the demand on the time and ability of the Judge will be much greater if he has no permanent assistants. Indeed, the necessity for the appointment of a fourth Judge is very probable in any case.

Mr. HUGHES.—I think that the appointment of a fourth Judge is very probable, even if this proposal were not before us at the present time. The business of the Court seems to be increasing at a great rate.

Mr. DEAKIN.—The Prime Minister has perhaps forgotten to call attention to the extraordinary administrative duties of the Court. It even possesses the power to move itself without being moved from outside. This Court has a general jurisdiction over the whole of the industrial disputes of the Commonwealth, and all matters relating thereto. It is to be assisted by a Registrar, who will, no doubt, be a man of considerable

experience and high standing, but still the power of an executive cast on the Court is much in excess of the executive power cast on any of the existing Supreme Courts. No Chief Justice of the largest State in the Union has anything approaching executive responsibility, which will be possessed by the President of this Court, with his jurisdiction over the whole of Australia. Consequently, I say that, in simple justice to the President, and in order to give the Court the strength, standing, and stability it deserves the sum of £1,400 per annum, necessary in order to obtain the permanent services of two practical men, is not worth considering. As I have already said, there cannot be a saving of £1,400 per annum, because by appointing assistant Judges, we diminish the demands on the Justice of the High Court and do not take up so much of his time. Very likely, we would then save £1,400 worth of his time; and in that case, there can be no real economy in not appointing permanent assessors. Unless assistance of the kind is provided we shall take up the time of our most expensive officer, and cast on him special burdens. We shall remove him from his duties as a Justice of the High Court, and compel him to plunge much more deeply than he otherwise would into practical industrial affairs. We shall, in some respects, render him a less useful member of the Bench, and divert his abilities in a way in which they will not give us their best value. We get the best value of a Judge when we utilize the whole of his preceding training, by the application of his knowledge of legal principles to the business of the Court. Now that the Government have made this proposal, I believe that the majority of honorable members are against me, and under the circumstances I shall not occupy any further time, preferring that the Bill should progress rapidly. Although I acquit the members of the Government of the least intention to bring about such a result, I believe that the measure is being severely wounded in the house of its friends by this proposal. The economy spoken of is apparent and not real, and will render the Court a great deal weaker. For my part, I would, if I could, have the strongest Court that could be brought together, especially in the earlier years of the administration of this Bill. I believe fully in the importance of this legislation, and realize the power and scope of the Court. If we weaken the tribunal at the outset we injure the whole machinery of the measure, not only on its

judicial but also on its administrative side. And for what? For a consideration of less than £1,400 a year. If arbitration and conciliation throughout the whole of Australia is not worth half that sum which is the maximum extra cost, it is worth nothing at all. I say that, with the best intentions, the Court is being seriously impaired, both judicially and in regard to matters in which the initiative is cast upon it. The result will be that we shall secure a less efficient and less satisfactory working of the Act, and that, in the first days of its operation, when the Court will be surrounded by the greatest difficulties.

Mr. HUGHES (West Sydney—Minister of External Affairs).—Upon the matter under discussion it is true that there has been—as was stated by the honorable and learned member for Ballarat—a departure from the provision which was previously embodied in this Bill. I do not think it can be urged that the Government have acted without due consideration. The honorable and learned member has advanced the argument that the Ministerial scheme, if adopted, must weaken the Arbitration Court which it is proposed to establish. I wish to examine that argument. In the first place, I invite honorable members to consider the functions of that Court, its scope, and the duties which it will probably be asked to perform at the outset of its career. I am not at all sure whether it will have much or little to do, and I defy anybody else to offer other than a vague general opinion on that question. It may be that the Court will almost usurp the functions of the Arbitration Courts of the States. If it does, I do not know that it will be a very bad thing. I think that probably it will prove a very good thing, but undoubtedly it would call for continuous effort on the part of the Court itself. If, on the other hand, its duties are confined to those which arise out of a strict interpretation of the words of sub-section xxxv. of section 51 of the Constitution, it may, perhaps, be asked to concern itself with the prevention of only three or four industrial disputes in as many years. Let us suppose that it will deal only with the prevention of such great industrial disturbances as the maritime strike of a few years ago. Here is a tribunal charged with the duty of preserving industrial peace, and of settling disputes already in existence under the circumstances I have indicated. The question which we are called upon to consider is—"How can it best accomplish that

end?" Speaking for myself, I entirely fail to see how the High Court will be able to perform its work without the appointment of an additional Justice. If the Arbitration Court is to be of any service under the Bill, it must be a tribunal which is immediately accessible to industrial disputants. Are parties to be compelled to wait until the High Court has dealt with its own business—which, by the way, is becoming more formidable each day—before their disputes can be determined? Are they to be told that they must wait until the High Court has worked off its arrears, or is the High Court itself to be paralysed by the withdrawal of one of its Justices—perhaps a man whose judicial eminence renders his presence particularly necessary in the hearing of an appeal case, even if it be not technically necessary, by virtue of the provisions of the High Court Procedure Act? I agree with the honorable and learned member for Ballarat that should the operation of this measure result in the settlement of one great industrial dispute each year, it will constitute a cheap insurance against industrial strife, and there is not a man, either in this chamber or outside of it, who will not say so. Therefore the question for us to consider is, "What Court will perform this work best?" Obviously, that Court which is most fitted for its task, and that tribunal is most fitted for the work which is armed with the practical and technical knowledge which the hearing and settlement of such disputes demand. In my opinion, the Federal Arbitration Court itself, both in its character and in the duties which it will be called upon to perform, will differ from State Arbitration Courts. In many cases the latter are called upon to deal with disputes of a cognate character. There are certain trades which run, so to speak, into one another. For instance, there is the tanner's trade, the bootmaker's trade, and the bootseller's trade. Certain avocations overlap each other in such a way as to form concentric circles, which, in their turn, are embraced within the industrial circles of the different States. Gradually, therefore, these tribunals grow to appreciate the inter-dependence of one trade upon another. I do not think that will be so with the Federal Arbitration Court. Directly it is created it will be called upon to deal with a dispute which is pending between the seamen and their employers. The chief reason why sub-section xxxv. of section 51

was embodied in our Constitution was to prevent a recurrence of a maritime strike. I invite honorable members to look at the provisions of the Bill. How is it proposed to secure a Court which understands the details of such a dispute? They will then see whether the contention of the honorable and learned member for Ballarat that the adoption of the Government proposal will result in the establishment of a less efficient Court, will bear analysis. Under the Bill it is proposed to elect assessors where necessary, and submit their names to the Governor-General, who will appoint them. How are they to be elected?

Mr. DEAKIN.—The Governor-General makes a choice.

Mr. HUGHES.—In New South Wales only one man is nominated.

Mr. DEAKIN.—We cannot limit the employers or employés of Australia to one man each.

Mr. WATSON.—Oh, easily—by organization.

Mr. HUGHES.—The men are to be elected by the unions of employers and employés. These organizations are to exercise votes in proportion to their strength. For instance, the seamen, whose dispute will probably be the first to occupy the attention of the Arbitration Court, number about 2,500, the shearers about 25,000, the wharf labourers 11,000. In New South Wales the other trades number 66,000 members, more or less, which would mean about 250,000 for the Commonwealth. Consequently the share in the election of assessors which the seamen would exercise would be in the proportion of 2,500 to 250,000. In such circumstances are they likely to secure the services upon the Bench of a competent man? Certainly not! To what union is the individual who will be elected likely to belong? Obviously to the shearers or some other large organization, if its members vote solidly, and it is natural that each trade will endeavour to secure the return of its own representative. As a result the seamen, if the provisions inserted by the late Government were adopted, would probably be called upon to plead their cause before a representative of the shearers, who, though he might be acquainted with the fore and aft of a sheep, would not be familiar with the fore and aft of a ship. Then the judicial expert will turn to the practical man, and say, "What do you think of this?" What can he think of it? He knows nothing whatever about the circumstances. How, then, are the services

of the sheep expert to benefit the Court? He is a man who is not trained to appreciate the refinements of evidence. He is an expert pure and simple. He is elected because he enjoys the confidence of his union, and because he can give practical information concerning the particular trade which he represents. An assessor is in other respects simply a supernumerary. Personally I am of opinion that his services will, outside his practical knowledge, be of no value whatever. It is notorious that in all the States in which Arbitration Courts have been established the judgments of those tribunals are majority decisions.

Mr. DEAKIN.—Quite a number of unanimous decisions have been given in New South Wales.

Mr. HUGHES.—Those decisions relate to penalty cases only.

Mr. LONSDALE.—I do not think one unanimous judgment has been given in determining an award.

Mr. HUGHES.—The honorable member is quite right. If any person commits a breach of an award the Court is often unanimous. When, however, it is called upon to make an award, its decisions are always those of a majority. So it must invariably be. I confess that I cannot see how under these circumstances the Court will be weakened by the absence of persons who can bring no technical knowledge to bear upon the case at issue, and who have no special ability to appreciate evidence. In some cases it may be that no assessors will be required. If they are their services can be requisitioned. Concerning the disputes which are likely to come before the Federal Arbitration Court, I would ask whether the honorable and learned member for Ballarat can point to a single one in which the Court is likely to be weakened by the adoption of the Ministerial proposal? Assuming that the seamen are before the Court, they nominate a man whom they have confidence in, and who can give the Court such expert evidence as is required. Supposing that he is to have no vote, what does that matter? If he has a vote, I put it to the Committee that, except in penalty cases, he will always vote in favour of his own side. I see nothing wrong in that. The very nature of his election is partisan. We do not believe in electing magistrates here. An elected magistrate is, so to speak, an anomaly; a magistrate ought to be an impartial person. In this very Bill, what do we do? We make the Judge independent of everybody. He is to have the same

status as the other members of the High Court Bench. He is to be removable by no party whim or fancy, but only by a resolution of both Houses for bad behaviour. Naturally, permanent assessors elected by parties being partisans give a partisan verdict. How can that strengthen the Court? I cannot see how it can. I put on one side the expenditure of £1,400 a year. If it is necessary to spend that sum in order to get a better Court, let it be spent. But it is of no real use to spend it merely for the sake of doing so. If we can get as good a Court without spending the money as we could by doing so, we ought not to spend it. Let it be remembered that the additional temporary assessors mentioned by the honorable and learned member for Ballarat will have to be paid by somebody. Who is going to pay them? Is each side to pay its own assessor? That might fall hard on some small and more or less impoverished union. Our proposal is that the assessors shall be appointed by the union and paid by the Commonwealth. Their duty will be to advise the Court. The Judge will hear the evidence, and deliver the verdict on that evidence, and the assessors will take no part in that duty. If the Court is constituted of the Judge and two assessors, who are to be appointed in each particular case, I am sure that the verdict will be exactly the same—as if there were permanent members of the Court—one assessor voting on either side. I cannot see any reason why there should be permanent assessors. Experience has demonstrated that permanent men cannot possibly be seized of all the details of the trades on which they are asked to adjudicate. One of the advantages—and its solitary advantage, I venture to think—of the Wages Board system of Victoria is that, in each case, the matter comes before experts in the particular trades. Honorable members will recognise that that is a very great advantage. I ask my honorable friends who are against the inclusion of rural trades, whether, if a rural trade were included in the Bill, it would not be infinitely preferable that a farmer and a farm labourer should be on the Court as assessors when a dispute affecting it was being heard, rather than, say, a seaman on one side and a ship-owner on the other? Obviously it would. The presence of a ship-owner and a seaman, as well as that of a farmer and a farm labourer, called in temporarily, would not assist the Court at all, but would be a cause of

*Mr. Hughes.*

confusion. What would a ship-owner and a seaman know of the ramifications of a rural industry? As it is with that industry, so it is with all others. We may put on one side the idea of having two permanent members of the Court, and candidly admit that what is required is a trained expert to deal impartially with evidence. That trained expert will be a Judge, who cannot be removed except for bad behaviour. He will be unaffected by party clamour; he will not be dependent upon any section for nomination; he will not have to give a verdict from time to time with a view to secure his re-election. Nor will a non-permanent assessor be placed in that position. I think that a permanent member of the Court, being human, is sometimes compelled to think of what the effect of a verdict may be to him personally. I do not suggest that he is improperly influenced; but I think he must remember that it may affect his re-election. A non-permanent assessor will not be so influenced. He will simply tell the Judge that "this is so-and-so," ask questions, and supply the Court with the information which is required. That will, I think, be a decided improvement; and, whilst I should not go so far as to say that arguments could not be advanced in favour of having permanent members of the Court for a State, although I am by no means sure of it, for this particular purpose it will be to the advantage of the tribunal that it should consist of one Judge only, and that assessors with technical knowledge of the particular trade in question should be called in to assist the Judge in each case.

Mr. LONSDALE (New England).—I cannot agree with the honorable and learned member for Ballarat in his contention with regard to this proposal, which I favour, of eliminating two permanent men to be nominated by a union of employers and a union of employes respectively. Every argument which he used to show that the Court would not be a strong one, really went in the direction of appointing two other Judges, and not in the direction of appointing two nominated persons, as the Bill proposes; and, consequently, even if I agreed with him in that regard, I should still support the proposal of the Ministry. I believe that even in a State Court it is very much better to have assessors nominated for each case than permanent assessors, as in New South Wales. It is well known, I think, to most

persons in that State, that Mr. Cruickshank, the employers' nominee, was asked to meet them after a number of awards had been given, because they were not satisfied with his conduct on the Bench.

Mr. GROOM.—Did they wish to influence him?

Mr. LONSDALE.—The employers asked Mr. Cruickshank to meet them, and he did. What they wished him to do was to take information from them about the various cases, and he would not, because he was there as a Judge. That may be right; but to give them the power to nominate a man from their own class, as a Judge, seems to me to be simply absurd. If there is anything at all in his position, he might act as a Judge if he liked; but, still, he ought to have, from the employers' point of view, all the information which he could get about a case.

Mr. GROOM.—Whether in Court or not?

Mr. LONSDALE.—Yes. What is the use of allowing the employers to nominate a person as an assessor, if he is likely to get out of touch with trades and businesses, and not to understand the technicalities of a case? When an engineering case came before the Court, Mr. Cruickshank, being an engineer, could use his technical knowledge; but when a case relating to the boot trade came before the Court, what could he know about it? Nothing. Consequently he was utterly useless as an expert. If we are to have three Judges in the Court, let us have them appointed in a way which will make them absolutely free of either employers or employes. Look at the decisions which have been given in New South Wales. Every decision fixing an award has been decided by the Judge and one assessor. If it has been an award in favour of the men, the majority of the Court has consisted of the Judge and Mr. Smith. On the other hand, if it has been an award in favour of the employers, the majority of the Court has consisted of the Judge and Mr. Cruickshank. I do not believe that there has been one award given except in that way. That is utterly absurd, in my opinion. I take it, that if New South Wales had had a Court, consisting of three legal men, who could analyze evidence, and who had been appointed quite free from nomination, on some occasion or other, they would have given a unanimous verdict, whether for the men or for the master. I could not conceive of one Judge always going with the men, and another Judge always going with the employer.

Even if the verdict were not unanimous, the majority would not always consist of the same persons. So I am against the contention about strengthening the Court. If we do need to have Judges, let them be appointed in the usual way, and then, if special technical knowledge is required, let assessors be called in. I think it is likely that a large number of disputes will be settled without an assessor being called in at all, while, of course, some cases will need the presence of an assessor. Although I am against this kind of legislation, still I must favour this Bill.

Mr. DEAKIN.—Weakening the Court.

Mr. LONSDALE.—No. If the honorable and learned member desires to have a strong Court, I am quite with him in that regard. But I contend that this proposal does not tend to weaken the Court. I do not go so far as to say that we do not need to have three Judges. I hold that if we had to spend £4,000 or £5,000 a year in order to secure a strong, efficient Court that would settle disputes, it would be economical to incur the expenditure. Even if I believed that three Judges were necessary, I would vote for having two of them entirely separate from nomination by the participants in the dispute.

Mr. EWING (Richmond).—I desire to ask the Minister of External Affairs, as the Prime Minister is absent, whether, under the Bill, it is intended that the assessors, as in New South Wales, shall form part of the Court, and decide what the verdict shall be?

Mr. HUGHES.—I do not think so. I am only expressing my personal opinion. I do not see it indicated in the Bill, except that the Court shall consist of a Judge.

Mr. DEAKIN.—It says that the powers and duties of the assessors shall be prescribed.

Mr. HUGHES.—Quite so. I do not know what their duties will be; but I assume from the very nature of the thing that they will be experts, pure and simple, to elicit and to interpret evidence, and that the Judge will be there to weigh the evidence. For that reason I am inclined to think that it would be inadvisable and unnecessary to clothe them with the functions and powers of Judges.

Mr. EWING.—Before considering this question at all, it appeared to me to be necessary to get a statement of that kind. I do not desire to follow the honorable and learned member for Ballarat or the Prime Minister into the question of



importance of the matter, as it is granted by all, or into the question of whether an expenditure of a few hundreds or few thousands would be involved. If that would bring about the result desired, it would be simply not worth considering. The real question we have to determine is, how we can get the best Court possible? Shall we have a Court formed by one Judge, to be selected because of his ability? If the assessors are to have the same rights as in New South Wales, there will in each case be put on either side of the Judge a partisan who will come fresh from his work, with a full knowledge of the technicalities of the trade concerned, and of its existing conditions. That is quite right, if what we desire is a partisan. But it must not be forgotten that he will go upon the Bench armed with more than experience, more than knowledge, and more than acquaintance with the existing conditions of a trade. He will go there with a bitter hostility to the other side. If that be so, it is perfectly clear that to give to partisan assessors any right in declaring the judgment of the Court would be little more than farcical.

Mr. HUGHES.—I am inclined to agree with the honorable member. I say that the Judge should be the person to deliver the verdict, and in effect he will be under this provision.

Mr. EWING.—The suggestion of the honorable and learned member for Ballarat is that there should be a Judge chosen for the reason for which Judges are usually chosen, and, on either side of him, a partisan, perhaps, but one who, matured by experience, and having increased knowledge, would be prepared to take a more comprehensive view of questions coming before him than would a person fresh from the scene of conflict.

Mr. HUGHES.—I admit that, as a Judge, he would be matured by experience. But he would lose in his character as an expert, as he might know nothing of the conditions of a trade in connexion with which he was called upon to give a verdict.

Mr. EWING.—I grant that. But I contend that a man without special knowledge of a technical matter may do what is right. I am inclined to think that any intelligent man can understand the conditions governing any trade, provided he is given time. If, for instance, the technical conditions covering engineering works were placed before laymen in this Committee by an expert, I believe that honorable members would be able to give a correct verdict on any ques-

tion raised in connexion therewith. I think that the honorable and learned member for Ballarat is looking for a little cheap justice also in proposing two men at £700 a year each. But if we are to have assessors they should be permanent men, and not partisans fresh from the field of battle. The assessors should be men having the experience and mature judgment which the permanency of their position would give them, whilst if they are to be merely counsel for the belligerents the whole status of the Court will be altered.

Mr. ROBINSON (Wannon).—I find myself on this clause forced to vote with the Government. After listening to the debate, and guided by what I have gathered with respect to the working of the Arbitration Court in New South Wales, I have come to the conclusion that the position taken up by the Government in this matter is sound. It appears to me that the original proposal to constitute the Court with a Justice of the High Court and two other persons receiving £700 a year each, is very much like having a Court composed of a first-class Judge with two honorary Justices of the Peace to assist him. I do not think that such a Court would be of very much use in elucidating questions submitted to arbitration.

Mr. BAMFORD.—In this case the Justices of the Peace would not be honorary.

Mr. ROBINSON.—No, they would be paid something, and the question of expense should be considered. I believe that for the £1,400 a year, which it was originally proposed we should pay these individuals, we should get little or no service. If my reading of the Constitution is correct, there will be comparatively few disputes arising that can come within the purview of the Federal Arbitration Court, and it seems to me that it would be the height of folly to give two men an appointment for seven years at £700 a year each when they might only have to work a month or two in each year. I do not think that the appointment of these individuals would strengthen the Court in any way, and their non-appointment would result in some saving to the community. From what I can gather, in New South Wales the employers' representative looks after the interests of the employers, and the workers' representative looks after their interests, while the Judge holds the balance between the two partisans. I do not think that the com-

munity should be called upon to pay two partisans a permanent salary. In my opinion, the Government proposal, in addition to being the more economical, is the one likely to give the best results, and I, therefore, find myself in the peculiar position of having to vote with honorable members opposite.

Mr. JOHNSON (Lang).—I think that the Government have taken up a perfectly sound position in connexion with this clause. Even if we had not the experience of existing Arbitration Courts to guide us, we are aware that men are naturally affected by bias either for one side or the other. We may assume that they would always be inclined to be perfectly fair, but they would always be influenced by an unconscious bias in favour of the particular side which they represented, and, to a greater or less extent, that must affect the soundness of their judgment. It has come to be looked upon as a legitimate function of the lay Judges elected as members of an Arbitration Court to represent either one side or other in a dispute, that they shall maintain the attitude of advocates of the opposing parties in the dispute, and endeavour to influence the President of the Court in favour of their particular side. It necessarily follows that the judgment of the Court is a biased judgment. The proposal of the Government that only one Judge should be appointed is a sound one, provided he is allowed the benefit of expert assistance in dealing with technical matters. I believe it is fair, also, that the charge for this expert assistance should be borne, not by the parties to a dispute, but by the Commonwealth Government. When I read the clause as originally proposed, I intended to submit an amendment similar in effect to that which is now before the Committee. I am glad that my idea has been anticipated. The Government have acted wisely in this matter, and I am prepared to support them in the amendment of this clause.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 12—

The President shall be a Justice of the High Court.

Mr. WATSON.—Honorable members will observe that the omission of certain clauses, which is proposed by the Government, is consequent upon the amendment just carried.

Mr. KELLY (Wentworth).—I wish to ask the Prime Minister the reason for the

amendments proposed in this part of the Bill? The original proposal was that "the President shall be a Justice of the High Court." The Government now propose that "the President shall be appointed by the Governor-General from among the Justices of the High Court." I find lower down a provision specially made for the travelling expenses of the President, and that regardless of the fact that the Judiciary Act makes provision for the expenses of the Justices of the High Court.

Mr. WATSON.—We can consider that matter when we come to it.

Mr. KELLY.—I wished only to know the reason for the proposed alteration in this respect.

Clause negatived.

Clauses 13 to 15, inclusive, negatived.

Clause 16—

(1.) Each member of the Court, except members appointed for the purposes of particular industrial disputes, shall be entitled to hold office during good behaviour for seven years, and shall be eligible for re-appointment, and shall not be liable to removal except on addresses to the Governor-General from both Houses of the Parliament during one session thereof, praying for his removal, on the ground of proved misbehaviour or incapacity.

(2.) In the event of the period of office of any member of the Court expiring. . . .

Mr. WATSON.—I move—

That the following words be inserted at the beginning of the clause:—"The President shall be appointed by the Governor-General from among the Justices of the High Court, and"

If that amendment be carried, I propose, later on, to move the omission of the words—

Each member of the Court, except members appointed for the purposes of particular industrial disputes.

The clause will then read—

The President shall be appointed by the Governor-General from among the Justices of the High Court, and shall be entitled to hold office, and so on, in the words of the clause as it stands.

Mr. DEAKIN (Ballarat).—The Attorney-General would do well to give this clause his very serious consideration. I do not know, first of all, whether we possess the power to appoint a Judge of the High Court as President, though we may possess the power to appoint the Court. The position of the Justices of the High Court is secured under the Constitution, and that is reinforced by the Judiciary Act. In any case, unless the consent of the Justice be

obtained, I can foresee difficulties. There may be questions as to whether we can get or go beyond the Court. I could understand a point being raised as to whether we could impose these new duties, many of which are not judicial, but are administrative and executive, upon Judges of the High Court. The honorable and learned member for Darling Downs will remember the American cases, in which when it was attempted by express Statute to impose duties upon the Judges of the High Court, which in their opinion were not strictly judicial, they declined to discharge them, and, although the attempt has been repeated, they have always maintained that position.

Mr. HUGHES.—I understand the honorable and learned member to say that if the Judges consented the difficulty would be removed?

Mr. DEAKIN.—No; not necessarily. The first question is whether the High Court, as such, could be appointed to act as an Arbitration Court. I think it is very possible that it could be called upon to discharge those duties, but the matter is not free from doubt. Then the question arises whether a Justice of the High Court could be appointed to act in the manner proposed without his consent, or even with his consent. These are all nice questions, and will require careful consideration. If a Justice of the High Court were appointed the President of the Arbitration Court, his appointment appears to be for seven years only, and he is liable to removal. I am not quite clear, however, that we could make an appointment conditional in those respects. That could not be done in regard to his ordinary judicial duties, and so far as his duties as President of the Arbitration Court would be judicial, I doubt if any conditions could be imposed. So far as the duties of the President might be administrative and executive, I question whether a Judge could be forced to discharge them. The provision in the Bill appears to take it for granted that the whole matter is very simple, whereas it is very complex. The Prime Minister may say that the late Government did not avoid these difficulties. That is quite true; but this is one of the questions which I was considering with a view to at all events re-drafting the clause. I received it in its present form from the right honorable member for Adelaide, but was never satisfied with it. As there is not likely to be any

argument, except of a strictly legal character, over this clause, I suggest that it might be either postponed or recommitted.

Mr. WATSON.—I should prefer to recommit it.

Mr. ROBINSON (Wannon).—I wish to object to the appointment of a Justice of the High Court, or of any Judge, to act as President of the Arbitration Court. I have a variety of reasons to advance, none of which touch on the points mentioned by the honorable and learned member for Ballarat. I am strongly averse to the appointment of a judicial officer to act in matters which are largely political. Such appointments have done much to undermine the public confidence in the Judiciary of the United States, and I think that the same result would be brought about here.

Mr. WATSON.—Apart from the Arbitration Courts, nearly every arbitration case is best dealt with by Judges.

Mr. ROBINSON.—If it be desired to postpone the clause, I should prefer to defer any remarks I may have to make until a later stage. I should not be content to have the clause recommitted unless I was satisfied that an opportunity would be given to discuss a question which appears to me to be of the greatest importance, although possibly my opinion may not be shared by many other honorable members.

Mr. WATSON.—I shall be quite willing to recommit the clause, and give the honorable and learned member an opportunity to express his objections.

Mr. WEBSTER (Gwydir).—It has occurred to me that if we appoint a Judge of the High Court to act as President of the Arbitration Court we may interfere with the discharge of the functions of the High Court as an appellate tribunal.

Mr. WATSON.—One Judge of the High Court can sit as a Court of original jurisdiction, and then sit as a member of the Appellate Court.

Mr. DEAKIN.—We provided in the Judiciary Bill as first introduced, for five Judges, and made it a condition that no Judge should sit on the Bench when an appeal was being made against his own judgment. The number of Judges was afterwards reduced to three, and that arrangement could not be carried out.

Mr. WEBSTER.—The point which I have raised should engage the attention of the Prime Minister.

Mr. POYNTON (Grey).—I think that this matter is worthy of careful considera-

tion. Experience gained in connexion with other Arbitration Courts shows that the duties performed by the Presidents unfit them for the discharge of judicial functions in the ordinary Courts. The Judge who acts as President of the Arbitration Court in Western Australia has most emphatically stated that, as the whole of the cases coming before him have to be settled solely on principles of equity and justice, he has had to discard a great deal of the knowledge acquired by him in the course of his purely legal training and experience, and that he is rapidly becoming unfitted to discharge ordinary judicial functions. If that be so, we should not appoint a High Court Judge to the Arbitration Court, and expect him to also act in his ordinary capacity. I hope that the Prime Minister will consider the question.

Mr. WATSON.—I quite appreciate the value of the suggestion put forward by the honorable and learned member for Ballarat as to the possibility of there being a doubt regarding our power to appoint a High Court Judge as President of the Arbitration Court. I have been looking at the provisions of the Constitution relating to the Judicature, and I admit that, glancing at them casually, it appears that it was contemplated that the duties of Judges of the High Court should be of a strictly judicial character. I do not know how far that might bind us with regard to the appointment of a High Court Judge to perform other duties in a different direction. I think that the suggestion made by the honorable member that we should consider this proposal is a very good one. I should certainly like to consult the Attorney-General in regard to it. If the clause is tentatively passed in the form proposed by the Government, I promise to recommit it later on, on the application of any honorable member. As to the suggestion that it is undesirable that a member of the High Court should be appointed President of the Arbitration Court, it seems to me that there is no likelihood of our obtaining the services of any other person more likely to give satisfaction to the general public. After all, we seek to propitiate the public in regard to the settlement of these disputes. They know that a member of the High Court is specially fitted by his high training and experience to separate individuals from causes, and that the assured position that he occupies so safeguards his independence that there is no temptation for him to take other than a judicial view of any matter

submitted to his determination. Another question that has been raised is whether it is wise that the President of the Arbitration Court should be a Judge who, as a member of the High Court, might have to take part in the hearing of an appeal from his decision. I admit that it would be well if we could overcome that difficulty; but the House deliberately determined—and I was a party to the decision—that we should be satisfied for the time being with the appointment of three members of the High Court. Judging by appearances, it is probable that the present members of the Court will have as much work in their present jurisdiction as it is possible for them to do. Should that prove to be the case—should it be demonstrated that it is necessary to appoint a fourth Judge—it will not in any way affect the propriety of the position taken up by the House, when dealing with the Judiciary Bill, that the necessity for appointing more than three members of the Court should be tested.

Mr. McWILLIAMS.—We have only three Judges of the Supreme Court in Tasmania, and one of them has often to sit with the others to hear an appeal from his judgment.

Mr. ISAACS.—There would be no appeal from the decision of the President on a question of fact.

Mr. WATSON.—When the honorable member for Grey was speaking, I interjected that there would be no appeal from the decision of the Court on the merits of any case—that the determination of any matter brought before the Arbitration Court from the point of view of equity, would rest solely with that tribunal. The only question that could go to the High Court on appeal would be one as to the jurisdiction of the Court—a question whether the President had rightly interpreted this measure, and its relation to the Constitution. That would be purely a question of law, and in taking part in the hearing of an appeal from his decision on a question of that kind, the President of the Arbitration Court would occupy a position in no wise different from that of any other member of the High Court.

Mr. ISAACS.—He would be in a better position.

Mr. POYNTON.—My chief point was that the work which he would be called upon to perform as President of the Arbitration Court would practically unfit him for the work of the High Court, which is conducted on wholly different lines.

Mr. WATSON.—I do not think that any Judge could suddenly divest himself of the knowledge, experience, and capacity to which he owed his original appointment to the High Court. I think he would retain all the qualifications necessary for membership of the High Court, notwithstanding that he became President of this tribunal. I would suggest, however, that the clause be passed, as proposed to be amended by the Government, on the understanding that the question at issue may be debated again on the recommitment of the clause.

Amendment agreed to.

Amendments (by Mr. WATSON) agreed to—

That the words "Each member of the Court except members appointed for the purposes of particular industrial disputes" be left out.

That the words "any member of the Court," lines 11 and 12, be left out, with a view to insert in lieu thereof the words "the President."

Clause, as amended, agreed to.

Clause 17 negatived.

Clause 18—

(1) There shall be paid to each member of the Court, except members appointed for the purposes of particular industrial disputes, a salary of Seven hundred pounds per year, and such travelling expenses as are prescribed, but the President shall be paid no other salary in respect of his services under this Act than his salary as Justice of the High Court.

(2) Such salaries shall be charged on and paid out of the Consolidated Revenue Fund, which is hereby appropriated for that purpose accordingly.

Amendment (by Mr. WATSON) agreed to—

That the words "There shall be paid to each member of the Court, except members appointed for the purposes of particular industrial disputes, a salary of Seven hundred pounds per year and such travelling expenses, as are prescribed, but," be left out.

Mr. WATSON.—I move—

That after the word "Court," line 8, the words, "and shall be paid such travelling expenses as are prescribed," be inserted.

In reply to the honorable member for Wentworth, I would point out that unless this amendment be made, some doubt may arise as to whether we have a right to apply the scale of travelling expenses, permitted under the Judiciary Bill, to the Judge acting as President of the proposed Court. In order to put this matter beyond doubt, we propose this amendment.

Amendment agreed to.

Amendment (by Mr. WATSON) agreed to—

That sub-clause 2 be left out.

Clause, as amended, agreed to.

Clause 19 negatived.

Clause 20—

The President may, by instrument under his hand, appoint any Justice of the High Court or Judge of the Supreme Court of a State, to be his deputy. . . .

Mr. DEAKIN (Ballarat).—I notice that the Government have circulated amendments to omit the word "Judge" in several places. Might I say that this is an alteration that will be found to be inconvenient, and, I think, unwise. It must have been overlooked that throughout the Judiciary Act, and the High Court Procedure Act, the word "Justices" is reserved for members of the High Court, in order to distinguish them from the Judges of the Supreme Courts of the States.

Mr. WATSON.—In some of the States the Supreme Court Judges are termed "Justices."

Mr. DEAKIN.—It is perfectly true that in some of the States the Judges are entitled to be called Justices; but, for drafting purposes, it makes for brevity and clearness to separate the Federal Justices from State Judges. I suggest we take the clause as it stands.

Mr. WATSON.—I am agreeable.

Clause agreed to.

Clause 21—

Every member of the Court shall, before proceeding to discharge the duties of his office, take before a Justice of the High Court or a Judge of the Supreme Court of a State an oath or affirmation in the form in Schedule A.

Amendment (by Mr. WATSON) agreed to—

That the words "Every member of the Court," be left out with a view to insert in lieu thereof "The President or Deputy-President."

Clause, as amended, agreed to.

Clauses 22 and 23 negatived.

Clause 24 (Duty of President) —

Mr. KELLY (Wentworth).—This clause provides that the President shall endeavour to reconcile parties and prevent and settle disputes, "whether or not the Court has cognizance of them." As the President is the Court, I do not see how he could settle a matter without having cognizance of it.

Mr. WATSON.—The terms "Court" and "President" are interchangeable, and the clause as drawn simply saves repetition, the words being used in a technical and official sense.

Clause agreed to.

Clauses 25 and 26 agreed to.

Mr. WATSON.—I move—

That progress be reported.

In view of the fact that we have made such progress, for which I have to thank honorable members, I think it only reasonable not to ask the House to meet to-morrow. I intend, however, to ask honorable members to advance a measure one stage this evening.

Question resolved in the affirmative.  
Progress reported.

#### SEAT OF GOVERNMENT BILL.

Bill received from the Senate, and (on motion by Mr. BATCHELOR) read a first time.

#### KALGOORLIE AND PORT AUGUSTA RAILWAY.

*In Committee* (consideration of Governor-General's message):

Mr. BATCHELOR (Boothby—Minister of Home Affairs).—When this matter was before the Committee on a previous occasion, my predecessor moved that an appropriation should be made for the purposes of a survey, but the motion was not proceeded with. I do not propose to ask the Committee to debate the question to-night, but simply to advance the matter one stage. The Bill will not be introduced now, but I move—

That it is expedient that an appropriation of moneys be made for the purposes of a Bill for an Act to authorize the survey of a route for a railway to connect Kalgoorlie, in the State of Western Australia, with Port Augusta, in the State of South Australia.

Mr. KENNEDY (Moir).—I am not one who at any time raises captious objections to formal proposals. But, notwithstanding the fact that the Committee have been advised by the Minister of Home Affairs that this is only a formal matter, I propose to take the opportunity of stating my objections to the proposal.

Mr. FOWLER.—I rise to a point of order. Is the honorable member for Moira in order in discussing the Bill at this stage?

The CHAIRMAN.—The honorable member for Moira may discuss the motion.

Mr. KENNEDY.—I am glad that some interest is being aroused by my announced intention to state my objections.

Mr. FOWLER.—It is a very discourteous action.

Mr. KENNEDY.—That is purely a matter of opinion, which I do not intend to discuss. As a matter of principle, when I come in contact with proposals from which

I dissent, I voice my objections at the first opportunity.

Mr. FOWLER.—It is not usual to raise objections at a formal stage.

Mr. KENNEDY.—People do unusual things under unusual conditions. To my mind, the introduction of the proposal at this stage is rather unusual, and I may be excused if I take an unusual step.

Mr. CARPENTER.—This is a mere formality.

Mr. KENNEDY.—I cannot see that it is a mere formality to assent to the expenditure of £20,000.

Mr. POYNTON.—The honorable member for Moira would not complain if it were a proposed expenditure on a water scheme.

Mr. KENNEDY.—When expenditure of that kind is proposed, I shall be quite prepared to be judged by my actions. I am afraid that, when I reach my subject-matter, I shall occupy at least two hours. The question is a very important one.

Mr. FOWLER.—We shall welcome criticism at the proper time.

Mr. KENNEDY.—But what constitutes the proper time is a matter of opinion. Personally, I think that I am quite within my rights in opposing this proposal to-night.

Mr. PAGE.—Does the honorable member intend to occupy two hours?

Mr. KENNEDY.—Yes; that is not an unreasonable time, considering that I have listened to eight speeches from one honorable member this evening. I wish to point out that before the Commonwealth Government can embark upon railway construction, it is necessary for it to secure the consent of the State or States which the proposed line will traverse. Although some correspondence has taken place between the Commonwealth Government and the Governments of South Australia and Western Australia in regard to the building of a Transcontinental Railway, up to the present time South Australia has absolutely withheld her consent to allow the proposed line to pass through her territory.

Mr. FOWLER.—This is merely a proposal to ascertain whether the Commonwealth would be justified in constructing the line.

Mr. KENNEDY.—The engineers who made a flying survey of the country which would be traversed by the railway, declare that a proper survey of the suggested route would cost £20,000. So far as I am aware, the South Australian Government have not yet assented to the line passing through its territory.

Mr. FOWLER.—Yes; they have.

Mr. KENNEDY.—I shall be delighted if the honorable member for Perth can show me an authoritative statement upon the matter. I repeat that sub-section xxxv. of section 51 of the Constitution empowers this Parliament to legislate in respect of—

Railway construction and extension in any State, with the consent of that State.

I hold, therefore, that we have no warrant for incurring the expenditure proposed.

Mr. BATCHELOR.—The South Australian Government make the granting of their consent conditional upon the results of the proposed survey.

Mr. MCWILLIAMS.—It is rather too much to see the game.

Mr. KENNEDY.—We are not engaged in the game of bluff at the present time. The financial position of the Commonwealth will not permit of our doing so. At the last elections, I told my constituents that whenever a proposal for expenditure was submitted I would voice my opinion upon it at the first opportunity.

Mr. POYNTON.—Irrespective of whether it was good, bad, or indifferent.

Mr. KENNEDY.—This matter has not been sprung upon us. We know very well the view that is entertained in Western Australia in regard to the construction of this line. Reasons have been advanced why it should be proceeded with. The fact is that the vested interests of Perth and Fremantle have been too strong to permit of justice being meted out to the residents of the gold-fields.

Mr. CARPENTER.—Another milestone.

Mr. KENNEDY.—I draw your attention, sir, to the fact that the honorable member for Fremantle has accused me of adopting "stone-walling" tactics.

The CHAIRMAN.—If the expression used by the honorable member for Fremantle is distasteful to the honorable member I trust that it will be withdrawn.

Mr. CARPENTER.—I will withdraw it, sir, if you rule that it is unparliamentary.

The CHAIRMAN.—It is customary for an honorable member to withdraw any statement which is considered by another honorable member to be personally offensive.

Mr. CARPENTER.—I withdraw the expression, and substitute for it the statement that the honorable member is wasting the time of the Committee.

Mr. KENNEDY.—I am attempting to save £20,000 to the Commonwealth. I do not know whether that can be characterized as a waste of time. The claim that the

Commonwealth should provide the money necessary to construct this line of railway across a wilderness had its origin in the fact that Western Australia refused to do justice to a large section of her people. The vested interests of Perth and Fremantle governed that State to the detriment of the mining districts. Instead of the Western Australian Government constructing a line of railway for a distance of 200 or 300 miles—an undertaking which would prove very remunerative—they wish the tax-payers of the Commonwealth to build a railway across a desert to their State, a distance of 1,000 miles.

Mr. FRAZER.—Does the honorable member wish to imply that the people on the gold-fields do not desire the construction of this line?

Mr. KENNEDY.—I am not implying anything, but telling the honorable member what I think; and he can draw his own inference.

Mr. MCWILLIAMS.—They desire to get the line, but wish somebody else to pay for its construction.

Mr. KENNEDY.—Yes, I believe that the residents at Coolgardie, Kalgoorlie, and all the other mining centres in Western Australia are very anxious to have a direct line to Adelaide, a direct line to Sydney, and a direct line to Brisbane, so long as they have not to pay for their construction, and the annual loss which would be involved. In Victoria, we have had considerable experience of this kind. We, in this State, even in the most remote hamlet, where there were only half-a-dozen residents, were most anxious to have a railway line made to our doors, provided that we could get another section of the community to share the expense.

Mr. POYNTON.—And you managed to get such lines.

Mr. KENNEDY.—Unfortunately for the general tax-payers, we did get too many lines of that kind, and I have had the bitter experience of having to pay for the folly of somebody else. When a proposal of this kind is submitted to Parliament, we who have had to pay for our experience should take some little heed of the lessons which were taught to us by wild-cat proposals. We know that States which embarked on such ventures, have been brought up very suddenly; their "uncle" in the old world has set up his back. What has been the cause of all the trouble in Victoria and New South Wales during the last few years?

Mr. FRAZER.—Too much Kyabram!

Mr. KENNEDY. — Unfortunately Kyabram was forced upon the people of this State. The policy of "borrow-and-bust" could not be continued, and, notwithstanding its wonderful resources, if Western Australia continues the policy which it adopted in its earlier years, it may come to the same end as the eastern States.

Mr. FRAZER.—Western Australia has been keeping, not only her own people, but very many of the people of Victoria.

Mr. KENNEDY.—A great many Victorians, who went over to Western Australia to better their condition, forget the source of their origin, and look down on the State which taught them so many useful lessons. They seem to think that, because they are citizens of Western Australia now, they are the "be all" and "end all" of the existence of the Commonwealth. The proposal before the Committee is practically on a par with what was known here as the railway fever in the latter end of the eighties, and which culminated in financial disaster. No doubt the people in the most remote portions of the gold-fields of Western Australia are desirous of having railway communication with the eastern States. Supposing that it were constructed, what return would it yield? It would carry a few first-class passengers, a large proportion being dead-heads, so far as revenue was concerned. What road-side traffic would there be between the terminal points?

Mr. FRAZER.—Does the honorable member know that there are 50,000 persons travelling between the west and the east annually?

Mr. KENNEDY. — How much of the country is settled, even for pastoral purposes? Let us compare the earning power of the proposed line with that of the line connecting Melbourne with Brisbane. I propose to read a few extracts from the report of the States Engineer-in-Chief, and also from the report of Mr. C. Y. O'Connor, late Engineer-in-Chief for Railways in Western Australia.

Mr. FRAZER.—A good man, too.

Mr. KENNEDY.—Mr. O'Connor was a very capable man; and, strange to say, he was trained in Victoria. Perhaps, before I read the extracts, it will be well to illustrate the possibilities of the proposed line, and to compare it with the existing Inter-State lines. In one instance we have

a line connecting two of the largest commercial centres in the Commonwealth, each having a population of about 500,000; traversing a country densely settled from end to end; with an enormous roadside traffic, both of passengers and freight; and a large revenue from the carriage of mails. With these advantages, it is reasonable to assume that in the matter of earning capacity the highest possible point has been reached by that line. Yet we know, as a matter of fact, that it is barely earning interest on the cost of its construction. With that experience before us, we may consider the conditions of the other proposed line. It would connect two places not nearly so advantageously circumstanced with regard to population, or with regard to the possibilities of trade and commerce; with an intervening distance which is practically unsettled, and without any possibility of settlement on a large scale at any time, unless there should be some mining development which is not at present foreseen. We have the cool proposal submitted to us that we should embark upon railway construction that will involve the Commonwealth in an expenditure of £500,000.

Mr. WEBSTER.—This is but a proposal for a survey of the line.

Mr. KENNEDY.—I do not desire to take the risk of having the lives of men lost from the attacks of sandflies and mosquitoes in the survey of such a line. Surely we can find better employment for qualified surveyors? I see no justification for the proposed Bill. I have no wish to inconvenience honorable members, unless it is the intention of the Government to press this matter.

Mr. POYNTON.—Why does not the honorable member fight the matter fairly?

Mr. KENNEDY.—No honorable member can reasonably accuse me of fighting the matter unfairly. When I was asked what I proposed to do this afternoon, I gave a clear and definite intimation that I would on the first opportunity, and on every opportunity when this proposal was submitted, fight it to a finish. In the circumstances no honorable member is justified in saying that I am fighting it unfairly.

Mr. BATCHELOR.—It was understood when we proposed to go on with this Bill that there would be no opposition to this formal stage. As there is opposition we do not think it would be fair to ask honorable members to remain later to discuss the matter. It will not make any very great difference to postpone the matter now.



except that the stage which we should have taken to-night will have to be taken later on. In the circumstances, I move—

That the Chairman do now leave the Chair, report progress, and ask leave to sit again.

Mr. CARPENTER (Fremantle).—I regret that the Government should be forced by the action of one member of the Committee to take the course now proposed. I am aware that it is within the rights of any one member of the Committee to block business, if he so desires; but I enter my protest against the forms of the House being used, as I consider, unfairly, to prevent a formal step being taken when no good purpose can be served by such obstruction, and when all that requires to be said upon this proposal may be said when the Bill is introduced. I emphatically protest against the action of the honorable member for Moira.

Mr. POYNTON (Grey).—I also regret that the Government in this matter have not shown more spine than to permit one honorable member to dictate what the Committee shall do. I consider that they have exhibited very great weakness, indeed, in giving way to the honorable member for Moira. No other member of the Committee would take up a position such as that assumed by the honorable member. His action is most unreasonable and unfair. He would have had every opportunity to give expression to his views on later stages of the Bill, when we might have had from the honorable member some criticism of the merits of the proposal, instead of the Kyabram clap-trap we have heard from him to-night. On the previous occasion, when this matter was submitted, there was some reason in the objection taken, because there was a no-confidence motion before us. To-night, there is nothing of the kind, and I cannot understand the tactics of the honorable member for Moira, unless it is that he is seeking a cheap advertisement. His action will, no doubt, be very popular in his own district, where he has a railway to his own door, and railways all round him.

Mr. STORRER.—He has not asked the Commonwealth to pay for them.

Mr. POYNTON.—The Government of Western Australia has agreed to do more than other Governments would have done in such a case. They are prepared to give a guarantee, and they have shown a very liberal spirit, indeed, in connexion with this matter. Such tactics as have been adopted by the honorable member for Moira to pre-

vent the passing of what has been, in all my political experience, with but a single exception, regarded as a purely formal motion, are not likely to cement good feeling between the States. I am sorry that the Government have taken the course now suggested. We might very well have devoted another hour or two to the subject. It must not be forgotten that this stage will be fought again in the same way. If the proposal is really a part of the policy of the Government, they should not back down because one honorable member says that they should not go on with the business.

Mr. KENNEDY.—I did not say that.

Mr. POYNTON.—The honorable member does not desire the Government to go on with the business, and he will not even allow the matter to come before honorable members on its merits. The honorable member has not used a single argument against the proposal. He has merely wasted time.

Mr. KENNEDY.—I had not got fairly started.

Mr. WATSON (Bland—Treasurer).—In reply to the remarks which have fallen from the honorable member for Grey, I should like to say that, when I agreed to endeavour to advance this proposal through one of the formal stages, it was understood that there would be no opposition. The primary business that we have in hand now is the passing of the Arbitration Bill. I was asked by some honorable members representing Western Australia to take this stage towards allowing the Bill for the survey of the Transcontinental Railway line to be placed before the House, and I was assured that there would be practically no opposition. We should not be asked to keep a quorum if the debate were continued now at any length, and it was only on the understanding that there would be no opposition that I consented to proceed with the motion. With regard to the proposal itself, I can assure the honorable member for Grey that there is no intention on the part of the Government to allow any single member to dominate its policy with regard to the measure. As soon as other matters which we consider of more immediate importance are disposed of, the proposal now before us will be dealt with and carried through as soon as possible.

Mr. FOWLER (Perth).—If there had been the slightest intention to rush the proposal through the House or to prevent criticism, I could have understood the action taken by the honorable member for Moira.

I can assure him that the representatives of Western Australia will welcome discussion and criticism, and will be only too glad to meet it at the proper time. I must confess that I am thoroughly disgusted with the attitude assumed by the honorable member for Moira. He has established a reputation which, although it may cause him to stand higher in the estimation of the kind of electors who sent him here, will not confer any benefit upon him, so far as this House is concerned. I can only characterize his action as dirty and contemptible.

The CHAIRMAN.—Order! The honorable member must withdraw that remark.

Mr. FOWLER.—I withdraw the remark, but I must confess that the treatment accorded to this measure by one honorable member is such as I did not expect, and I am very glad that the attitude adopted by him has not been indorsed by any other representative in this Chamber.

Mr. DUGALD THOMSON (North Sydney).—I would point out that, although the honorable member for Moira may have taken a course which is distasteful to many other honorable members, he has only exercised the right to which he is entitled under the rules of the House. I took objection to this measure at a similar stage on a previous occasion, but for the sole reason that I considered that, owing to the important business—practically a vote of censure—then before Parliament, it was not proper to interpose the motion. To-night, when I was questioned as to my attitude, I stated that I would make no objection to the motion being passed as formal, and I understood that the Prime Minister was willing that it should be brought forward, so long as there was no debate. One honorable member has chosen to debate the matter, and although the irritation of the representatives of Western Australia may be very natural, I do not think that the reflections which have been cast upon the honorable member for Moira can be justified. The Standing Orders provide an opportunity for any honorable member, who may feel strongly, to express his feelings regarding it, and to display his opposition at any stage.

Mr. FOWLER.—The honorable member knows that the Standing Orders are very rarely taken advantage of in that way.

Mr. DUGALD THOMSON.—Perhaps they are not often availed of; but I have known of many such instances in the Parliament of New South Wales. Provision is made in the Standing Orders to protect the rights of honorable members who

feel strongly, and I do not think any one should be spoken of in the disrespectful terms which have been used in regard to the honorable member for Moira, simply because he may feel strongly, and because he may choose to take advantage of the opportunity which the Standing Orders provide. I should have been very glad if the motion had been treated as formal; but I have no sympathy with the strong criticism which has been directed against the honorable member for Moira.

Mr. KENNEDY (Moira).—I wish to say that the indignation expressed, and the hard words used, in regard to myself do not affect my attitude in the slightest degree. I may remind the honorable member for Perth that he was aware, two or three hours before the motion was introduced, of the exact attitude which I should take up. He came to me—not in confidence, but in the same manner that he approached other members—and asked if I was prepared to assent to the motion being taken as formal? I clearly and distinctly told him then that I would oppose the motion whenever it was submitted, and that I would fight the Bill to the fullest extent within my power. Another honorable member, also a representative of Western Australia, came to me, and I repeated that statement to him. My action to-night was in keeping with the pledges that I have given to my constituents. Although it might not suit the convenience of all honorable members, I was acting quite within my privileges; and surely no one is justified in applying to me epithets which are unparliamentary, or in expressing personal antagonism towards me. I have no feeling in the matter. I was perfectly straightforward and honest with the honorable member for Perth, and when the Prime Minister asked me if I proposed to speak, I told him that I did, and that I would do so at considerable length.

Mr. WATSON.—I only ascertained that at a late stage.

Mr. KENNEDY.—That is quite true.

Motion agreed to; progress reported.

#### SPECIAL ADJOURNMENT.

Motion (by Mr. WATSON) proposed—

That the House, at its rising, adjourn until Tuesday next.

Mr. STORRER (Bass).—I desire to oppose the motion. I know that my protest will be useless, because all these matters

are arranged beforehand, without consulting the convenience of those honorable members who leave their businesses in the distant States to attend to public affairs in Melbourne, and who cannot return home during the two or three days' adjournment at the end of the week. The Government should arrange for intervals between our sitting days sufficiently long to suit the convenience of honorable members who come from distant States. I sat here last night until after 12 o'clock, and I should be prepared to do so every night in the week, in order to push on with the business of the country. I do not care about having to walk about Victoria for two or three days every week, and I strongly protest against the readiness with which the Government accede to adjournments of the kind now proposed.

Mr. WATKINS (Newcastle).—I take the same view as the honorable member for Bass. I think that when adjournments are arranged, the convenience of honorable members who reside in other States should be consulted. If we are to give up our Friday sittings every time we make a little progress on Thursdays, the sooner we are made aware of the intentions of the Government the better. As matters stand, several honorable members from other States will be in Melbourne to-morrow, and they would be better employed in attending the House and transacting public business than in walking about the streets. I strongly urge that we should meet on the prescribed sitting days, unless all sections of the House are given to understand, before the Inter-State trains leave on any Thursday evening, that it is not proposed to meet on the following day.

Mr. WATSON (Bland—Treasurer).—I fully appreciate the position taken up by the honorable member for Bass, and the honorable member for Newcastle. If it were simply a matter of pushing on with the work of the House, I should not think of submitting such a motion as this; but the position is that we have done an extraordinary good day's work.

Mr. WATKINS.—That is all the more reason why we should do more.

Mr. WATSON.—We have been able to do so much to-day, because of a proposal that was made that we should adjourn over to-morrow.

Mr. WATKINS.—Then, it is a matter of making conditions with the Opposition?

Mr. WATSON.—The honorable member has been long enough in Parliament

to know that the progress made is very often, to some extent, a matter of conditions. We have to-day gone from clause 4 to clause 26 of the Conciliation and Arbitration Bill, and have dealt with several very important provisions. The whole constitution of the proposed Court has been changed as the result of to-day's deliberations, and a vast number of matters has received, not merely consideration, but reasonably detailed attention.

Mr. WATKINS.—The honorable gentleman's experience is that when a Government cannot make good progress, it generally determines upon a late sitting.

Mr. WATSON.—Late sittings are generally an indication that the House is not doing a reasonable amount of work.

Mr. WATKINS.—That was not the case when we sat under the honorable gentleman's leadership in another Legislature.

Mr. WATSON.—My experience is that it very frequently happens that if a Government agree that, on a certain point being reached, they will consent to an adjournment for one day, or to a short sitting, that point is reached sooner than would otherwise have been the case.

Mr. HUTCHISON.—That is to say that time is wasted.

Mr. WATSON.—I do not make any insinuations.

Mr. WATKINS.—The honorable gentleman is suggesting that the Opposition acts unfairly.

Mr. WATSON.—The honorable member knows that when a particular task is set it often happens that much better progress is made than when no stipulation is made as to the work to be transacted before the Government will consent to an adjournment. I am satisfied that we have done as much as it was reasonable to expect in the circumstances, and that we have, in fact, done more than might have been anticipated. We are therefore justified in proposing that the House, at its rising, shall adjourn till Tuesday next.

Question resolved in affirmative.

#### ADJOURNMENT.

PUBLIC SERVICE COMMISSIONER: VENTILATION OF THE CHAMBER: ROYAL COMMISSION ON THE NAVIGATION BILL.

Motion (by Mr. WATSON) proposed—

That the House do now adjourn.

Mr. PAGE (Maranoa).—I wish to draw the attention of the Minister of Home Affairs to the reply given to-day by the Attorney-General to a question put by the

honorable member for Grey. The *Herald* this evening states that—

In answer to Mr. Poynton (S.A.), Mr. Higgins said he was not aware of any power on the part of the Public Service Commissioner to withhold from an officer who was performing his duties satisfactorily, and against whom no charge of misconduct existed, any portion of the salary or increment voted to him. Mr. Higgins added that he would be glad if the honorable member could furnish him with any specific instances bearing out the complaint hinted at in his question.

I desire to give the Minister of Home Affairs a concrete case. In the Estimates for 1902-3 a sum of £150 was provided in respect of the salary of a lady supervisor in the Brisbane Telephone Exchange. The salary received by this lady for the year 1901-2 was £130; but, although we have voted her an increase of £20 per annum, the Public Service Commissioner absolutely refuses to grant it to her. I believe that when the Estimates for 1903-4 were before the House, the honorable member for Oxley drew the attention of the then Minister of Home Affairs—the right honorable member for Swan—to the attitude taken up by the Public Service Commissioner, and received the reply that that officer had the power to withhold the increase, and that the lady supervisor would not receive it. In the Estimates for 1903-4, provision was again made for a salary of £150 per annum; but, although attention has been drawn to the fact, the Public Service Commissioner persists in his refusal to acknowledge the determination of Parliament that this lady supervisor shall receive the increased salary voted for her on two separate occasions. In these circumstances, I think that action should be taken to see that this lady receives the money owing to her. It appears to me, from this and other complaints that I have heard mentioned in the House, that the Minister of Home Affairs—whoever he may be—is merely a registration clerk for the Public Service Commissioner. If any anomaly is brought before a member of the Government, the reply is at once given that Ministers are powerless. The question is whether the Public Service Commissioner is going to run Parliament or whether Parliament is going to run him. I regret many votes that I gave on the Public Service Bill. Had I had the experience of Public Service Boards and Committees that many other members of the first Parliament possessed, I should not have voted to give the Commissioner half the power that

he at present exercises. I have no wish to use political influence; but I would point out that social influence, which is ten thousand times worse, is used in the Public Service. We can carpet any honorable member who endeavours to use political influence; but we cannot get at those who bring social influence to bear. I ask that this lady shall receive that fair and square treatment to which every member of the Public Service is entitled.

Mr. CARPENTER (Fremantle).—I desire to mention a matter that I had intended to bring before the House to-morrow. I refer to the proposed appointment of a Royal Commission on the Navigation Bill. I ask the Government to take into consideration the matter of extending the scope of the Royal Commission, so as to include the protection of the Australian ship-building industry. If we are justified in protecting the Australian ship-owner against unfair competition from outside, we are equally justified in protecting the Australian ship-builder. Considering the importance of the ship-building trade in other parts of the world, it behoves us to look after the Australian industry, and do what we can to place it on a sound footing. The appointment of the Royal Commission on the Navigation Bill affords an opportunity to obtain information as to why, up to the present, the ship-building industry of Australia has been a minus quantity. There are facilities for building ships in most of the States, and there are also people prepared to undertake the work; but up to the present it has been the custom of Australian owners to get all their ship-building done outside Australia. We talk of protecting the owners of ships built at foreign ports, and I ask the Government to consider the advisability of allowing the Royal Commission on the Navigation Bill to inquire into the matter of protecting ship-builders.

Mr. WILSON (Corangamite). — Mr. Speaker, I should like to draw your attention to the state of the atmosphere in this chamber. The whole of this evening the air has been decidedly poisonous to all whose duties compel them to remain within these walls. Such a state of affairs is decidedly reprehensible, and I trust that arrangements will be made for better ventilation, so that our span of life may be extended as far as possible.

Mr. WEBSTER (Gwydir).—It has perplexed me to observe that in the construction of this building there seems to

been no regard paid to ventilation or proper sanitation. The chamber in which we meet is, in my opinion, a monument of incapacity, exhibiting, as it does, an entire lack of appreciation on the part of the architect of the purposes for which it was intended. The same difficulty is met with in the Parliament House of New South Wales, but in that case there is some excuse, considering that the building was not erected for its present purposes, but simply consists of old Government offices adapted to new uses. In the Sydney House ventilation has been sought by the provision of what is practically a new roof, so constructed as to allow the exit of all bad air. I have never seen a Parliament House which exhibits so much extravagance on the part of the designer as the House in which we now meet. Whether we regard the building from the point of view of this chamber, or as a whole, we see that public money has been lavished on useless ornamentation and on corridors, the latter of which are calculated to lay the foundation of disease amongst all whose duties take them there.

Mr. PAGE.—Remember, we are only lodgers.

Mr. WEBSTER.—One might be pardoned for expecting that in a city of the character of Melbourne some provision would have been made for connecting the Parliament House, with the sanitation system which has been devised and is being carried into effect. But the building, as we know it to-day, is simply a condemnation of its designer. The honorable member for Corangamite is entitled to the thanks of honorable members and of the public generally for having called attention to the present state of affairs. I hope that in the construction of the Federal Parliament Houses at the Seat of Government, we shall not seek the advice of an architect of the same calibre as he who devised this building, which both inside and out affords ample evidence of absolute extravagance, which meets no utilitarian end. I hope that you, Mr. Speaker, may be able to do something in the matter of the ventilation.

Mr. McDONALD (Kennedy).—In case the Government should seriously regard the suggestion of the honorable member for Fremantle, as to raising the fiscal issue in the ship-building trade, I desire to enter my protest, in order that some diversity of opinion may be evident. If we desire a Commission to inquire into the navigation laws, let us by all means have one in order that the necessary information may

be forthcoming on which to compile a Federal Bill. But if a Royal Commission on the fiscal issue be proposed, with a view to encourage the ship-building industry, then I may say that I know several little industries in Queensland which would be the better for similar attention. I imagine that if such an inquiry as the honorable member for Fremantle suggests, were approved, we should, in a very little time, find every honorable member engaged on a Royal Commission, with a view to the protection of other industries.

Mr. SPEAKER.—With reference to the remarks as to the defective ventilation of this chamber, I may inform honorable members, who are new to the House, that the House Committee of the last Parliament had this matter under their consideration for some considerable time. Before Melbourne became the Seat of Government of the Commonwealth, the Victorian Parliament expended a large sum in seeking to provide adequate ventilation within this building with indifferent success; and the conclusion that was arrived at by the House Committee of the Federal Parliament was that, under the circumstances of our occupation, it was not possible to remedy the evils existing except at prohibitive cost. If, however, at any time when the ventilation seems unusually defective, honorable members will kindly mention the matter to the Clerk, arrangements can always be made for pumping in an additional quantity of fresh air, by which means the vitiated air will be driven out and the atmosphere improved. Further, if honorable members desire, I shall be very pleased to arrange for an early meeting of the House Committee, when the whole matter can be discussed, and probably some means devised for assisting to meet the wishes of honorable members in what is a very important matter.

Mr. BATCHELOR (Boothby—Minister of Home Affairs).—The honorable member for Fremantle has requested that the scope of the inquiry by the Commission which it is proposed to appoint upon the Navigation Bill, shall be extended to ship building in the States. The Government have no objection to considering that matter, but their present feeling harmonizes with the view which was expressed by the honorable member for Kennedy. They think that to give effect to the suggestion of the honorable member for Fremantle would unnecessarily extend the scope of the inquiry. Moreover, we should be unlikely to obtain a report upon

the matter within a reasonable time, and the necessity for securing uniform navigation laws is somewhat urgent. Concerning the case to which reference was made by the honorable member for Maranoa, I desire to say that during the day I have had brought under my notice a specific instance of an increase which was voted upon the Estimates, but which was not paid, owing, I understand, to the refusal of the Public Service Commissioner to recommend it. I am inquiring into the matter, and I shall also obtain a report upon the case alluded to by the honorable member. At present I can express no opinion upon it, but, in justice to the Public Service Commissioner, I may say that I do not believe he is influenced by social or official considerations, but only by a desire to do absolute justice to the public servants. He may make mistakes, but he is extremely anxious to mete out justice to all. I shall institute an inquiry as to whether he has exceeded his powers in the case in question, and shall lay the results before honorable members at an early date.

Question resolved in the affirmative.

House adjourned at 11.42 p.m.

## House of Representatives.

Tuesday, 14 June, 1904.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

### ELECTORAL ADMINISTRATION.

Mr. THOMAS.—I wish to know from the Minister of Home Affairs whether the Chief Electoral Officer has yet reported the result of the inquiry held at Broken Hill into a matter of electoral administration there? If so, when will he lay the papers upon the table of the House?

Mr. BATCHELOR.—The report has been received, and transmitted to the Governor-General. I shall place it upon the Library table, so that honorable members may peruse it.

### LEAVE OF ABSENCE.

Mr. DEAKIN (Ballarat).—With the permission of the House, I desire to move, without notice—

That leave of absence for one month be granted to the right honorable member for Balaclava.

I regret to say that the operation to which my late colleague and friend has been subjected must be supplemented by a further one, not, I trust, of a serious character, but sufficiently serious to detain him from this House for some time longer.

Question resolved in the affirmative.

### CONCILIATION AND ARBITRATION BILL.

Mr. HUTCHISON.—I desire to call the attention of the Prime Minister to the following resolution, passed by the Adelaide Chamber of Commerce—

That this Chamber, having on general grounds already protested against the introduction of a Conciliation and Arbitration Bill, now that a clause including State servants has been inserted, is of opinion that it is advisable to urge the Government to promptly protest to the Federal Government against the invasion of State rights by the inclusion of State servants in the Conciliation and Arbitration Bill.

Is there any reason for believing that the Conciliation and Arbitration Bill, if passed into law as now amended, will invade State rights, or is the resolution merely one calculated to create a false alarm?

Mr. WATSON.—The view of the Government is that the States servants whom we have sought to include in the Bill may constitutionally be brought within the jurisdiction of any Court established under subsection xxxv. of section 51 of the Constitution, and we, therefore, do not admit that its provisions are an invasion of State rights. State rights, in my opinion, are those rights which have not been conveyed to the Federal authority under the terms of the Constitution approved by the people. If the High Court determines that our interpretation of the Constitution is not the correct one, there will still be no invasion of State rights, because that decision will render the provisions of the measure, so far as they apply to public servants, invalid, and there is no proposal to go beyond that decision. We think that we were acting within the powers given us by the Constitution in including such State employes as now come within the terms of the Conciliation and Arbitration Bill.

### KALGOORLIE TO PORT AUGUSTA RAILWAY.

Mr. FOWLER.—I wish to call the attention of the Prime Minister to a matter in regard to which I shall afterwards ask a question. In the Melbourne Age

Monday, 13th inst., a leader appears, from which I shall read the following extract :—

The desert railway scheme is being pushed forward by the Watson Government as zealously as it was advocated by its predecessors. For extravagant log-rolling this proposal undoubtedly establishes an Australasian record, being simply and solely pressed upon the attention of Federal legislators as the price by which a few Western Australian votes are to be purchased for the Ministry. The present Prime Minister of the Commonwealth has hitherto been regarded as being neither a buyer nor a seller in the venal market of secret politics. Moreover, he has always given it to be understood that national extravagance in any form is one of his pet aversions. But the experiences of a few weeks in office seem to have reconciled Mr. Watson to the old attitude of the political opportunist. He needs all sorts of support to uphold his Cabinet, and he is told by his immediate adherents that he must not be too squeamish about the motives which prompt any offer of a bargain. Hence the appearance of the sum of £20,000 on the list of appropriations with the object of making a "contractors' survey" through the desert from Port Augusta to Kalgoorlie. When the motion was talked out by Mr. Kennedy on Thursday night, the action of the member for Moira was referred to by interested parties as "dirty" and "contemptible." These epithets would be much more appropriate if used to describe the gigantic fraud which is being attempted on the whole people of Australia by the partisan advocates of the scheme.

I desire to ask the Prime Minister whether, in his opinion, such expressions as I have just read do not constitute a charge of corrupt practices against, not only the individual members of this Parliament, but Ministers as well? Does he not consider it necessary, in the interests of political probity and parliamentary honour, to take some action to prevent such disgraceful statements appearing in a public print in the future?

Mr. WATSON.—The insinuation that the proposal for a survey of the railway from Kalgoorlie to Port Augusta has been brought before Parliament by the Government with a view to purchasing the votes of Western Australian members is not only a scandalous one, but, in view of the facts, also absolutely ridiculous. In the first place, the representatives of Western Australia in this Chamber are, with one exception, supporters of the Government on matters of general policy quite apart from any question of a Transcontinental Railway. As to the exception, I am sorry to find that the Melbourne *Age* suggests that the support of the right honorable member for Swan is to be bought by this or any other Government on the terms described.

Mr. DEAKIN.—The bargain does not seem to have been concluded yet.

Mr. WATSON.—Judging from the reports published in the *Age* and other newspapers as to the attitude of the right honorable member for Swan in regard to the Government, the bargain would seem not yet signed, sealed, and delivered. There was no thought of any bargain in the minds of Ministers when they put the proposal before the House. None of the representatives of Western Australia in this Parliament approached me on the subject before I entered into communication with the Premier of Western Australia as to the contribution which that State might be prepared to make towards the construction of any railway, and there is not the slightest foundation for the suggestion that I have made a bargain in this regard, or am prepared to secure support from any quarter in which it is offered by making such a bargain. Our action carries out to some extent the promises made by our predecessors, but the chief reason why we included in our programme the proposal for a survey of the route was that we feel that there is in Western Australia a large and comparatively unexplored area of territory which may prove of immense value to the Commonwealth as a whole, and that it is therefore proper to have it surveyed, to test its suitability for railway construction, and to discover its possibilities for settlement. This survey, however, will not commit Parliament to any future action in the matter.

Mr. McLEAN.—Cannot the country be examined without a contractor's survey?

Mr. WATSON.—I do not think that anything less than a survey will show what the country is like.

Mr. McLEAN.—I do not see what a contractor's survey has to do with the exploration of a country.

Mr. WATSON.—My recollection is that the flying survey spoken of by the *Age* was made by the Western Australian Government, who sent a surveyor or engineer across country which it was thought might be afterwards selected as the line of route, at their own expense, and not, as suggested by the *Age*, at the expense of the Commonwealth.

Mr. CHAPMAN.—Did we not submit the matter to some engineers?

Mr. WATSON.—Yes, but they dealt with the facts as ascertained, and they furnished a highly encouraging report. They estimated that within ten years the

line would pay; and surely men like Mr. Deane, the Engineer of Railway Construction in New South Wales, and other highly-qualified men, are entitled to express an opinion upon such a set of facts as were presented to them in this case. Their report was of a very encouraging character, and, in view of the fact that they estimated that the line would pay within ten years, it is of some interest to know that the Western Australian Government are willing to pay more than their proportion of any loss that may occur during the first ten years.

Mr. SPEAKER.—Is the Prime Minister now answering a question?

Mr. WATSON.—I admit that I have gone a little beyond the design of the question. As to the second portion of the honorable member's question concerning the desirability of the Government taking some action, I do not think it is worth while to make too serious a matter of this expression of opinion on the part of the *Age*. After all, it is the opinion only of the leader-writer of that newspaper.

Mr. CARPENTER.—And he has been exercising his imagination?

Mr. FOWLER.—It is not even an opinion.

Mr. WATSON.—In any case, I do not think it is worth while to advertise the newspaper in connexion with a matter of this kind, and I have contented myself with a bare statement of the facts, in order to disprove the suggestion that there is anything corrupt in the proposal of the Government.

#### PERSONAL EXPLANATION.

Mr. DEAKIN (Ballarat).—I desire to make a personal explanation with regard to some remarks which fell from me in connexion with the debate on the Supplementary Estimates. At pages 2131 and 2132 of *Hansard*, I am reported as having made a statement, which seems to me to clearly express the view I took with regard to the operation of section 19 of the Victorian Public Service Act of 1900. I said—

The Supreme Court settled, and the High Court confirmed, the amount which was to be paid to Bond, but the amount to be paid in each other case will have to be decided apart from the decision given by the Court. Although the principle is the same all through, it requires to be freshly applied to each particular case.

I urged, therefore, that as each case had to be dealt with by itself, it would be absolutely necessary to obtain a complete quit-  
tance and an entire discharge on paying

over the sum agreed upon, because, otherwise, the Commonwealth might be asked for £1 more, or be told that it had paid 5s. too much, and possibly become involved in legal proceedings. After dealing with that matter, and replying to the Prime Minister by saying that all I meant was a complete discharge of our obligations to date, I went on to say—

Then arises the question of the claim which has been made for increments. . . . Before those increments are paid, a claim will require to be contested in the Law Courts and a decision obtained upon it.

I did not at any time think that we should ask for a discharge in full in regard to increments, because any legal rights the public servants may possess in that regard have not yet been established, and may never be established. Consequently, I had no idea that I was conveying to the Prime Minister or his colleagues an impression that would lead them to confuse remarks, which referred distinctly only to the sums which had to be calculated in each case, in consequence of the judgment given in the case of *Bond v. The Commonwealth*, with the possible claims for increment. In my own mind, the two matters were quite distinct, and I never contemplated that we could dispose of all claims for increments in the way suggested.

Mr. WATSON (Bland—Treasurer).—In justice to the honorable and learned member, I might explain that at the time that I made the communication to the press I certainly thought that he had intended to include in his suggestion the question of the payment of increments. I think that perhaps there was some confusion in the minds of each of us as to the exact matter to which we were referring. If the honorable and learned member will refer to the report of his speech he will find that he said—

If they accept money at all they must accept it as a complete discharge of our obligations to date.

Mr. DEAKIN.—But I had not then touched upon the question of increments.

Mr. WATSON.—No; but the question of increments is included in our obligations to date. The officers say that they are in any case entitled, as from 31st March, 1901, to the amount calculated as due to them on the basis of the verdict given in the case of *Bond v. The Commonwealth*, and also to the increments which have accrued since then, and which are now payable to officers in corresponding positions in South Australia. Therefore, the words "to da



led me to believe that the honorable and learned member was referring to a quittance for claims in respect to increments.

Mr. DEAKIN.—No.

Mr. WATSON.—I am glad to have that explanation. I may say, further, that the statement in the press is hardly correct in one minor particular, to which I refer only because the honorable and learned member has mentioned my colleagues in the matter. The question has not been before the Cabinet, but I have decided for my own part that I shall not insist upon any quittance being held to cover claims for increments. We can quite agree with the honorable and learned member as to the desirability of obtaining a quittance concerning any other claims officers may have. The form in which that quittance can be phrased in the receipt is another question. I merely sought to convey to the press the information that I would not insist upon these officers abandoning their claims to increments, simply because we were willing to pay them whatever amount was ascertained to be due to them under section 19 of the Act in question.

#### STATE TAXATION OF FEDERAL OFFICERS.

Mr. STORRER (for Mr. POYNTON) asked the Attorney-General, *upon notice*—

Whether, in his opinion, the decision of the Federal High Court in the Tasmanian Post-office stamp case exempts Federal officers from State taxation?

Mr. HIGGINS.—The point which is involved in the honorable member's question will shortly come before the High Court for decision. I need hardly say that that decision will be worth far more than my opinion.

#### PAPUANS EMPLOYED IN PEARLING.

Mr. BAMFORD asked the Minister of External Affairs, *upon notice*—

(1) Whether the Minister is in possession of any information as to New Guinea natives being employed in large numbers in the pearl-shelling industry of Torres Straits?

(2) If not, whether he will cause inquiries to be made as to the truth, or otherwise, of statements which are made as to Papuans being so employed?

(3) Whether it is true, as has been alleged, that numbers of Japanese are being landed at Goode Island under agreement to the Clark combination, and that the Alien Immigration Act is thus being violated?

Mr. HUGHES.—The answers to the honorable member's questions are as follow:—

1 and 2. Yes, I understand that natives, particularly from the Western Division of British New Guinea, are employed as members of the crews of pearling vessels.

3. I am not aware of any Japanese having landed at Goode Island under agreement to the Clarke combination in violation of the Immigration Restriction Act. A certain number of Japanese are, however, landed under the supervision of officers administering the Act at Thursday Island, for the purpose of signing articles as members of the crews of pearling vessels, under bonds that they shall be returned to their homes at the expiration of their agreements.

#### PRINTING OF FEDERAL ROLLS IN NEW SOUTH WALES.

Mr. R. EDWARDS asked the Minister of Home Affairs, *upon notice*—

(1) Is it a fact that a portion of the work of printing the Federal Electoral Rolls in New South Wales was "farmed out" by the Government Printing Office in that State?

(2) Did not Sir William Lyne, when Minister for Home Affairs, in correspondence with the Queensland Government, say that if any portion of the Queensland printing were "farmed out," he would have the Queensland rolls printed by the Government Printing Office of another State?

Mr. BATCHELOR.—The answers to the honorable member's questions are as follow:—

1. As the statutory periods for the exhibition of lists and the holding of the general election in December, and the special conditions surrounding the New South Wales rolls, made it imperative that extraordinary efforts should be made in the printing, in order to keep statutory engagements, a small portion, less than 6 per centum, was given out to private printing establishments by the State officer intrusted with the work.

2. When Sir William Lyne was Minister for Home Affairs, he insisted that the printing of the Queensland Electoral Rolls should be effected by the Government Printing Office for that State.

#### WERRIBEE POST OFFICE.

Mr. CROUCH asked the Minister of Home Affairs, *upon notice*—

1. Whether it is proposed to proceed with the erection of the Werribee Post-office, the money for which has been twice passed by Parliament?

2. When the promises made by his Department of speedy progress being made with this work will be fulfilled?

Mr. BATCHELOR.—The answers to the honorable and learned member's questions are as follow:—

1. A contract has been let, and the building commenced.

2. The State Works Department, which is supervising the work, will be asked to see that no delay occurs in carrying out the contract.

## RETIREMENT OF CUSTOMS OFFICERS.

Mr. KENNEDY asked the Minister of Trade and Customs, *upon notice*—

Whether he will lay on the Table of the Library the papers in connexion with retirement of officers, provided for in Item No. 2, Sub-division No. 3, Division No. 33, Supplementary Estimates of Expenditure, 1903-4?

Mr. FISHER.—The answer to the honorable member's question is as follows:—

The papers in connexion with the retirement of the officers referred to are in the Minister's room, and I shall be glad to show them to any honorable member there.

## SUBSIDIZED SEA SERVICE: FREMANTLE TO GERALDTON.

Mr. FULLER (for Mr. KELLY) asked the Minister of Trade and Customs, *upon notice*—

Whether he will inquire into the subsidy paid by the Western Australian Government for a cheap sea service between Fremantle and Geraldton, with a view to finding out whether or not such subsidy is any contravention of sections 90 and 92 of the Constitution?

Mr. FISHER.—The answer to the honorable member's question is as follows:—

The matter will be brought under the Prime Minister's notice, with a view to the inquiry desired being made.

## CONCILIATION AND ARBITRATION BILL.

*In Committee* (Consideration resumed from 9th June, *vide* page 2239):

Clause 27—

1. Any State Industrial Authority may, in manner prescribed, request the Court to deal with any industrial dispute.

2. When in any State there is no State Industrial Authority, the Governor-in-Council of the State may request the Court to deal with any industrial dispute.

Mr. WATSON (Bland—Treasurer).—I move—

That the words "industrial dispute," line 3, be left out, with a view to insert in lieu thereof the words "dispute in relation to industrial matters if it extends or is likely to extend beyond the limits of that State."

This proposal involves the interpretation of sub-section xxxv. of section 51 of the Constitution, and raises the question of whether disputes which have not yet extended beyond the boundaries of any one State, should come within the cognisance of the Court. Ever since the Constitution was framed I have entertained the opinion that the words "prevention of"—if they have

any meaning at all—certainly permit of the Court interfering before a dispute has actually assumed an Inter-State character. Otherwise it seems to me that the phraseology of the Constitution is to some extent meaningless. The language used in sub-section xxxv. is "for the prevention and settlement of industrial disputes extending beyond the boundaries of any one State." It appears, therefore, that if the words "Prevention of" are to be construed at all in relation to those which follow, "prevention" must include the power of the Court to intervene before a dispute has actually extended to another State, the assumption being that if the trouble be not corrected it will so extend, and may, in that event, inflict much injury upon the Commonwealth. It seems desirable, therefore, that this Parliament should insert in the Bill some machinery which will permit of the Court interposing where it is likely that an industrial dispute will extend beyond the limits of any one State. In other words, the Court should prevent an anticipated extension of an industrial trouble. Except from the purely legal standpoint, there does not seem to be a great deal of room for argument upon this question. I do not think there is any honorable member who does not believe that, if the Court is to achieve what we desire, it must work rather in the direction of preventing than of remedying disputes. In other words, it will provide against industrial troubles developing into strikes, rather than settle disputes after strikes have worked large injury to the community generally.

Mr. McLEAN.—Who is to decide when a dispute is likely to extend beyond the limits of any one State?

Mr. WATSON.—The Court. In my judgment, no other body could decide that question. Under clause 30 of this Bill, if the registrar thinks that a *prima facie* case has been established that a dispute is likely to extend beyond the limits of any one State, the duty is cast upon him of bringing it before the Court, which immediately has cognisance of it. Nevertheless, the Court has power to decide that a dispute is not likely to extend, and to ignore it. I admit that the interpretation of this constitutional provision is a matter for the High Court eventually to determine.

Mr. GROOM.—Is the interpretation which the Prime Minister is placing upon the Constitution to be confined to clause 27?

Mr. WATSON.—No. We do not desire to confine it in that way. We wish to leave the Court free to say what is the exact interpretation of the phraseology of the Constitution.

Mr. GROOM.—But the Prime Minister is placing his interpretation of sub-section xxxv. of section 51 of the Constitution in one portion of the Bill only.

Mr. WATSON.—If the proposal of the Government be agreed to, we can afterwards reconsider the interpretation clause.

Mr. HIGGINS.—Look at clause 26.

Mr. WATSON.—Yes. That clause states—

The Court shall have jurisdiction to prevent and settle, pursuant to this Act, all industrial disputes.

Mr. GROOM.—But the Government now propose to go further. They are more specific.

Mr. WATSON.—Certainly we are more specific, but we do not propose to go further. After all, the question involved is, "What is the interpretation of sub-section xxxv. of clause 51 of the Constitution?" We contend that the words "prevention and settlement" include more than the settlement of a dispute. If a dispute must have already extended beyond the limits of a State before the Court can step in, then, certainly while there may be settlement there is not prevention. If, on the other hand, the Court has power to step in, and if—it must always be remembered—the Court desires to exercise that power before the dispute has already extended, then the intention of the Constitution in regard to prevention is being carried out. No one can, I think, say that we go beyond the simple proposition that in our view the Constitution contemplates the right of the Court to step in, with a view to prevention; we have no right to minimise or to limit the power of the Court, nor would it be wise to do so even if we had the right. My own view is that the best attitude for the community to take up wherever possible is that of securing the prevention of industrial troubles rather than their settlement after an acute phase has been reached. On these grounds I submit the amendment.

Mr. DEAKIN (Ballarat).—One has to put the same view again and again in the course of the consideration of this Bill, in order, if possible, to focus the attention of honorable members on what is really important in amendments of this kind. As

I have already often said, the right honorable and learned member for Adelaide, in drafting the measure, went to the utmost extreme it was possible to go with safety; indeed, he went further in certain particulars than I should have cared to go, and certainly further than I should have gone had the drafting been left altogether to myself. If we wish to obtain the benefits of the Constitution in this regard it is necessary for us, as early as possible, to place on the statute-book a measure of conciliation and arbitration to the full extent that is clearly within our power, in order that we may have, throughout the whole of Australia, the benefit of a Federal Court of distinction and ability—though it will not be so strong a Court as I should like—to operate in great disputes, such as have occurred in the past, and which we desire to prevent and settle in the future. Here we have another illustration of "stretching the bow," so to speak, to an extent which threatens breakage, by introducing what even the Prime Minister, by his method of argument, admits to be a doubtful and difficult proposal. The Prime Minister desires to bring within the Bill, at once, every possible class of persons and every possible set of contingencies it can be made to embrace, even though by so doing he may be stretching our endowment of power under the Constitution.

Mr. WATSON.—I admit I am stretching the language.

Mr. DEAKIN.—The speech of the Prime Minister shows that he felt a very natural, and, I think, a very proper hesitancy in making up his mind whether the amendment he proposes comes within the Constitution. In my view, the amendment does not come within the Constitution; and that for a twofold reason. I shall read once more the sub-section of the Constitution from which we derive all our authority in this regard—

Conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State.

Though there is a possible reading which would give "prevention" a somewhat greater scope, the plain meaning is that both as regards prevention and settlement, the section does relate to disputes extending beyond the limits of any one State. It very probably does not go one inch further.

Mr. HIGGINS.—How can we "prevent" a dispute which does extend?

Mr. DEAKIN.—That, first of all, is not our business. If it is clear that we are given power to prevent and settle disputes extending beyond the limits of any one State—that is to say, which do extend beyond—we are on safe ground in passing legislation to that extent. We are satisfied that the Court will give effect to such legislation. But directly we go beyond, we get into the region of uncertainty and perplexity. As I pointed out the other evening, if once we overstep the plain limits of the clause as introduced, it would be impossible for any Court to draw a line at which the power of this Parliament would stop. The smallest dispute in a barber's shop or a butcher's back yard, may be "likely to extend" beyond any one State. The mere fact that a dispute takes place in a border town may indicate that it is "likely to extend" beyond the limits of that State. The Federal Court is required to deal with disputes of magnitude extending beyond the limits of any one State—to deal with Federal disputes—but if we once stretch its jurisdiction to disputes "likely to extend" beyond the limits of any one State, we really abolish the only limitation of its powers.

Mr. WATSON.—The Court still will have the power to dismiss any matter as trivial.

Mr. DEAKIN.—I answered that point the other night, but shall have to repeat the argument. I say that, even from the standpoint of practical expediency, we shall choke, if we do not kill, this Court, by enabling trivial questions to come before it. Although we have conferred a great measure of self-protection on the Court, in order that it may brush such trivialities away, the Court, as now constituted in consequence of the amendments of the Government, will be very much less able to put those cases aside and shake itself free than it was under the Bill as drafted by the right honorable and learned member for Adelaide. There is another point worth looking at. This clause attempts an endowment of a body which is not under our control—

Any State industrial authority may, in manner prescribed, request the Court to deal with any industrial dispute.

What we are purporting to do here is to authorize a State industrial authority, created by a State Act of Parliament which limits its powers, to request the Federal Court to deal with an industrial dispute "likely to extend" beyond the limits of any one State. The amendment, from

one aspect, leaves the clause relatively harmless. We are authorizing a State body to abandon its own power so as to request the Federal Court to take action. We push the matter further back. First of all, the State industrial authority may not choose to exercise the power, and if it does choose to exercise it, all that can follow is a request to the Federal Court, to which the latter may not agree. I am, first, going to grant an argument to the Government that in this particular sub-clause the amendment does not mean very much. But, having done that, I proceed to say, as I have already argued, that the amendment does mark a trespass; and every trespass is not only a legal wrong but a tactical mistake. In this particular matter the endowment is of a State industrial authority, and with new jurisdiction—possibly new jurisdiction—not to decide matters which it is created to decide under a State statute, but to decide whether a particular dispute, with which it may or may not be competent to deal under its own statute, possesses one particular feature—the feature of being "likely to extend" beyond the limits of any one State. That is an endowment of power, such as it is.

Mr. GLYNN.—The amendment is a variation of terms, and does not mean more than the clause means at present.

Mr. DEAKIN.—"Likely to extend" does not mean more than the amendment?

Mr. GLYNN.—There can be no jurisdiction, according to the Government's definition, unless the dispute is likely to extend.

Mr. DEAKIN.—But the State authority is to be made the judge?

Mr. GLYNN.—That is so, without the new words proposed.

Mr. DEAKIN.—I think not. The words are "extends, or is likely to extend."

Mr. WATSON.—It would be as well to make the matter quite clear, when there is doubt as between such eminent legal authorities.

Mr. DEAKIN.—I differ altogether from the view taken by the honorable and learned member for Angus. The amendment is quite clear.

Mr. GROOM.—Can a State authority refuse to exercise its ordinary statutory authority, on the ground that the dispute is likely to extend beyond a State?

Mr. DEAKIN.—I have not yet got that far. The honorable and learned member for Angus may give us his reading of the

proposal when he addresses the Committee. The former words are—

Any State industrial authority may, in manner prescribed, request the Court to deal with any industrial dispute.

That means an industrial dispute which has extended beyond the limits of one State. As I have already put to the Committee, the case may be this: There is an extension of a dispute beyond one State, but the extension is practically only nominal. Really, the whole dispute is within one State. Then the State industrial authority may say—"Although this dispute is in our State, there is some overlapping on the other side of the border, and we request the Federal Arbitration Court to deal with it." The Federal Court might hand back the case, and say—"This dispute is really altogether in Victoria. It is true that there is an extension of it in New South Wales, but only to a trifling degree. The dispute embraces 100 workshops in Victoria, but only one little unimportant workshop in New South Wales. There is consequently an insignificant extension, not a real extension." Or a State industrial authority, if a dispute extends beyond a State, may desire to relieve itself of the case because it is overburdened with work, or for any other cause. It may ask the Federal Court to undertake what that Court can only undertake if it has the legal power to do so, which this amendment assumes. That much, however, is by the way. I come now to this point: This is, or purports to be, an endowment of power. If it means anything, it gives a State industrial authority a power which it did not previously possess, and that without regard to the Statute under which it is constituted. It gives a State industrial authority, which may be a Wages Board in Victoria, or a Court of Arbitration in New South Wales, power to refer to the Federal Court disputes which, though they may afterwards extend beyond its borders, may then be in course of being dealt with by the State authority. The State authority deals with a dispute which is only within its own State. While that authority is considering such a dispute, it may extend and thus pass under the Federal jurisdiction. In such a case, the State industrial authority might stay its own proceedings, and call upon the Federal body to undertake them, and so relieve itself of the task of completing an inquiry which it had commenced. Then again, we have under this amendment an endowment of

*Mr. Deakin.*

the local State authority with power to so request the Federal Court in a case in which the dispute does not extend, but is in the opinion of that body likely to extend. That, although a small trespass, is, nevertheless, a trespass, and might be serious. But then arises the question whether—as the honorable and learned member for Darling Downs has interjected—we have power to endow this State industrial body with some power that is not within the scope of the authority already conferred upon it, and may even be in conflict with State legislation. Suppose a State thought fit to prohibit its own local authority from dealing with a question simply because it was likely to extend beyond one State. Does the Attorney-General say that in such a case we could over-ride the State law? To do so he must take the most unduly extensive view of the endowment of sub-section xxxv. It is, I protest, the most mischievous thing possible to insist at this stage upon such an extension. There are very problematical benefits to be gained, and there is a great deal of injury to be done to this intricate piece of legislation, and to a Federal Arbitration Court, already surrounded with grave problems. These imply not only the problems immediately brought before the Court, but questions as to the occasions on which it will be possible to appeal from the Court to the High Court, in order that the full scope of section xxxv. may be determined. It appears to me to be most unfortunate that at this juncture we should attempt to deal with this matter of conciliation and arbitration as if we were dealing with it for the last time; as if no future Commonwealth Parliament could take the opportunity of amending the Bill which we are passing; as if, supposing we did not take the fullest measure of authority on this occasion, we should forego our powers altogether, as if we were condemned under the heaviest penalties, not only to do what we reasonably must feel ourselves called upon to do, but to undertake many doubtful and hazardous expedients, seeking to extend the authority conferred by this Bill, irrespective of the limitations laid down by the Constitution. It is just possible that the Constitution may hereafter be read so as to embrace the powers now sought to be exercised under it. I very much doubt it: but, even if that be so, it is the height of unwisdom in this measure to risk clause after clause, each one of which will possibly

require to form the subject of a separate application to the High Court in order to determine whether or not we have the power to act under it. If this measure is to be passed, and these provisions be insisted upon, we shall have clause after clause inviting appeals to the High Court, after the parties have already been put to great expense and trouble, in order to determine whether or not the authority exercised under them by the Arbitration Court is constitutional. But I am only repeating in another form arguments which I have already addressed to the Committee upon this point. I do ask the Attorney-General to say whether he considers it worth while to introduce this further extremely doubtful proposition — at all events, whether the gain is commensurate with the danger of overstepping the plain words of the Constitution, when we deal with disputes extending beyond any one State. Is it wise to interpret that to mean that we are empowered to give a State authority jurisdiction to request the Federal Court to deal with disputes that are only likely to extend beyond a State? This is a fruitless power unless the dispute, which has not extended beyond a State, but which is merely likely to extend, may be dealt with by the Federal Court. That is more than doubtful. Here we are proposing to give power to a State authority to send a dispute to the Federal Court. But, unless the Federal Court has the power to deal with a dispute, when it is only "likely to extend," but, as a matter of fact, has not extended, beyond a State, the Federal Court will be powerless to deal with it, and can only refer it back. So that really in these words are involved two questions. The first is, whether we can give a State industrial authority power to send on to the Federal Arbitration Court a dispute, simply because it is likely to extend beyond the State in which it has occurred; and, next, whether the Federal Court, if it gets such a case before it, will have jurisdiction to deal with it. Those are two assumptions which, it appears to me, it is not only unwise to make, but as to which, if we can make them, we shall merely be overloading this measure.

Mr. HIGGINS (Northern Melbourne—Attorney-General).—I should like to say a few words with regard to the contingencies arising under this clause, which has been so widely attacked. But before doing so, I may say that it does not add one iota to the

power which the proposed Court will possess. Honorable members may take it that there is not in this clause, nor in the amendment to the clause, any fraction of power added to the Court of Arbitration.

Mr. DEAKIN.—If the Court has no power, what is the use of it?

Sir JOHN QUICK.—It seems to give an interpretation.

Mr. HIGGINS.—I wish, first, to have it understood that, if my honorable and learned friend wanted to attack this interpretation of the Constitution, he ought to have attacked it under clause 26, which has been passed. That is the only clause which gives jurisdiction. These clauses merely state who can bring the case before the Arbitration Court. One of the authorities which can bring the case under the Arbitration Court is an organization; another is the registrar; and another is a State industrial authority; and clause 27 simply says that a State industrial authority shall have the power to bring the case under the attention of the Arbitration Court.

Mr. DEAKIN.—That is all that it did say.

Mr. GLYNN.—The amendment is a limitation of the clause as it stands, because if a dispute extends it cannot be referred.

Mr. HIGGINS.—I am afraid that I must have possession of the chair for the time being, and leave my honorable friends to fight it out. The honorable and learned member for Ballarat exceeded fair limits, I think, when he spoke of our allowing trivial disputes to be brought before the Court. What does it mean? Is it a trivial dispute when a State Court of Arbitration says that a local dispute is too wide-spreading for it to deal with, that the dispute is likely to go beyond the limits of the State?

Mr. DEAKIN.—It may arise in two shops in two border towns, separated by a river.

Mr. HIGGINS.—Are we not to trust the State industrial authority; are they fools? We must trust the State industrial authority to be fairly constituted of sensible men, and if they think that a dispute is so grave and so serious as shortly to be passing out of their control, they can say to the Federal authority, "It is time for you to take it up."

Mr. GROOM.—Can they decline to exercise jurisdiction on that ground?

Mr. HIGGINS.—They can exercise a discretion; there is no obligation to send it on.

Mr. GROOM.—They are under an obligation to settle the State dispute.

Mr. HIGGINS.—I have no doubt that my honorable and learned friend will bear me out in this statement, that there is no obligation on the part of a State industrial authority to send to a Federal Court a dispute that is likely to extend beyond the State.

Mr. GROOM.—Can they refuse, on that ground, to determine a State matter that is before them?

Mr. HIGGINS.—That is, I think, confusing two ideas.

Mr. GROOM.—No.

Mr. HIGGINS.—I think that they can say, "We do not think it is a matter that we should send to the Federal Court." But I admit that they would be bound if the matter were brought before them, to consider whether they ought to send it through or not. I have disposed—at all events to my own satisfaction—of the idea that trivial disputes are brought before the Court.

Mr. DEAKIN.—They may be trivial.

Mr. HIGGINS.—I intend to trust the Arbitration Courts.

Mr. DEAKIN.—They cannot make them great.

Mr. HIGGINS.—What is the history of this clause? As it originally stood, it provided that—

Any State industrial authority may request the Court to deal with any industrial dispute.

Mr. DEAKIN.—"An industrial dispute," as it was then defined.

Mr. HIGGINS.—That is the way in which the clause stood in the Bill of the late Government at the time of my second reading speech. I pointed out that there was no good in the provision, if a State industrial authority could refer a dispute only after it had extended beyond the boundary of the State, because the Federal Court would already have jurisdiction. Then it was that the late Prime Minister put it to me with a great deal of force that it was advisable, so far as we could, to get the two sets of industrial authorities into touch by any means in our power. I acceded to that. Our principle in the drafting of amendments has been, as far as we possibly could, to avoid changes in the proposals of the late Government except where, in our opinion, they were absolutely essen-

tial. Therefore, having regard to other and substantial reasons, we determined to keep to this clause as closely as possible. The only way in which I saw that the clause could be made useful was by saying that a State industrial authority should be allowed, if it thought fit, to send to the Federal Court any dispute of which it had cognisance, if it extended, or was likely to extend.

Mr. DEAKIN.—Those are the words—"or is likely to extend."

Mr. HIGGINS.—We wish to make this clause of some use. We will suppose that we have passed a clause giving the Federal Court the power to prevent, as well as to settle, disputes. Well, supposing that I wish to prevent a plague as well as to settle a plague, or cure it. Surely, in order to prevent a plague, I may take precautions to prevent the plague from coming in before the ship lands her passengers. If we had power only to cure a plague we could deal only with people who were infected. So, on the same principle, we wish to treat an industrial dispute—as it it were a plague. We wish to adopt measures which will prevent industrial disputes which extend beyond the limits of any one State.

Sir JOHN QUICK.—Why do not the Government follow the words of the Constitution?

Mr. HIGGINS.—This is not the clause for doing that. We have done that in clause 26.

Sir JOHN QUICK.—That is to prevent disputes.

Mr. HIGGINS.—Quite so. We have followed the words of the Constitution in clause 26, which the Committee has passed without any demur.

Sir JOHN QUICK.—Why do not the Government follow them here?

Mr. HIGGINS.—Because this is not the place for doing so. The honorable and learned member might as well say that we ought to follow them in the clause which enables the Governor-General in Council to make regulations. This is not the place for doing so. Under the head of cognisance of disputes and ordinary procedure, the clause merely provides machinery by which the Federal Court of Arbitration shall have matters brought under its notice, and, in truth, if one looks at clause 27, it will be seen to be the most petty one in the series. If anywhere, it ought to come in as a sub-clause to clause 28. The latter says that

the Court is to have cognisance of certain industrial disputes—first, those which are certified by the Registrar; secondly, those which are certified by an organization; and thirdly, those which are sent on by a State industrial authority. Then there might be a clause, if desired, to the effect that a State industrial authority may request the Court to hear a case. That is the true position of the matter, only that it is not worth while to alter the wording. If honorable members will treat clause 27 as though it came in at the end of clause 28, they will see what I mean—that it is merely a piece of machinery to make the Bill fit in with the machinery of a State industrial authority. We give no new jurisdiction here.

Mr. DEAKIN.—“Or is likely to extend”—that is the whole contention.

Mr. HIGGINS.—The whole of that power we take in clause 26.

Mr. DEAKIN.—No; the words there mean “extending beyond any one State.”

Mr. HIGGINS.—There is no meaning in the word “prevent,” unless we are dealing with things before they happen. I do not see how we can get out of that position. What is the use of talking of prevention if we cannot deal with a thing before it happens?

Mr. DEAKIN.—Then, we have no need to say “extending beyond any one State.”

Mr. HIGGINS.—I can prevent a plague from extending beyond Victoria into New South Wales; but I do so by dealing with it before it goes over to New South Wales. It is a mere question of words. It seems to me that the honorable and learned member is striking at the wrong clause. What he ought to have struck at was clause 26.

Mr. DEAKIN.—I am quite satisfied as to that.

Mr. HIGGINS.—And the honorable and learned member ought to have struck at the sub-section when it was being put into section 51 of the Constitution.

Mr. DEAKIN.—That is another thing.

Mr. HIGGINS.—Yes. Since the word “prevention” is in the sub-section we can give effect to it. The honorable and learned member has drawn a harrowing picture of all the consequences of a State industrial authority being allowed to interfere with the Federal industrial authority in this way. He says this clause means that the opinion of a State industrial authority determines what matters may

be dealt with by the Federal authority. I dispute that reading.

Mr. DEAKIN.—That is not what I said. I made two points. The first is that the Bill casts upon the State authority the new duty of forming an opinion as to whether a dispute is likely to extend, and, if they send it on, gives to the Federal Court power to deal with a dispute within a State, because, in its opinion, it is one likely to extend beyond the State.

Mr. HIGGINS.—If the honorable and learned member did not mean that it will be for the State industrial authority to decide finally whether a dispute is or is not likely to extend—

Mr. DEAKIN.—The State authority decides that before making the request.

Mr. HIGGINS.—I gathered from the honorable and learned member's argument that he considered that the State industrial authority will be the final authority to decide whether a dispute is or is not likely to extend.

Mr. DEAKIN.—No; each body decides that.

Mr. HIGGINS.—Then I need not refer further to that portion of the honorable and learned member's argument, beyond assuring honorable members that the State industrial authority does not finally decide the matter. If the Federal Court finds that a dispute does not extend, or is not likely to extend, beyond a State, it can say, “We will not deal with it;” and if it did deal with such a dispute, the High Court could interfere by *certiorari* or injunction to prevent it. All that the State industrial authority has to do under this clause is to say, “We think this matter sufficiently important to be brought before the Federal Court, because it is extending, or is likely to extend, beyond the limits of the State.”

Mr. GLYNN (Angas).—I think the clause a mistake. Clause 28 is the clause which really vests jurisdiction in the Federal Court to hear these disputes. It is not for us to tell the State authority to refer disputes to the Federal tribunal. All we have to do is to declare and define the jurisdiction of the Federal Court. Whether the State authority refers or does not refer a dispute is a matter for its own consideration. This is not merely a technical objection; it is a substantive one. The State authority will, presumably, deal with any dispute arising in the State, and we are now asking it to destroy its jurisdiction by handing over to the Federal authority



disputes which it thinks likely to extend beyond the State. We are asking the State authority to destroy the jurisdiction to exercise which it was created by a State Act. If the State authority made a mistake, and referred a dispute which was purely a State dispute to the Federal authority, it might be impossible to settle that dispute. If the Federal authority had jurisdiction, the dispute would, of course, be settled by it. But if it had not jurisdiction, if the interpretation put upon the Constitution by the Government is wrong, and a "dispute likely to extend" is not a dispute within the meaning of the Constitution, the Federal Court will be unable to settle it, and in the meantime it will have been left unsettled by the State Court. I think it is a wrong way to proceed to say that the State authority should refer a dispute if, in its opinion, it is likely to extend beyond the limits of the State. All we are concerned about is that the Federal tribunal shall have authority where its jurisdiction exists to decide the matter. For that reason I think that the clause should be struck out.

Mr. HIGGINS.—The honorable and learned member is against the whole clause?

Mr. GLYNN.—Yes, as a matter of machinery, because it may lead to an unfortunate position if the State authority makes a mistake as to the Federal jurisdiction.

Mr. GROOM.—And that mistake may be founded on a question of fact.

Mr. GLYNN.—Yes. Even assuming that the Federal sphere covers disputes which are likely to extend beyond the limits of any one State—an interpretation of the Constitution which is still open to challenge—the State authority may make a mistake of fact. It may decide that a dispute is likely to extend, while the Federal authority may decide that the dispute is not likely to extend, and thus we shall have two authorities coming to contrary decisions upon a question of fact.

Mr. MCCAY.—While the dispute itself remains unsettled.

Mr. GLYNN.—It is not provided that after the Federal tribunal has decided that a dispute is not likely to extend beyond the limits of any one State the procedure in the State Court shall be resumed at the stage at which it was stopped when the dispute was transferred to the Federal authority. I think that we should keep to the ordinary methods of draftsmanship, and, in creating

the Federal tribunal, merely define its jurisdiction.

Mr. HIGGINS.—That is done by clause 26.

Mr. GLYNN.—It is also done by clause 28.

Mr. HIGGINS.—It is necessary to distinguish between jurisdiction and cognisance. Jurisdiction has already been given. Cognisance determines the question who is to bring matters before the Court.

Mr. GLYNN.—If we provide in clause 27 that the State authority may bring matters before the Federal authority, why should we pass a provision like paragraph c of clause 28?

Mr. HIGGINS.—That paragraph has nothing to do with jurisdiction.

Mr. GLYNN.—I know what the Attorney-General wishes the clause to prescribe, but what it does prescribe is that the Federal tribunal shall have cognisance of any dispute referred to it by a State authority. Why go beyond that? Does not that give it jurisdiction, and vest it with power to entertain the dispute? Why incur the possibility of bringing about an unfortunate position through the mistaken exercise of jurisdiction by a State Court?

Mr. HIGGINS.—The honorable and learned member's objection is to the drafting of the late Government. Clause 27 was drafted by them, and he says that it is not necessary.

Mr. GLYNN.—To that extent the drafting of the late Government is faulty. The clause is not only unnecessary, but it is also dangerous. It will be more dangerous if the amendment is carried, because, although the late Government originally started with the idea that the Federal tribunal would have jurisdiction to deal with disputes likely to extend beyond the borders of one State, its members have now abandoned that idea. The honorable and learned member for Ballarat now thinks that a dispute is not capable of coming within the jurisdiction of the Federal Court unless it extends beyond the limits of a State, which is very different from the position which he took up when Attorney-General a year ago. There will be less harm in leaving the clause with that interpretation than in giving to the Court the extended jurisdiction now proposed—a jurisdiction over what is really a State dispute, though a dispute likely to extend beyond the limits of that State, in which case it is proposed that the State authority shall have jurisdiction to refer the

dispute to the Federal tribunal. I do not think that the Constitution confers upon us the right to give jurisdiction with regard to the mere likelihood of a dispute extending beyond the borders of a State. If the dispute does so extend, it comes clearly within the jurisdiction of the Federal Court; but if it does not extend we have no power to interfere. We might prevent a dispute from extending beyond a State by imposing what I may call an anticipatory penalty. We might declare that any organization or employer who caused a dispute to extend beyond the limits of a State should be subject to a fine or imprisonment. We might by this means prevent a State dispute from becoming a Federal dispute; but the Constitution does not contemplate our going beyond that. We could endeavour to prevent a dispute from extending beyond the State; but until it became a dispute, such as is contemplated by the Constitution, we should have no jurisdiction.

Mr. WATSON.—But if there is a dispute, we can take steps to prevent its extension.

Mr. GLYNN.—We cannot apply this machinery to prevent the extension of a dispute.

Mr. WATSON.—I think we can, if it is likely to become a Federal dispute; otherwise the word "prevention" has no meaning.

Mr. GLYNN.—The Arbitration Court could not take cognisance of anything excepting a dispute extending beyond a State; but a State dispute could be prevented, by means of anticipatory penalties, from becoming a dispute within the meaning of the Constitution.

Mr. WATSON.—How could we do that? According to the honorable and learned member's argument it would not be within our jurisdiction to deal with the dispute until it extended beyond the State.

Mr. GLYNN.—We could impose penalties in this case in the same way that the States impose penalties by way of prevention. We do not prescribe, after he has committed a murder, that a man shall be hanged, but we specify beforehand the consequences which shall be visited upon him if he commits that crime.

Mr. WATSON.—But we have no tribunal, except the Arbitration Court, to determine what is a dispute.

Mr. GLYNN.—Oh, yes; the High Court could determine it.

Mr. WATSON.—But primarily the Arbitration Court must determine whether a dis-

pute comes within the purview of that tribunal.

Mr. GLYNN.—No doubt; but the Arbitration Court is subject to the High Court. The High Court could declare that the discretion exercised by the Arbitration Court was bad, and that the dispute never extended in such a way as to bring it within the Federal jurisdiction. Until a dispute extends beyond a State we cannot apply the machinery of the Federal Court. But we can impose a penalty upon those who are responsible for its extension beyond the State, and when it has so extended we can call upon the Court to settle it. All we can do, by way of prevention, is to impose penalties upon those who are responsible for the extension. Before a Federal dispute is precipitated certain proceedings have to be taken, because we have inserted provisions similar to those contained in the States Acts, regarding certain submissions which have to be made by majorities of those employed, and so on.

Mr. WATSON.—Still we should have to rely on the Arbitration Court to say whether Brown, or Jones, had been guilty of an attempt to extend a dispute.

Mr. GLYNN.—No; that is not necessary, because we could apply to the ordinary Criminal Courts to impose fines upon the organizations or individuals who were concerned.

Mr. WATSON.—Without providing any means for settling the dispute itself?

Mr. GLYNN.—When a dispute has extended beyond a State, it comes within the jurisdiction of the Federal Court, and can be settled by that tribunal. It would be within the province of the States Courts to impose penalties upon those persons who were responsible for the extension of the dispute, and upon such extension the Federal Arbitration Court would have power to effect a settlement.

Mr. WATSON.—All we say is that it is wrongful to foster disputes, when we provide machinery by which they can be adjusted. We cannot say that it is wrong to merely foster a dispute when there is no machinery provided for its adjustment.

Mr. GLYNN.—But we are creating machinery for the settlement of disputes. The Attorney-General says that we are also creating machinery to prevent disputes. I contend that that is not the intention of the Constitution, the object of the sub-section being to enable us to settle disputes when they have arisen. In order to prevent

disputes in the States being extended, and coming within the jurisdiction of the Federal Arbitration Court, we can apply a series of penal provisions. The Federal tribunal cannot take cognisance of any dispute that does not extend beyond the limits of any one State, but we can by means of a Federal Act provide for penalties to be imposed upon persons who are responsible for the extension of a dispute. Assuming that a dispute has once been extended, we can do the two things. We can settle it, because, owing to its extension, it has been brought within the purview of the Federal Arbitration Court, and we can punish the organization or employer responsible for its becoming a Federal dispute. We could apply to the Criminal Courts to punish those responsible for the extension, and could invoke the power of the tribunal created under the Bill to settle the dispute. That is a reasonable interpretation of the provisions of the Constitution, and it obviates the necessity of extending the operations of the Arbitration Court into the State jurisdiction. What right have we to interfere in the settlement of States disputes? Under the amendment we should actually have the power to take States disputes entirely out of the hands of the States authorities.

Mr. HIGGINS.—No, no.

Mr. GLYNN.—It is proposed to give power to a State tribunal to decide whether a dispute is likely to extend beyond that State.

Mr. HIGGINS.—But it is one thing to give power to a Court, and another to take it away. The honorable and learned member states that we propose to take disputes out of the hands of the States authorities.

Mr. GLYNN.—We propose to confer all the power that is necessary under clause 26, and clause 28, sub-section III. Now, it is proposed in an intermediary clause 27 that we shall actually interfere with the province of the States, because it is contemplated that we shall instruct the States tribunals as to what they shall or shall not do. We ask the States authorities to determine on the facts or the law, whether a dispute is of a Federal character or not, and if they make a mistake the result may be to leave unsettled a dispute cognisable by those authorities.

Sir JOHN QUICK (Bendigo).—I take exception to the clause as it stands, and I view with still greater disfavour the proposed amendment. From the very incep-

tion of the Bill I have noticed this clause as one open to strong objection. The present Government are not responsible for its initiation or its appearance in the Bill, and, therefore, they may be able to discuss it calmly and impartially. The clause seeks to impose a right or duty upon a State authority, and I do not think that we have any power to do anything of the kind. The State arbitration authority is dependent for its existence as well as its powers upon the State law, and the Federal Parliament has no authority to enlarge its rights or authorities, or to impose duties upon it. Sub-clause 2 contains a most extraordinary proposition. It seeks to give the Governor in Council of a State enormous administrative powers. It contemplates, forsooth, that if there be no State law in existence constituting a State arbitration authority, the Governor in Council of any State may take cognisance of an industrial dispute, and refer it to the Federal authority. I see no justification whatever for the adoption of the amendment. It is a most unconstitutional proposal, and one which, I think, the States Parliaments would justly resent as an encroachment upon their jurisdiction.

Mr. WATSON.—What, in the opinion of the honorable and learned member, is the meaning of the word "prevention"?

Sir JOHN QUICK.—I shall come to that point presently. I am merely endeavouring to point out the objections to clause 27 *per se* apart from the proposed amendment.

The CHAIRMAN.—The honorable and learned member must confine his remarks to the amendment itself.

Sir JOHN QUICK.—I submit that the proposal of the Government, instead of conducing to the settlement of industrial disputes, will tend only to their multiplication. It will foment trouble and create litigation. Under its operation the State authority, if it be confronted with an industrial dispute which is within its own jurisdiction, and which it anticipates will extend to another State, is practically encouraged to dispose of it by referring it to the Federal authority. Such a proposal will not tend to the settlement of disputes, but rather to the enlargement of their area, and the multiplication of the difficulties which are incidental to them. The amendment seems to me to be a very subtle and well designed attempt to interpret the Constitution in a manner that will

expand, if it possibly can, the limited meaning of sub-section xxxv. of section 51. We can put nothing in this Bill that can in any way enlarge the Federal jurisdiction. If that be admitted, where is the utility of inserting these words? Undoubtedly, they are intended to give a special signification to the words "prevention of." It is certainly a very well planned proposal, but I venture to say that it will prove quite abortive, although the purpose in view may be a very laudable one. The insertion of the words proposed cannot add in any way to the powers conferred upon us by the Constitution.

Mr. WATSON.—Their non-insertion may limit those powers, and that is what the honorable and learned member is striving after.

Sir JOHN QUICK.—I wish to adhere to the words of the Constitution itself.

Mr. WATSON.—Some honorable members who are opposed to this Bill wish to limit it in every possible direction.

Sir JOHN QUICK.—I am merely desirous of seeing that no indirect attempt is made to exceed our legitimate powers, or to incorporate in the Bill a placard which will tend to foment disputes rather than to settle them. Clause 26 provides—

The Court shall have jurisdiction to prevent and settle, pursuant to this Act, all industrial disputes.

If the Government proposal is merely intended as a hint to the State industrial authorities that they may refer to the Federal authority disputes which come within the jurisdiction of the latter, I ask why do they not adhere to the words of that clause? Why not provide that the State industrial authorities may refer to the Federal authority industrial disputes extending beyond the limits of any one State? But the Government do not adhere to the language of clause 26. They propose to insert new words, and thus to effect an enlargement of the powers conferred by the Constitution, rather than a limitation of them. Whilst I do not seek any limitation, I protest against any attempted enlargement of those powers. From time to time the Attorney-General and the Prime Minister have dwelt upon the meaning of the word "prevention," and it is quite right that they should do so. The whole struggle centres around the meaning of the words "for the prevention and settlement of industrial disputes." I

quite concur in the view which is entertained by the honorable and learned member for Ballarat, that the words "prevention and settlement" should be read together—that they are analogous expressions—and that "prevention," in its allocation with "settlement," means merely the adoption of legislative measures, to stop, or thwart, or settle industrial disputes. It does not mean anticipatory action—

Mr. WATSON.—That is certainly a good lawyer's definition. It fines the matter down to the disappearing point.

Sir JOHN QUICK.—This is not a lawyer's question, because, in *Webster*, of two meanings which are given of the word "prevention" one meaning is "anticipatory action," and another "to stop, to thwart or impede action." In this case, I hold that the word is capable only of the latter signification. Otherwise, where is to be the limitation? Is any Judge or authority, who imagines that there is likely to be a strike in a certain industry, to be vested with power to intervene? I would further point out that the prevention of a "dispute" does not necessarily mean the prevention of a "strike." A "dispute" is a very different matter from a "strike." The former may mean merely a controversy. This clause, therefore, proposes to make provision for the stoppage, thwarting, impeding, or settlement of a controversy that may arise between parties, not one which has arisen. I submit that a controversy of some kind—not necessarily a strike—must exist before the Federal authority is vested with any jurisdiction. If no controversy exists, there can be no jurisdiction. Therefore, to incorporate in this provision the words "likely to occur," is a most serious enlargement of the Federal powers. It means that the States authorities are to be vested with jurisdiction to refer to the Federal authority any controversies which are likely to occur, because the word "disputes" means "controversies." Surely it is not intended to give the Federal or State authorities, or any legal tribunal, jurisdiction over controversies which are "likely to occur!" Surely the jurisdiction must be over something *in esse*—something actually in existence—otherwise it will be found to have a most shadowy foundation. I admit that the Government are not responsible for this clause, and I do not think it is essential to the integrity

of the working of the measure that it should be retained. All that is necessary is that provision should be made for the Federal tribunal acquiring jurisdiction either by a summons or by a certificate of some kind. Paragraphs *a* and *b* of clause 28 provide two very simple methods by which the Federal Court can acquire jurisdiction. One is by means of a certificate from the Registrar, and the other is by submission. Certainly the best method of acquiring jurisdiction is by the submission of one of the parties to a dispute. If the parties themselves can give the Court jurisdiction by submitting their dispute to it, what more is required? Why vest in a State authority, which may want to get rid of its own work, the power to refer a dispute to the Federal authority? If the parties do not appeal to the Federal Court, why should the State Court have the power of sending them on to the Federal Court? Surely it is quite sufficient to allow the parties themselves, by the adoption of some procedure, to appeal to the Federal Court. By this clause, for which the Ministry, as I say, are not responsible, an outside body is to refer parties in a matter in which, perhaps, the Federal Court will say it has no jurisdiction, a dispute or controversy not having arisen. My advice to the Government is to strike out clause 27, and leave the mode of inquiry and jurisdiction as defined by sub-clauses *a*, *b*, and *c* of clause 28. That would meet all the requirements of the case, without impairing the integrity, power, or efficiency of the Federal tribunal.

Mr. McCAY (Corinella).—So far as I can understand the Attorney-General's defence of the amendment, it is that clause 27, as it stands in the Bill, is useless. If I may be permitted to express my own opinion, I should say that the Attorney-General, having arrived at that view, added, "and I will make the clause mischievous by an amendment." The whole of the Attorney-General's argument in favour of the existence of the power which he says is in the Constitution, and which he is endeavouring to express to a certain extent in this amendment, depends on the word "prevention" in sub-section xxxv. of section 51 of the Constitution. The Attorney-General says in effect, "'Prevention' must mean the anticipation of the coming into existence of a dispute, and the only way we can anticipate the coming into existence of a dispute extending beyond the limits of any one State,

is to attack it before it has so extended." Therefore, according to the Attorney-General, the word "prevention" shows—though the honorable gentleman's argument, I venture to say, goes a little further than he suggested to the Committee—that the Federal power extends to disputes which are purely State disputes, while they are within the limits of any one State.

Mr. DEAKIN.—Clearly that is the argument.

Mr. McCAY.—The suggestion that the disputes are to be attacked only when likely to extend beyond the limits of a State, is a suggestion that an existing state of affairs, and the supposed jurisdiction, are to be measured by an opinion of some individual or set of individuals.

Mr. WATSON.—By a responsible Court.

Mr. McCAY.—No matter whether the individuals be responsible or irresponsible; it is left a matter of opinion.

Mr. WATSON.—Quite so.

Mr. McCAY.—The opinion of A, B, or C that a matter is going to be Federal will make it a Federal matter.

Mr. WATSON.—Most jurisdictions are matters of opinion.

Mr. McCAY.—The only existing state of affairs, is a dispute in a State; and it is said that the prevention of disputes from extending beyond the limits of any one State—which is not what the Constitution says, by the way, though the question is frequently argued as if that is what the Constitution did provide—can be secured by stopping any dispute as soon as it arises within a State, on the ground that it may ultimately extend beyond the limits of the State. When once we get to limiting jurisdiction by the opinion of the Court as to whether a future set of facts is or is not likely to occur, we have entered on the realms of imagination and experiment, and left ourselves utterly unable to stop short of the extreme logical position, viz., that any dispute may in effect ultimately develop into a dispute extending beyond the limits of any one State. Any dispute, although it may be confined to a single State, a single town, or a shop in that town is, according to that view, within Federal jurisdiction. I venture to press very strongly that that is the irresistible conclusion to which advocates of the extensive interpretation of the word "prevention" are driven. They cannot stop short of saying that this section in the Constitution gives power to the

Federal Parliament to legislate for all industrial disputes, whether they do or do not extend beyond the limits of a State.

Mr. HUTCHISON.—Where does "prevention" stop?

Mr. DEAKIN.—The question is, rather, where does "prevention" begin?

Mr. McCAY.—To use the simile of the Attorney-General, we can whittle away or decrease a plague until at last there is only a single patient within the whole of the Commonwealth; and, if the argument to which I refer is to be applied, we could prevent the spreading of the plague from that single patient through the town, and through the rest of the State, before it reaches the border and threatens to invade the neighbouring State. We can go back to the single patient, and say he may ultimately infect the whole of the Federal area, as well as the whole of the State.

Mr. HUGHES.—What is the meaning of "prevention"? The word must have some meaning.

Mr. McCAY.—I say that if the word "prevention" has the meaning which the Attorney-General suggests, it has the effect I now allege. That is a conclusion which I venture to say is obviously in contravention of any interpretation the Court is likely to put on the sub-section of the Constitution or any interpretation which the Court would put on it if there was any possible escape; and it is a strong argument against the validity of the interpretation of the Attorney-General. The word "prevention" can only have any such meaning if we separate the words "extending beyond the limits of any one State," from the word "disputes." If the Attorney-General's contention is correct, we must, when using the word "prevention," in connexion with industrial disputes, separate the words in the way I describe, in order to read the sub-section to mean the prevention of the extension of disputes beyond the limits of any one State. That is to say, we must be able to separate the extending phrase from the word "dispute." Here we are on ground where opinions differ. Instead of attacking the Attorney-General's opinion, I am pointing to the conclusion which it seems to me that opinion inevitably leads; but I express my own opinion when I say that the extending words are an integral portion of the substantive, which is a group of words and not a single word. The words are not "industrial disputes," but "industrial disputes extending beyond the limits of any one State," and the words

are bound together with links of iron—no other words—neither "prevention," "settlement," nor any other word—can separate them. Any word applied to them must be applied to them as a group—not to them as divided, one portion being regarded as consisting of "industrial disputes," and another as consisting of "extending beyond the limits of any one State," but as combined. The words "extending beyond the limits of any one State" belong to "industrial dispute," first, last, and all the time, both when we use the word "prevention," and when we use the word "settlement." The counter question that is naturally put to us is—"How do you explain the word 'prevention,' which must have some meaning, and to which the Court will certainly strive to give some meaning?" The honorable and learned member for Angas makes one suggestion, and the honorable and learned members for Bendigo and Ballarat make another to the effect that "prevention" is not used in its current or most common meaning.

Mr. HUTCHISON.—Why not?

Mr. McCAY.—The onus is on us of showing that "prevention" has some reasonable meaning. It has not to be shown that the word has some perfectly obvious meaning, but, if what I said before as to the Attorney-General's view is correct, that the word has some reasonable meaning.

Mr. HUGHES.—The honorable and learned member has to show that the word has some other than the ordinary meaning.

Mr. McCAY.—That it has some reasonable meaning.

Mr. HUGHES.—Other than the ordinary meaning?

Mr. McCAY.—The usual meaning of "prevention" is "anticipation"; but that is not the only meaning, nor is it the only accepted meaning. I think that "prevention" and "settlement," if linked together, can also be taken to mean that the settlement is to include all such decisions and decrees of the Court as anticipates the possibility of a dispute being continued, and to prevent that dispute from re-arising with the same demands on either side, as were made previously.

Mr. DEAKIN.—The Court is not to settle each dispute as if it were only one dispute, but is to settle one dispute so as to prevent other disputes of a similar nature arising.

Mr. McCAY.—Quite so. Say that the Court decided that wages in a certain trade

should be 8s. a day. The parties would have to carry on their work on those wages. I think that if the words of the sub-section had been in inverse order—"settlement and prevention"—we should have got nearer to the real meaning of the Constitution, which would have been much more obviously expressed. It seems to me that the Attorney-General, in making this extension of power hinge upon that single word "prevention," and upon the separation of words which, in my opinion, are inseparably bound together—because his position cannot be maintained without taking up that double attitude—is making a mistake. It seems to me so highly improbable that the word has the effect that is claimed for it, that I think we should not, in passing our first Arbitration Act, assume that that is the meaning. I regard the amendment as a deliberate—I do not use the word in an offensive sense—proposal to interpret the Constitution according to the view that the Attorney-General has to-day expressed. As to the meaning that can be attached to the sub-section, owing to the existence of the word "prevention," it certainly does not give more jurisdiction than the Constitution gives. We should not interpret the sub-section in this way, but should leave the Arbitration Court and the High Court to settle these questions, unaffected by our *ex parte*—and possibly partisan—views as to what the Constitution may mean. I do not think that the clause, as it stands, will be one for which the parties to disputes will be grateful. I first of all propose to vote against the amendment, and then against the clause. I agree with those who say that the clause is not desirable in itself. Indeed, I do not think that it is necessary. It provides that any State authority may request the Federal Court to deal with any industrial dispute; and then the amendment adds: "which extends, or is likely to extend." Suppose that the parties to a dispute say—"We do not wish to have it referred to the Federal Arbitration Court," and the State Court says—"We intend to refer it." Then this clause would put us in the position of deliberately conferring, not only a discretion upon the State Court, but of giving the State Court a jurisdiction by means of Federal legislation, which the State law itself had not given. If we have power to give a discretion, we have also power to make it mandatory upon the Court; and, consequently, we challenge the Constitutions of the States. We claim that we have the power to take out of the hands

Mr. McCay.

of the States Courts these matters in cases where it is believed that disputes are likely to extend. It is not merely a discretion that may or may not be exercised; the States laws say that the States Courts shall determine disputes when they are properly brought before them, but we propose to empower them to say, "We are sorry to refer this dispute to the Federal Court, in pursuance of the jurisdiction conferred upon us by Federal legislation." It is more than saying that this is a convenient reference, which may or may not be exercised as the States Courts think fit. Consequently, it is more than an interpretation. It is a declaration of a jurisdiction, on our part, to intervene in purely State disputes. The Government, the Attorney-General says, are not much in love with the clause. Nor am I. I am not in love with the amendment either. In that I differ from them. The clause as it stands would be better out of the Bill; the clause with the amendment would certainly be much better out. I am not one of those to whom the Prime Minister has referred as being opposed to the Bill altogether, and desiring to injure it. I have always advocated legislation of this kind even before I thought that we should be able to advocate it in a Federal Parliament. But I most earnestly indorse the view expressed by the honorable and learned member for Ballarat, and which I myself have ventured to express upon a previous occasion, when he referred to the fact that this is our first Federal Arbitration Bill. These are the early days of the Federation. Where there are matters of grave doubt of this kind—matters the determination of which, after all, does not depend upon us—we should not assert more than we clearly have power to assert. We are merely asserting a power; we are not creating it. If we really possess the power, the Bill will enable it to be exercised. But this is not the time for us to be making these assertions. After all, States Governments and Executives are composed of men, and men do not like to be told, "We are going to do this, that, and the other thing." If we have power to do it we can do it in the most unostentatious manner. The amendment contains a proposal which, in the opinion of some honorable members, is within the powers conferred by the Constitution. In the opinion of the majority, I venture to say, it

is beyond the powers conferred by the Constitution. I should not be surprised if the Government were to announce that they were prepared to let the clause go, altogether. I, for one, deprecate as unwise the claim laid down by the amendment, which must injure the Bill, if it does not injure the Government.

Mr. DEAKIN (Ballarat).—May I be allowed to simplify the proceedings by moving an amendment upon the amendment. I move—

That the amendment be amended by leaving out the words "or is likely to extend."

Those are the words which, it seems to me, are unconstitutional.

Mr. GROOM (Darling Downs).—The arguments have really fallen into two divisions. Some honorable members oppose the clause in its entirety, and its underlying principle, while others oppose the amendment which has been moved by the Government. I am in favour of the clause as it stands. I think it was properly introduced into the Bill, and I am glad to see that the Government are standing by it. What was the object of this part of the Bill? Here is a Bill which purports to cover the whole of Australia. In each State it is contemplated that there will be a particular Court having its own specific jurisdiction. It is quite obvious that there might come before a State Court a case which was really beyond the scope of its jurisdiction. Therefore, instead of putting the parties to all the expense incidental to the Court stopping the proceedings and dismissing the suit, and compelling them to go elsewhere and start a fresh action, it is desired by a simple process of reference from one Court to another to bring to the Court which has proper jurisdiction a dispute which is national in its character. There is nothing unconstitutional in the clause in that respect. Where the unconstitutionality arises, to my mind, is in the amendment. I think it is an unwise amendment. Let us suppose that a dispute has arisen between squatters and shearers in New South Wales, where there is an industrial authority. When a case is properly instituted before that Court it is under a statutory obligation to hear the parties and proceed to a conclusion so long as it involves a matter which is entirely within its jurisdiction. This clause does not apply merely to a shearers' strike. It may apply to seamen, and various industries over which

the Court has jurisdiction. The amendment purports to go a step further.

Mr. DEAKIN.—Very much further, because the State Legislature is not limited as we are, to what are called industrial disputes. They can deal with any kind of dispute, industrial or not.

Mr. GROOM.—Quite so. As long as the facts bring the case entirely within the jurisdiction of the State, the local Court is under a statutory obligation to hear the parties, and to give an award. What does the amendment propose to do? A matter has arisen which, on the face of it, is only a State dispute, and which the State Court alone has the power to hear and determine. But, it is urged, if somebody suggests that it may extend to some other State, that therefore the State Court shall have power to stay its hand, and send the matter on to the Federal Court, divesting itself of its statutory duty. Then, when the Federal Court considers the matter it is in very much the same position as the State Court: it is hearing a matter which, as an industrial dispute, is not at that stage extending beyond the State, and which is within the jurisdiction of the State Court. It seems to me that we are exceeding our powers in conferring on the State Court that jurisdiction. If we wish to deal with State matters we must first get authority under sub-section xxxvii. of section 51 of the Constitution. Under sub-section xxxv. we can legislate with respect to—

Conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State.

Obviously, under that sub-section we have no power to deal with Arbitration Courts acting in their own specific areas. If we wish to go beyond that point the matter must first be referred to us under sub-section xxxvii., which enables this Parliament to legislate in—

Matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the matter is referred, or which afterwards adopt the law.

If we desire to confer this power on a State Court by a Federal Statute, a State Parliament will need, in the first place, to pass an Act asking us to take action, and then we should have to take action accordingly; otherwise we cannot legislate. So, if it were desired that the Federal Courts should take the place of the States Courts, dealing



with State matters only, the subject would have to be dealt with by the State Parliament in the same way. We can deal with matters of purely State concern only after a State Parliament has authorized us to legislate. Therefore, I think that the amendment, in so far as it purports to enable a State Court to stay its hand in matters likely to extend beyond the borders of the State, is absolutely unconstitutional. As regards the general definition of the phrase—

Prevention and settlement of industrial disputes extending beyond the limits of any one State.

I do not feel myself at this moment competent to give an opinion which is likely to be of any great value. The words are complicated, and will need a great deal of unravelling for the purpose of a correct interpretation. The object of the provision was that we had primarily to deal with industrial disputes. Before any action could be taken it seems to me there must be an industrial dispute; and then the words "prevention and settlement" come in, and I think must be taken together. First of all, there must be a dispute extending beyond a State; that is the foundation of jurisdiction. Then when a dispute is extending beyond a State we have the power to make laws, not for the prevention or settlement, but for the prevention and settlement of those industrial disputes. The word "settlement" itself suggests the existence of a dispute. There must be in existence something to settle. Obviously, the word refers to a dispute that is extending beyond a State.

Mr. HUTCHISON.—How can we prevent and settle a dispute?

Mr. GROOM.—When a dispute is in existence we can prevent and settle it. We can prevent it extending further; we can prevent a similar dispute arising in the future. But, seeing that we can settle that dispute, there is, in the Bill, I understand, a provision for the purpose of preventing disputes in the future; there is what is known as the common rule.

Mr. HUTCHISON.—But how can we prevent and settle a dispute?

Mr. GROOM.—By settling a dispute we can prevent a dispute of a similar nature arising.

Mr. CROUCH.—Is it not possible that the honorable and learned member's reading is too narrow?

Mr. GROOM.—It is possible.

Mr. DEAKIN.—It is safe.

Mr. GROOM.—I certainly do not think that the word "prevention" includes the power to prevent any dispute likely to arise.

Mr. HUTCHISON.—Or likely to extend.

Mr. GROOM.—Yes. The words "likely to extend" suggest the investigation of a fact. What does the term mean? Different trade organizations will combine and form themselves into unions throughout Australia. They have their branches. Suppose there is a dispute in Sydney between an employer and employes belonging to the local branch of a union which is affiliated to a federated union, will the fact of affiliation make the dispute one which is likely to extend beyond the borders of the State?

Mr. HUGHES.—It may.

Mr. GROOM.—Would the State authority, in such a case, have to stay its hand, and say, "We shall not exercise jurisdiction in this matter"?

Mr. HUGHES.—Not necessarily. It must try each issue on the facts.

Mr. GROOM.—When the matter was referred to the Federal Court it might say, "We are of opinion that the dispute is not likely to extend beyond the borders of the State, because it is purely a local matter, affecting the local conditions of the industry."

Mr. HUGHES.—I take it that if either of the parties thought that the dispute was one which the Federal Arbitration Court should entertain, it could apply to the High Court to require the former to proceed.

Mr. GROOM.—But we cannot give jurisdiction which the Constitution does not empower us to give. We cannot say to the Federal Court, "You can deal with disputes likely to extend beyond the limits of any State" without interfering with State action. A State Court is empowered to deal with any dispute arising within its jurisdiction, whether it is, or is not, likely to extend beyond the borders of the State. The only thing that could prevent a State Court from dealing with a dispute would be its absolute extension beyond the borders of the State. Exception has been taken to the fact that the Governor in Council of a State may request the Federal Court to deal with a dispute; but I think that that is a very proper provision. As a matter of fact, whether we do, or do not, put the provision into the Bill, the States may invite Federal action to settle industrial disputes. While not in any way attempting to dictate to the authorities

of the States as to the action they shall take, we wish to give them a certain statutory right to appeal to the Arbitration Court. We wish to give them power to say, "Here is a dispute which is paralyzing the trade and industry of our State. We have sent out the police, and have taken a hundred steps to try to prevent it, but it is now extending into another State, and we feel that we can no longer deal with it. Therefore, we appeal to you to exercise the national power of administration in order to put an end to it." I cannot see that to provide for such an appeal is to dictate to the Governments of the States. Such a provision would not compel them to take action.

Mr. HUTCHISON.—Is not the honorable and learned member arguing that a dispute cannot extend beyond the borders of any one State?

Mr. GROOM.—Certainly not. I think that, on the whole, it would be advisable to pass the clause as it stands. I cannot see the dangers which have been suggested, because the clause is purely a permissive one. With regard to the amendment, I think that it would be better if it were withdrawn.

Mr. SPENCE (Darling).—I have listened to the remarks of the honorable and learned members of the Committee, and I find that, as usual, there is a lamentable difference of opinion amongst them. They appear not to have the remotest agreement as to the meaning of the Constitution which some of them had a hand in framing. Therefore, I take it that our best plan is to leave the interpretation of that instrument to the High Court. In this connexion I should like to draw attention to a point which has not yet been discussed very much, and that is the policy which may guide the High Court—whether it is likely to give a narrow or, following the American precedent, a wide interpretation of the Constitution as it affects the powers of the Commonwealth. Throughout this debate there has been a conflict between two opinions, between those who fear to take more power than is clearly given by the Constitution so far as its very vague provisions in this respect can be understood, and those who would leave the door as wide open as possible, in the hope that the Court may say that our action is sanctioned by the Constitution. I take it that the view which actuated the right honorable member for Adelaide, who is the father of this Bill—

Mr. DEAKIN.—He did not put in this provision.

Mr. SPENCE.—His intention was to make the measure very comprehensive.

Mr. DEAKIN.—But he expressly decided that it was not safe to take the fullest meaning of the word "prevention."

Mr. SPENCE.—The rule which has guided me in my votes on the measure has been to take the wide interpretation of the Constitution. I adopted that rule because I think that we must realize that in the very near future there will be somewhat of a demand for the intervention of the Federal Arbitration Court in regard to certain Interstate questions which have been hardly referred to yet. Let me give an illustration, to which I ask the attention of the legal members of the Committee, so that they may see how the facts will fit in with their legal arguments. The workmen engaged in the boot trade of Victoria and New South Wales belong to unions which are federated, and the output of the various factories competes practically in the one market. It would, therefore, be manifestly unfair to increase the cost of production in New South Wales, and thus allow the Victorian manufacturers to undersell their New South Wales competitors. Under these circumstances, if a dispute between the boot-makers and boot employes in New South Wales came before the State Court, and during its hearing it was made clear that it would be wise to have an award applying to the trade in Victoria as well as to the trade in New South Wales, I think the Court should be able to say, "Although the dispute which we have been asked to settle has not extended beyond the borders of the State, we know that when we have given our award it will extend, because the Victorian operatives, if we improve the conditions of their fellows in New South Wales, will at once set themselves to secure similar conditions, while in the interests of the employers it is necessary to have equality of conditions in the two States." The legal members of the Committee have dealt largely with technical points, but as the Federal Court is to deal with the matters that come before it according to equity and good conscience, and to be guided by the rules of common sense, I do not think there is much need for technical argument. I can understand those who oppose the wide interpretation of the Constitution; but I take it that neither Federal nor State Court will quibble so much about the meaning of

words. Both will be guided by the rules of common sense, and those rules would dictate that in the case to which I have referred awards should apply equally to the two States concerned. There is now a movement, in anticipation of the establishment of the Federal Court, for welding together in various Inter-State organizations employers on the one hand and employes on the other, and it is our duty to provide for the condition of things which is certain to arise in the near future, rather than to wait until we find an amending Bill necessary. I have heard no argument which has commended itself to me as of weight for preventing the State authority from remitting to the Federal Court a question which in its opinion that Court is best able to deal with. I have jocularly interjected on previous occasions that it is easy to make a dispute extend beyond the borders of a State, and I say so again. A strike is not so easy, but a disagreement is the easiest thing in the world to bring about. It is difficult to get people to agree, as we know from our own experience, but it is very easy to get them to disagree. Therefore, there would be no trouble in making a dispute extend from one State to another. I am with those who desire that the measure shall prevent and not provoke disputes, and I think that the amendment goes in the direction of prevention. If we refuse to allow a State authority to remit a matter to the Federal Court, we shall force the parties concerned to extend the dispute beyond the State, in order that it may be brought before the Federal Court, which is not a very sensible thing to do. As we are declaring that all strikes shall be illegal, and as an extension of Inter-State organizations in the near future is probable, we should provide a means of dealing with them. Some honorable members would say, "Let the States deal with all disputes by means of their own Arbitration Courts." But, in the case to which I have referred, even if Victoria, as well as New South Wales, had an Arbitration Court, there would be many questions affecting both States which would be better dealt with by the Federal authority than by the State authorities, unless one State Court recognised the awards of the other, which would be a difficult thing to bring about, unless the same evidence were brought before both. If the Federal Court had to settle a dispute affecting one of our large manufactur-

*Spence.*

ing industries, its inquiry might be made to cover the whole field over which the common rule would extend. Therefore, it would be best fitted to deal with a large number of cases besides those which honorable members had in their minds as likely to extend beyond any one State. I know of a number of large organizations which propose to bring disputes before the Federal Court for settlement, and we should be extremely unwise if we did not offer every facility to those bodies for invoking the aid of that tribunal. The honorable and learned member for Bendigo thought it would be wrong for us to extend the jurisdiction of the local authorities; but I do not see any reason why we should not confer certain powers upon the States Arbitration Courts in the same way that we have extended the jurisdiction of the ordinary Courts. It is highly necessary that we should afford every opportunity, not only for meting out justice, but also for insuring peaceful conditions in our large industrial undertakings. We shall soon have to seek for an extension of the powers granted to us under the Constitution in order that we may deal upon a Federal basis with factory legislation of all kinds. I do not see how it will be possible for us to secure fair competition unless we have some such authority. We shall be paving the way for action in this direction by providing the fullest facilities for the settlement of disputes which may extend beyond the borders of any one State. It might be very hard to extend a strike, but it would be very easy to extend a dispute, and where a State Arbitration Court plainly recognises that the effect of its award must be to extend a dispute beyond the borders of the State, it should have the power to remit the matter to the Federal Court without any delay.

Mr. HUGHES (West Sydney—Minister of External Affairs).—I really do not see why any objection should be taken to the clause as it stands, because it does not appear to me to invade any State rights. Some of the objections of honorable members, notably those of the honorable and learned member for Bendigo, have been directed against the clause as it stands, and I propose first to deal with these. The clause provides—

1. Any State industrial authority may, in manner prescribed, request the Court to deal with any industrial dispute.
2. When in any State there is no State industrial authority, the Governor in Council of the

State may request the Court to deal with any industrial dispute.

How does that invade State rights? Obviously, it may be convenient for a State Court to avail itself of such a power. Or it may be necessary for it to do so. In any case, the important point is that such a power is optional. There is no power to compel a State Court to act in the manner indicated. It may do so because it is convenient, or because it is practically necessary; but in every case it is optional. One of the essentials of this class of legislation is that the Court must be ready to deal with a dispute whenever it arises. Clause 32 provides—

The Court shall, in such manner as it thinks fit, carefully and expeditiously hear, inquire into, and investigate every industrial dispute of which it has cognisance.

One of the essentials—if this measure is to be something more than a mere name, and to have real effect in preventing and settling industrial disputes—is that the Court must always be ready to hear disputes. Now, it is notorious that, until a few days ago—and this is the month of June—the Arbitration Court of New South Wales had not settled one dispute this year. I am speaking about what I know.

Mr. CONROY.—What about the Fresh Food and Ice Company's case?

Mr. HUGHES.—I am not speaking about industrial agreements that have been filed in the Court, but of disputes, properly so-called. Up till last Wednesday the Court had not really settled one dispute.

Mr. CONROY.—Did they not settle the bread carters' case?

Mr. HUGHES.—That case arose last year. The Court has not settled one of the disputes which have been brought before it during the last six months, and there are between thirty and forty cases now awaiting settlement.

Mr. DEAKIN.—And which have been commenced this year?

Mr. HUGHES.—I refer to cases which are now outstanding, and which have not been settled.

Mr. DEAKIN.—The Court has, within the last day or two, given its award in the bread carters' case.

Mr. HUGHES.—That is not so. I repeat that the Court has not given an award in any shape or form during the current year.

Mr. DEAKIN.—I think that the Minister is mistaken.

Mr. HUGHES.—The Court has, of course, registered a number of agreements, which to all intents and purposes have the effect of awards.

Mr. ROBINSON.—What has it been doing all this time?

Mr. HUGHES.—It has been settling breaches of awards, inflicting penalties, and so on. Incidentally, the Judge has been on circuit, and there have been vacations, and other examples of all those admirable methods known to the profession of passing the smiling hour. At any rate, the fact remains that although the Court has heard a great number of cases this year, it has not yet settled any of them. Now, I ask honorable members to assume that there is a state of industrial conflagration, that Australia is in exactly the same condition as prior to the 1890 strike, that the members of the various unions are in such a frame of mind that they must either go out and do something, or get something done to them by the law, or otherwise, and that they have been told to await the pleasure and convenience of the Arbitration Court. I do not say that the New South Wales Arbitration Court is to blame for the present state of affairs, or that it is to be supposed for one moment that this will always continue. I believe when a large number of the disputes which have been referred to the Court are once settled it will easily be able to keep up with the work. At all events, I assume so. One particular reason why the Court has been prevented from dealing with the cases submitted to it is that no provision has been made to refer penalty cases to an ordinary Court. If magistrates could hear such cases, the Court would be easily able to deal with half the matters now before it within six months. More than half its time is taken up in settling the terms of awards and dealing with matters incidental thereto. Assuming such a state of affairs as I have indicated, in which we should have the beginnings of an industrial dispute which would come within the definition of subsection xxxv. of section 51 of the Constitution, it would be absurd to suppose that the matter could be at the present time conveniently and expeditiously heard by the New South Wales Court. Therefore, I say that if the Federal Court is to settle anything at all—I shall come to the question whether a dispute can be arrested before it has actually spread beyond any one

State—it is necessary that a State Court should have power to refer a dispute to the Federal Court, if it thinks fit. That is practically what the clause provides for.

Mr. CONROY.—Which industrial authority would refer the matter—the Court itself?

Mr. HUGHES.—I presume that in New South Wales the Court itself would be the referring authority. Under this Bill the Registrar has certain powers which are not conferred upon the corresponding officer in New South Wales, but I suppose that in New South Wales the Court itself would act. I do not know that the Judge of that Court has any powers other than those which the Court itself possesses in this particular. I believe that the Arbitration Court would refer the matter to the Federal tribunal. In such a case, what injustice would be done to New South Wales? How could that be regarded as an invasion of State rights or prerogatives? This matter ought to be looked at impartially. It is easily understood that the proposal is repugnant to those who do not believe in the principles of the Bill, but in view of the fact that the principles of the measure have been accepted, honorable members should bend every effort to make it a good one. This clause proposes to confer an authority which appears to me to be essential to any satisfactory working out of the measure. I confess that I do not see what power the industrial authority in New South Wales would have to remit a dispute to the Federal Court, even if we inserted this clause. It would have to get that power from the State. Supposing, however, that the Court has no power now, it is very obvious that under sub-section xxxvii. of section 51, the State Government could confer upon the Federal authority the right to deal with such matters.

Mr. CONROY.—But how would the Federal Act confer upon the State industrial authority power to remit disputes to the Federal Court?

Mr. HUGHES.—The State Government would have power, under sub-section xxxvii. to confer the necessary authority. There is now no virtue in the New South Wales Court to refer any matters to the Federal tribunal, but the clause takes one of the steps necessary to effect that purpose. If the Parliament of New South Wales decides that it is expedient to take action under sub-section xxxvii., we shall have done our part, and their wishes can

be carried into effect. With regard to the amendment, the question as to what "prevention" means has been dealt with by the honorable and learned members for Corinella and Darling Downs. I do not propose to attempt to do anything more than say that in my opinion one thing is abundantly clear, and that is that "prevention" and "settlement" do not mean the same thing. I think that may be admitted by the most rabid opponents of this measure. What is a "settlement?" It certainly involves something in relation to an existing dispute; something that is *in esse*. Now, what does "prevention" mean? Does it mean something exactly the same; that is to say, something in existence? If it does, then "settlement" and "prevention" are synonymous terms, and presumably the use of such terms was not contemplated by the framers of the Constitution. We may then safely assume that "prevention" means something else. I shall not go so far as to say that it means everything that the honorable and learned member for Corinella deduced from the statement of the Attorney-General. But I do say that "prevention" and "settlement" mean two entirely different and almost opposite things. The onus is upon those honorable members who urge that "prevention" in sub-section xxxv. of section 51 of the Constitution means something other than the ordinary interpretation which is placed upon that term to establish their case. It has been clearly laid down that in the interpretation of Statutes the ordinary meaning attaching to any term is to be accepted, unless its acceptance will render any provision absurd or ungrammatical. Here the generally accepted meaning of the word "prevention" does neither of those things.

Mr. HUTCHISON.—If we "prevent" a dispute, there is nothing to "settle."

Mr. HUGHES.—That is so. The word "prevention," I hold, must be interpreted according to its ordinary acceptance. To "prevent" means to anticipate something. In this case it anticipates the condition of affairs contemplated under the second portion of sub-section xxxv. of section 51 of the Constitution, namely the "settlement of industrial disputes." We cannot "prevent" a dispute and "settle" it at the same time. Therefore, the word "prevention" must have reference to something which, under ordinary circumstances, would precede a "settlement." Obvious.

we cannot prevent a thing from occurring after it has happened. Those who urge that the words of sub-section xxxv. of section 51 of the Constitution were not intended to confer upon the Commonwealth power to prevent disputes from re-aring are, I claim, straining the meaning of the words of that sub-section. Under this Bill, any person who commits a breach of an award, or of a registered agreement, is liable to a penalty. Therefore, the mere settlement of a dispute will prevent it from re-aring. The word "prevention" must refer to something other than a "settlement," because a "settlement" in the ordinary sense of the term will prevent a dispute from re-aring. When once an award has been made a dispute cannot legally recur, because it has been settled. What, then, is the meaning of the word "prevention"? Looking at the matter by and large, was it not the desire of the framers of the Constitution to prevent the recurrence of that terrible industrial struggle—the maritime strike—which was responsible for the insertion of sub-section xxxv. of section 51? I take it that there were no subtly drawn distinctions present in the minds of the delegates at the Federal Convention. The thought did not occur to them, "Oh, we cannot 'prevent' industrial disputes from arising; we can only 'settle' them." I hold that we can prevent industrial strife better by intervening in its earlier stages than by deferring action until it has developed into a violent conflagration. I take it, therefore, that sub-section xxxv. of section 51 of the Constitution was intended to anticipate an industrial dispute, and thus to render a settlement of it unnecessary. A dispute may be in one of its "earlier stages" when it is confined to one State. I admit, however, that the question of whether the Government proposal comes strictly within the powers conferred by the Constitution, is open to argument. Nevertheless, it cannot be established that simply to permit of any State referring an industrial dispute to the Federal Arbitration Court infringes the Constitution, other than in the way that was urged by the honorable and learned member for Darling Downs. If the States Courts have the power to refer disputes to the Federal authority, this clause will give that authority the power to hear them. There are many reasons why it may be absolutely necessary for a State Court to refer these matters to the Federal Court. As I have already

pointed out, the New South Wales Arbitration Court is not in a position to determine any of the larger issues with which this Bill is intended to deal. If the contention of the honorable and learned member for Darling Downs be correct, the States Parliaments must first invest their own Arbitration Courts with power to refer industrial disputes to the Federal authorities. Therefore, I fail to see why the proposal of the Government should not be adopted. The honorable and learned member for Corinella whittled down a supposititious case till only one person in one shop in one town of a State was affected; but of course anything may be reduced to an absurdity. The honorable member for Darling has shown pretty clearly—and, indeed, during the last Parliament, Sir William McMillan agreed with him upon this point—that industrial legislation should be uniform throughout the Commonwealth. Certainly, it is most desirable that an award dealing with any particular trade should be uniform. During the hearing of the tailoring dispute in New South Wales, evidence was tendered which showed conclusively that one of the effects of an award by the Arbitration Court there had been to cause work to be sent from Sydney to Brisbane, where no arbitration law is in operation.

Mr. CONROY. — That does not augur very well for the success of this Bill.

Mr. HUGHES.—It does not say much for Queensland, where sweating, which does not obtain in New South Wales and Victoria, is permitted with impunity.

Mr. CONROY.—There men are allowed to obtain work which they cannot get elsewhere.

Mr. HUGHES.—In last night's *Herald* I saw an extract from an English newspaper, setting forth the lamentable condition of the women who made clothes in the East End of London. Those employed in making shirts receive as payment 1½d. per dozen. According to the honorable and learned member for Werriwa, that is an admirable state of things, because those women obtain work which they could not secure elsewhere. Whatever may befall New South Wales, I think that State may congratulate itself that it has not yet been reduced to that level, although I recollect trousers being made there for 4½d. each.

Mr. HUTCHISON.—In South Australia people are doing work for New South Wales firms at the present time.

Mr. HUGHES.—That is another haven of refuge. In South Australia also people are not prevented from working at the lowest possible rates. Therefore, I think it desirable that there should be uniform industrial legislation throughout the Commonwealth. While it is not possible to secure such legislation without the assent of the States legislatures, the proposal of the Government will accomplish all that is necessary upon our part, leaving it to the States to perform their part. In Victoria, such legislation may not be necessary, but obviously it is in Queensland and South Australia. The Committee might very well agree to the amendment, which certainly does not aim at accomplishing anything which is constitutionally impossible, and which inflicts no grievous wrong upon the States.

Mr. CONROY (Werriwa).—I very much regretted to hear the declaration of the honorable member for Darling that, in his opinion, this proposal should be incorporated in the Bill because, under its operation, so many new organizations will arise that disputes will be perpetually occurring. If the working of this measure will multiply the number of industrial disputes, the less we have to do with it the better.

Mr. WATSON.—If abuses are remedied is not good accomplished?

Mr. CONROY.—If the effect of its operation will be to call into existence numerous fresh organizations, and to multiply industrial disputes, I hold that it constitutes one of the most damning indictments that can be urged against it. We all recognise that the honorable member for Darling is fully in sympathy with the chief object of the Bill, which is the promotion of industrial peace. But if, instead of securing industrial peace, it will promote industrial war, the less we extend the jurisdiction of the proposed Court the better. Personally, I take exception to almost the whole of the clause. To begin with, it provides—

Any State industrial authority may, in manner prescribed, request the Court to deal with any industrial dispute.

No State industrial authority has power to remit any cases; all disputes must be determined by the authority created by the State Parliament. So strict have the State Parliaments been in this respect that no right of appeal is allowed. It appears to me that this clause will be entirely inoperative, and therefore should find no place in the Bill. I do not think it would be wise

to omit the words "industrial dispute," because in clause 4 we have the definition—

"Industrial dispute" means a dispute in relation to industrial matters . . . extending beyond the limits of any one State.

There is some qualification, but a very clear meaning is given to "industrial dispute," as used in clause 27. In clause 26, too, it is simply provided—

The Court shall have jurisdiction to prevent and settle . . . all industrial disputes.

Mr. WATSON.—That is not quite the question. Clause 27 does not deal with jurisdiction, but with the Court in its relation to the States Courts.

Mr. CONROY.—If the Prime Minister views the clause in the same light that I do he must see that it will be a dead-letter.

Mr. WATSON.—I admit that that is so until it is reinforced by States authority.

Mr. CONROY.—The clause will be a dead-letter until the States Parliaments take it upon themselves to enable their industrial authorities to refer matters to the Federal Court.

Mr. WATSON.—There is a good deal to be said for the view that the object of the amendment is sufficiently met by clause 28, and on that ground I am inclined to allow clause 27 to be negatived.

Mr. GLYNN.—That would be the best course.

Mr. CONROY.—Speaking purely as a draftsman, and without any reference to my views on this Bill, I also suggest to the Prime Minister the advisability of striking out the clause.

Mr. WATSON.—I have been considering for some few minutes past the possibility of doing without clause 27. It does not seem to me that the clause, even in the altered shape proposed, carries us much further than does clause 28, which provides that the Court shall have cognizance of industrial disputes as set forth in the sub-clauses *a*, *b*, and *c*.

Mr. GLYNN.—Under sub-clause *c* the Court can, if necessary, deal with matters referred from a State.

Mr. WATSON.—That is so, and I think on the whole it would be well to agree to the elimination of clause 27. I cannot say that I agree with the arguments which have been advanced against the amendment. After all, it does not seem to me that the honorable and learned members who have argued on the other side have met the position which the Government take up, namely, that "prevention" is evidently

intended to be supplementary to "settlement." If that be so then, of course, the interpretation proposed by the Government is the correct one. However, our leaving out the clause will not affect the right of the High Court to give any interpretation it likes to any provision of the Bill. On reflection, I think that clause 28 will sufficiently attain our object in regard to the relations with State authorities who may desire to refer any matters to the Federal Arbitration Court. I ask leave to withdraw the amendment.

Amendments, by leave, withdrawn.

Clause negatived.

Clause 28—

The Court shall have cognizance of the following industrial disputes :—

- (a) All industrial disputes which are certified to the Court by the Registrar as proper to be dealt with by it in the public interest;
- (b) All industrial disputes which are submitted to the Court by an organization, by complaint, in the prescribed manner; and
- (c) All industrial disputes with which any State Industrial Authority, or the Governor in Council of a State in which there is no State Industrial Authority, requests the Court to deal.

Mr. WATSON.—I intend to move—

That after the word "cognizance," line 1, the words "for purposes of prevention and settlement" be inserted.

The amendment practically repeats the language of the Constitution.

Mr. GLYNN.—It is a pity to move the insertion of such words, because there is already a definition.

Mr. WATSON.—There is no harm in making clear that we wish to go as far as the Constitution contemplates.

Mr. GLYNN (Angas).—I suggest that the amendment be not passed. It is a mistake to interfere with what is really scientific drafting. The words of the Constitution give jurisdiction only to the extent of the words used, and right through the Bill up to the present we have avoided extending the meaning of particular phrases used in the interpretation clause.

Mr. WATSON.—The words which I suggest are used in clause 26, which gives the Court jurisdiction to "prevent and settle" disputes. That is in reference to all matters which come before the Court in the ordinary course, and the Attorney-General thinks it wise to repeat the words in another division of the Bill which has reference to another class of disputes.

Mr. GLYNN.—The clause is all right without the amendment, seeing that the meaning of industrial dispute is prescribed by the Constitution. To insert the words "prevention and settlement" will not make the clause any better, but may introduce confusion, seeing that in other portions of the Bill the words are not repeated. Inasmuch as the words in the clause are quite comprehensive, anything which may be added is amplification, and it is a mistake to attempt to amplify them in any way. Indeed the amendment does not really amplify the clause, but merely repeats what is already provided in the interpretation clause.

Mr. WATSON.—I shall put before the Attorney-General—who is temporarily absent—the view suggested by the honorable member for Angas. If the Attorney-General does not see his way clear to recommit the clause, I shall see that it is recommitment, if honorable members desire.

Mr. CONROY (Werriwa).—I quite agree with the view put forward by the honorable and learned member for Angas. To insert the words proposed by the Prime Minister would, perhaps, bring about difficulty in regard to other clauses where similar words are not used, the Court being bound to give effect to every word. I hope that the Attorney-General will, as a matter of drafting, agree to the omission of the words.

Mr. WATSON.—It is a mere matter of drafting.

Mr. McCAY (Corinella).—Does the Prime Minister propose to proceed with his amendment?

Mr. WATSON.—Yes; but I have promised to recommit the clause if the Attorney-General should not see his way to do so.

Mr. McCAY.—I am fairly puzzled to know what the Attorney-General's idea is in suggesting this amendment. It is not an hour since the Attorney-General told us that jurisdiction is given by clause 26, and that the clauses in the division of the Bill now before us refer to the method of exercising that jurisdiction and bringing cases before the Court. Now, it is proposed to put jurisdictional words—for they are jurisdictional, if anything—in a procedure clause. That seems to me the sublimity of unwise drafting, of which the Attorney-General's own argument is the best condemnation that could possibly be quoted. I urge the Prime Minister to allow the clause to stand as it is.

Mr. WATSON.—I have agreed to recommit the Bill if any one so desires.



Mr. McCAY.—A Government is in a position of great advantage, as compared with the Opposition—even numerically a greater Opposition—in matters of this kind. It is obviously undesirable, from the Attorney-General's own point of view, that this amendment should be passed. I am sorry the Attorney-General is not here to give us the reasons which induced him to do the very thing he condemned this afternoon: I am sure he would admit the force of his own arguments.

Mr. WATSON.—I think honorable members may be satisfied with the promise to recommit the clause on the application of any honorable member. As I said a few minutes ago, I do not feel justified in consenting to the withdrawal of the amendment, which is purely technical, and proposed on the advice of the Attorney-General. I, therefore, suggest that I submit to the Attorney-General the question whether it would not be wise for the Government to propose a recommitment. If the Attorney-General does not take that view, then I shall recommit the Bill on the application of any honorable member.

Mr. GLYNN.—The amendment before us may partly depend on the amendment proposed in the previous clause.

Mr. WATSON.—That may be so, and that is one reason why I do not care to withdraw the amendment without consulting the Attorney-General.

Mr. ROBINSON (Wannon).—The honorable and learned member for Bendigo drew attention to sub-clause c of this clause, and I suggest that we discuss that now, so as to allow time for the probable return of the Attorney-General. I understand that the words to which the honorable and learned member for Bendigo drew attention were—

Or the Governor-in-Council of a State in which there is no State industrial authority.

Mr. WATSON.—I agree to the clause being postponed.

Clause postponed.

Clause 29—

If it appears to the Court that any State industrial authority is dealing or about to deal with an industrial dispute within the meaning of this Act, the Court may in the prescribed manner direct that Authority not to deal with the dispute; and thereupon the Authority shall cease to proceed in the matter of the dispute, which shall be dealt with by the Court.

Mr. DUGALD THOMSON (North Sydney).—On a previous clause the attention of the Prime Minister was drawn to the

question whether "State industrial authority" included Wages Boards; and this is, I think, an opportunity to arrive at some decision. The clause allows the Court to interfere with the State industrial authorities, and on that ground we ought to know whether a Wages Board could be interfered with.

Mr. WATSON.—That will depend on what is put in the interpretation clause, and the drafting of suggested alterations is now in the hands of the Attorney-General.

Mr. GLYNN (Angas).—I suggest that the words "within the meaning of this Act" be omitted. The words were not introduced by the present Government, but were in the Bill as originally drafted. It is a mistake to insert unnecessary words, because the Court always endeavours to give some meaning to them. Will the Prime Minister consent to my moving the omission of these words?

Mr. WATSON.—One can easily see how the draftsman was led into putting in the words. But it must be recollected that, even if we omit them, the industrial disputes dealt with by the Court must be always "within the meaning of the Act." The original draftsman put in the words to distinguish between an industrial dispute with which the Federal Court could not deal, and a dispute with which it could deal. I do not think that the words are necessary, technically, and see no reason for retaining them.

Amendment (by Mr. GLYNN) proposed—

That the words "within the meaning of this Act," lines 3 and 4, be left out.

Mr. JOHNSON (Lang).—I oppose the omission of the words referred to, because I think they are highly necessary, not only in regard to this particular clause, but as to other parts of the Bill. The provisions of this measure should not be stretched unduly beyond what is the intention of Parliament. There should be no possible mistake as to the meaning of the Legislature. In clause after clause it is possible to put different interpretations upon the language used, and if we are not careful we shall find that this clause will be made to extend beyond what is intended. We shall have a safeguard if we define that the industrial dispute referred to is a dispute "within the meaning of this Act." It will make the clause less ambiguous.

Sir JOHN QUICK (Bendigo).—I think it is highly desirable to secure uniformity of expression in this measure. I have found

in many Acts passed, not only by State Legislatures, but by this Parliament, changes of expression, and a want of uniformity. Wherever there is divergence of expression relating to the same subject-matter it always leads to doubt and difficulty. In this Bill different forms of expression are used with reference to the same subject-matter. In clause 24 it is provided that the President shall have certain powers "to prevent and settle industrial disputes." There is no reference to "within the meaning of this Act" there. In clause 26 it is provided that the Court shall have jurisdiction "to prevent and settle, pursuant to this Act, all industrial disputes."

Mr. WATSON.—The honorable and learned member will see that the State authority has power to deal with a class of disputes outside those cases which may be dealt with by the Federal Court; and it was with a view of distinguishing between the classes of disputes to be dealt with that the words were introduced.

Sir JOHN QUICK.—There is some justification for their introduction in this clause, but we should endeavour to maintain uniformity of expression whenever we are dealing with the same subject-matter. I do not see any particular objection to the use of the words "within the meaning of this Act" in this particular clause, where it is desired emphatically to discriminate between the jurisdiction of the Federal and of the States tribunals. But what troubles me is the question whether this clause is necessary at all. I see no necessity for it. If a State Arbitration authority exceeds its jurisdiction it may be enjoined and stopped, not only by an injunction from the Supreme Court of the State, but also by an injunction of the High Court. There is no necessity for conferring fresh power upon this tribunal. There is ample power under existing legal machinery to prevent a State tribunal from exceeding its jurisdiction. I shall support the amendment, and I do not conceive it to be worth while to take up time in discussing the desirability of retaining the words.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 30—

A certificate by the Registrar that any dispute relating to industrial matters is an industrial dispute extending beyond the limits of any one State shall be *prima facie* evidence that the fact is as stated.

Mr. GLYNN (Angas).—This is rather a large power to give to the Registrar, unless it is toned down by some other provision. In clause 28, which has been postponed, I had intended to move that there should be some check upon the discretion of the Registrar.

Mr. DEAKIN.—There is an appeal to the President.

Mr. GLYNN.—I know that there is an appeal; but under this clause, if the Registrar gives a certificate, the case goes before the Federal Court.

Mr. WATSON.—But that does not insure that it will be decided in a particular direction.

Mr. GLYNN.—It gives rise to a multiplicity of chances. However, I do not wish to interfere too much with the machinery of the Bill.

Mr. CONROY (Werriwa).—The objection raised by the honorable and learned member for Angas is rather a good one. Suppose that the Registrar gives a certificate that a certain dispute has extended beyond the limits of a State. On what evidence is he to decide? We ought not to give the Registrar the power that should be given only to the High Court. It is true that the Registrar's certificate is only *prima facie* evidence, but it might entail heavy expense to the parties to get witnesses, and to bring them to rebut the certificate. We ought to limit the power in some way.

Clause agreed to.

Clause 31—

No industrial dispute shall, without the approval of the President, be submitted to the Court by an organization unless the Registrar certifies—

- (a) that he is satisfied that the consent of the organization to the submission has been given in manner prescribed by the rules of the organization; or
- (b) that the consent of the organization to the submission has been given by resolution of a general meeting of members convened in manner prescribed for the consideration of the question, or as the result of a poll of members of the organization on the question taken in manner prescribed; or
- (c) that consent to the submission has been given in writing under the hands of a majority of the Committee of Management of the organization.

Mr. GLYNN (Angas).—I have given notice of an amendment upon this clause. The words which I desire to have inserted will come after the word "certifies." But before moving that it will be necessary

to strike out the words "without the approval of the President." The object of my amendment is to make sure that no dispute is sent before the Court unless a majority of the employés in the industry have consented to refer it. The words which I propose to insert after "certifies," are—

That a resolution in favour of such submission has been passed with the concurrence of the majority of the employés in the industry; not merely a majority of the organization of employés.

Mr. McCAY.—That would prevent an employer bringing the employés before the Court against the will of the employés.

Mr. GLYNN.—As a matter of fact, under clause 28, an employer cannot bring the employés before the Court. A single employer, under this Bill, cannot refer a dispute to the Court.

Mr. WATSON.—Yes, he can.

Mr. GLYNN.—It must be done by an organization. I see the point of the Prime Minister. That can be got over by putting in the word "employers," as well as "employés." But I want to test the principle. To pave the way for my principal amendment, I move—

That the words "without the approval of the President," lines 1 and 2, be left out.

If the clause is not carried in the form that I suggest, the President might step in and exceed the conditions we lay down in paragraphs *a*, *b*, and *c* to this clause; he may agree to the submission of a dispute, notwithstanding non-compliance with the conditions. That power should not be given, because it really neutralizes the precautions contained in paragraphs *a*, *b*, and *c*. Those paragraphs provide that the consent of the organization is to be given. It may be that the organization includes only a minority of the employés of the industry. We shall thus have given power to the majority of an organization, which may be a minority of the employés of the industry, to decide what disputes are to be brought before the Court. I know that the principle of the Bill is to encourage organization, and to deal, if possible, only with organizations. But as a matter of fact very few workmen, comparatively speaking, join organizations. In New Zealand, where a similar provision has been enacted, figures were quoted by the honorable and learned member for Ballarat, when, as Attorney-General, he was introducing this Bill, in which he showed that there had been absolutely a decline in the num-

ber of members of organizations under the Act. In 1900 there were about 26,000 out of 40,000 employés belonging to unions. In 1903 there were 57,000 employés, of whom only 23,000 belonged to organizations under the Act. It is puzzling to me why more men do not join the organizations; but it may be that they desire to remain free. All I say is that the facts show that there is really an increasing number of persons who are employés but not members of unions within the meaning of the Act. If we desire, therefore, to bring on a dispute, we ought to see that the right of decision shall rest with the employés, and not merely with a minority of the total number of employés in an industry, or it may be with a majority of the minority which is a very small one in relation to the total number of employés.

Mr. McCAY.—I think that if the honorable and learned member knew the difficulties associated with the word "majority," as evidenced in Victoria in connexion with establishing half-holidays, and so on, he would not move this amendment.

Mr. GLYNN.—We have defined "industry" as well as "employment." We must know by these definitions what is meant. Surely we know what the phrase "in a place of employment" means. Is there any difficulty in prescribing that the majority of employés in a place of employment shall consent to a dispute arising there being referred to the Federal Court?

Mr. WATSON.—The honorable and learned member is asking for the whole industry to be referred.

Mr. GLYNN.—The Government do not wish the principle to be put in.

Mr. WATSON.—We desire the Act to be operative, not inoperative.

Mr. GLYNN.—I am quite agreeable to the insertion of the limitation that the concurrence of the majority, which really means an absolute majority, of the employés in any place of employment must be given before a dispute can be sent to the Federal Court. Take the case of the Colonial Sugar Refining Company, which employs about 3,000 hands. A dispute was precipitated by, I think, the members of an organization that did not number more than 100. Of that number, only about twenty were financial, while several were comparative youths; and others were not sugar-workers, having left their employment. In that case 100 persons, of whom some were open to challenge as really not being directly interested in

the industry, precipitated a dispute which affected the affairs of 3,000 employés—that is possible under this Bill.

Mr. WATSON.—Perhaps the dispute was in relation to a particular branch of the works conducted by the company.

Mr. GLYNN.—It had relation to two things. At its inception it was a dispute for an increase of wages to all the employés, and subsequently, I believe, a demand was made that the eight hours principle should be introduced. It was found out, in relation to the latter demand, that several men who had been in the employment of the company for thirty-six and thirty years were willing to work for nine hours, or even longer, because, being old men, they were slow workers. They wished to continue under the old conditions; they felt that if they were bound down to eight hours they might lose their employment, and therefore they solicited the intervention of the Court in respect of themselves. It was a most extraordinary position that 3,000 employés should be forced to have their wages and hours interfered with at the beck and call of 100 men, simply because they belonged to an organization.

Mr. WATSON.—Under this Bill a Court could refuse to hear a dispute in those circumstances.

Mr. GLYNN.—No doubt it could; but I do not wish the principle to be introduced in any form. Under the Bill, of course, the Court need not entertain a dispute which it considers not worthy of its dignity; but then the machinery has been set in motion. There has been the dispute, all the acrimony which it occasions, perhaps interference with employment, and all the preliminaries to a contest have been prepared. There has been some waste of material and temper up to a point at which the Court, in its discretion, says—"We shall not exercise jurisdiction here." What I contend is that this matter ought to be stopped altogether in a case in which a very large majority of the employés do not wish that a dispute should be brought under the cognisance of the Court. It is with that object that I intend to move an amendment, but it will be to a large extent neutralized if we retain the words which give the President the power to say that, notwithstanding the provisions in the paragraphs, he may send on any dispute to the tribunal over which he presides. Besides, it is really a bad principle to have the President determining beforehand minor matters connected with a dis-

pute. It looks as if he would require to familiarize himself with all the proceedings, and perhaps under those circumstances he might eventually take an *ex parte* view.

Mr. FISHER.—Is that unknown to the law?

Mr. GLYNN.—It is not customary for the Judges to look up the proceedings before they come into Court. Some Judges do, and it is very unfortunate that they do; for they often criticise counsel from the very start by reason of the knowledge which they have picked up in examining affidavits, some of which may present an *ex parte* point of view. It is not, by some, considered a good quality in a Judge. It is a mistake to introduce the President of this Court as an arbiter at that stage of the proceedings. The clause says that, notwithstanding the provisions that are contained in paragraphs *a*, *b*, and *c* as precautions against the precipitation of industrial disputes, the President can look into the whole case and say that a dispute is to come on.

Mr. WATSON.—If we can trust the President to decide disputes affecting millions of pounds' worth of property surely we can trust him to say whether a dispute shall be entered on?

Mr. GLYNN.—Would the honorable gentleman have trusted the President of the Court to interfere in the case of the Colonial Sugar Refining Company?

Mr. WATSON.—Yes.

Mr. GLYNN.—Would the honorable gentleman put the President at the very beginning in the difficulty of considering the whole organization, and ascertaining the number of men employed, and so on?

Mr. WATSON.—It would not take him five minutes to digest that information once it was placed before him.

Mr. GLYNN.—Practically it would forestall his ripper judgment.

Mr. WATSON.—Necessarily we have to place large powers in the hands of the President.

Mr. GLYNN.—He is asked to create a dispute to some extent by forcing the association to come within the Act.

Mr. WATSON.—In the early part of the Bill he is charged with the duty of conciliating, even if he is not asked to intervene.

Mr. GLYNN.—Yes; and even on that point two opinions are held. One of the best experts, perhaps, is Mr. Commissioner Russell, of South Australia. He has been President of a Voluntary Board for ten years, and he is directly against the principle of

interference before the case is actually ripe for judgment.<sup>a</sup> He wrote a report, which was presented to the Government of the State, against any attempt to allow him to interfere at the conciliation point. He said that the judgment of the man who finally decided ought to be absolutely unaffected by previous knowledge.

Mr. WATSON.—We have decided that point.

Mr. GLYNN.—Whether the clause is or is not amended, it ought not to be left to the mere *ipse dixit* of the President to neutralize the precautions that we put in the three paragraphs of this clause.

Mr. WATSON.—I cannot follow the tenor of the honorable and learned member's argument; nor do I see that the omission of these few words have any bearing on the general amendment which he proposes to move at a later stage. There is no necessary connexion between the two amendments other than the fact that they are both in the direction of limiting the number of cases that can get before the Court. Of course, if the honorable and learned member desires to render the Bill valueless, it is a very good idea to cut down the number of cases that can get before the Court.

Mr. GLYNN.—I have no desire to do that.

Mr. WATSON.—If the concurrence of a majority of the employes in an industry has to be secured before a dispute can come under the jurisdiction of a Court, that will, I think, prevent any dispute from reaching it, except in regard to those industries in which the fewest number of persons are employed. Take, for instance, a large industry like that of seamen. Very frequently it occurs that there is not a majority of the men in an organization. It does not mean, I take it, the concurrence of a majority of the actual seamen, but the concurrence of a majority of all the men engaged on the steam-ships, and, perhaps, it might be extended to include all the men engaged in the industry, and the long-shoremen, too, because they also are employed. Supposing that it was a case of the seamen protesting against a certain rate of wages, and that the award of the Court was made a common rule. It would extend to only the employment of seamen, and not to the employment of engineers, stewards, and cooks, and other forms of employment on a steamer. The shipping industry also includes wharf labourers and coal lumpers. In many instances it would be absolutely

impracticable to get the legal concurrence of the majority of the persons engaged in an industry.

Mr. GLYNN.—Would the honorable gentleman have any objection to limiting it to the place of employment?

Mr. WATSON.—Take the case of the Colonial Sugar Refining Company's works. There we have quite a variety of forms of work going on. So many men are engaged in bagging the sugar and sewing up the bags; so many men are engaged in looking after the vats; and then there are the engineers, the firemen, and so on. There is a great variety of work in connexion with every large industry. The engineers may be members of an engineers' organization, who have, say, a dozen men working in that particular place, but the main body of the men employed in the trade are scattered all over the city and suburbs of Sydney, just as they may be in the city and suburbs of Melbourne. It is a difficult thing to distinguish the place of employment there. The conduct of the sugar works may be affected. There is a dispute with the company as to the terms on which they will remunerate their engineers in Sydney and Melbourne. These engineers do not constitute the majority, but are a small minority of the total number employed in the place where the industry is carried on. I only mention this to show how difficult it is to keep in view the recognition of organizations. The prevention of strikes is, I think, the leading feature of the Bill, and the recognition of organizations is its second important feature. I confess that until it was demonstrated that it was possible to make the organizations responsible I did not feel that we were justified in having compulsory arbitration, and therefore I agree that collective bargaining is the main feature of the Bill. In my view, the honorable and learned member's proposal gets right away from that idea, and will, I believe, render the Bill practically inoperative. If, as he proposes, we have to rely on getting the legal concurrence of a majority of employes in any industry, or even, as under his minor proposal, the legal concurrence of a majority of those employed at the particular place where the dispute occurs, I still hold that it will be absolutely impracticable to work the measure by machinery of that sort. I trust that every honorable member who is desirous of seeing the measure passed in working order, even though he may differ

on matters of detail from its provisions, will at least try to prevent its main feature from being departed from. The honorable and learned member proposes to eliminate the provision under which the President has the reserve power to bring a dispute under the cognisance of the Court without being required to fulfil the conditions imposed under paragraphs *a*, *b*, and *c* of this clause. But in a measure of this sort we must intrust extraordinary powers to the President of the Court. It is necessary for the success of any proposal of this character to have a man upon whom we can place the utmost reliance. If we cannot trust him with the settlement of the enormous interests involved, we should not pass the measure, because we cannot expect any good results from it. But, having given so much into the hands of such an individual, surely it is not going too far to propose that, if he sees a dispute the parties to which are not prepared to submit to the Court, and in regard to which the Registrar has taken no steps, he may himself intervene, and say that the matter is one of which the Court shall take cognisance, and thus endeavour to arrive at a settlement. We have already, in clause 24, charged him with the duty of endeavouring at all times to reconcile the parties to disputes, and have thus practically imposed upon him the duty of carrying out the work which the honorable and learned member for Angas now proposes to take from him. I appeal to the Committee to reject the amendment.

Mr. McCAY (Corinella).—I think that the proposal of the honorable and learned member for Angas, if carried, would mean the destruction of the Bill.

Mr. CONROY.—Why should not all men be considered?

Mr. McCAY.—Those of us who wish for an Arbitration Act desire one which will be workable.

Mr. CONROY.—The Court could make a common rule affecting all.

Mr. McCAY.—We will deal with the common rule when we come to it. There is a good deal to be said on both sides in regard to that matter. The proposal of the honorable and learned member for Angas is alien to the whole scheme and system upon which the Bill is founded.

Mr. CONROY.—Are we not to consider non-union men?

Mr. LONSDALE.—They are of no account.

Mr. McCAY.—They are of very great account. Every award will be for the benefit of non-union as well as of union men.

Mr. CONROY.—No. In New South Wales some of the awards have been distinctly against the interests of non-unionists.

Mr. McCAY.—The honorable and learned member is referring to the giving of preference to unionists, which is another matter, and one to be dealt with quite apart from the amendment. There is nothing to prevent any one belonging to an organization under the Bill. It need not be a trades union in the ordinary sense of the term. A number of non-unionists might form an organization under the Bill, just as trades unionists could register themselves. The Bill is founded on the only workable scheme on which such measures can be founded—accepting organizations, even though they may not be as sufficient as we should like them to be, as representing roughly those concerned.

Mr. CONROY.—Then this is purely class legislation?

Mr. McCAY.—If the honorable and learned member chooses to think so, he may. Measures of this kind are, of course, open to criticism, some of which must be well founded, while some of it is ill-founded; but if we accept the Bill so far as its general principles are concerned, we cannot agree to an amendment such as that of the honorable and learned member for Angas, which runs counter to them. I have referred by interjection to the difficulties which have occasionally occurred in Victoria when, under certain provisions of our Factories and Shops Acts, a majority of those employed in a particular trade or industry has been required to assent to a certain course being taken in regard to hours of closing, or matters of that kind. Great difficulty has been experienced in ascertaining, in the first place, who does and who does not belong to the trade or industry. Even in so small an area as a single suburb it has been found difficult, first, to ascertain who belongs to a trade or industry, and then to get the majority of them to act together. I would like to remind the Committee that the Bill, in my opinion, though efforts may be made to apply it to smaller matters, relates solely to disputes extending beyond the limits of any one State.

Mr. DUGALD THOMSON.—That is not acknowledged.

Mr. McCAY.—That is my view of what it should deal with, and of what it will be limited to by the High Court if the intervention of that body is necessary, and I must argue its provisions according to my own opinion of the law. When a dispute has attained such dimensions, it will be big enough to justify the intervention of the Arbitration Court, whether the majority of the employes in the industry concerned have or have not formally consented to it. It is my deliberate opinion—because this is not the first occasion when a proposal of this kind has come before us—that if such an amendment as this were carried, no dispute, however gigantic its character, could come under the notice of the Arbitration Court until almost irreparable damage had been done. The stable door would not be shut until the steed was stolen. I see the difficulty with regard to the place of employment. Suppose we take the illustration of the Prime Minister. Does the honorable and learned member for Angas propose that, if a trouble relating to the employment of the engineers only in a sugar refinery occurred, the consent of the majority of the employes in the establishment must be obtained to a proposed submission to the Court?

Mr. CONROY.—Yes, because the whole of them would be affected.

Mr. McCAY.—I was addressing the honorable and learned member for Angas. Needless difficulties and complications may arise if we limit the provision to the place of employment. The Bill deals with disputes extending beyond the limits of any one State, so that there must be two places, one in one State and one in another, covering a much larger area than the interior of a single room or factory. The object of the Bill is of such a character that even the organization method is not completely satisfactory. I see the difficulties which may occur through those who do not belong to organizations being affected in a way which they may not like; but the scheme adopted is the only workable one. To require the consent of the whole of the employes in an industry would be impracticable, and would make the measure a farce. If the consent of the majority of those employed at the place where the dispute arose were required, it would be difficult, because of the wide-reaching character of the dispute, to determine where it arose. Suppose a dispute contemplated by the Bill occurred between shearers and sheep-owners, how could it be said to exist in any particu-

lar shed, when thousands of shearers and hundreds of sheep-owners were concerned? The trouble might have arisen in a certain shed, and then spread through several States, so as to make it impossible to take a poll to ascertain the views of the majority concerned. I have considered the matter very anxiously, because I have felt the difficulties of the present scheme; but I have been forced to the conclusion that it is the only one practicable in a workable Bill, and, holding that view, I cannot support the amendment.

Mr. DUGALD THOMSON (North Sydney).—The remarks of the Prime Minister did not quite answer the first objection of the honorable and learned member for Angas as to the words “without the approval of the President.” He stated that it is necessary to give the President certain powers in case the clauses of the Bill fail to provide a means for bringing some particular dispute before the Court. But the words objected to go further than that. The Bill provides that where there is an organization, its consent, in one way or another, shall be given under paragraphs *a*, *b*, and *c*, and yet, in spite of this indication of the will of Parliament, the President is empowered to deal with an industrial dispute which does not conform to those conditions.

Mr. WATSON.—By clause 24 we have already given him authority to attempt to reconcile. This is giving him authority to arbitrate.

Mr. DUGALD THOMSON.—Yes, but his powers should be subject to the provisions of the Bill. Here it is proposed that he shall have a power, not given to the Registrar, of allowing a dispute to be submitted, although it does not conform to the special provisions laid down in the Bill for the submission of disputes by organizations.

Mr. WATSON.—If he sees a fire he is allowed to put it out.

Mr. DUGALD THOMSON.—We have declared that something shall not be a fire until certain things have happened, and then we are asked to give the President power to deal with it as though it were a fire, although those things have not happened.

Mr. WATSON.—He is not to wait for a formal certificate that the fire exists. If he sees it, he may at once commence to try to extinguish it.

Mr. DUGALD THOMSON.—What he sees is not a fire, according to the provisions

of the Bill, and should, therefore, not be dealt with by him as a fire unless upon the application of an organization. But, having laid down that condition, it is proposed to make him competent to declare that it is a fire, and to allow him to deal with it as such.

Mr. HUGHES.—He cannot go outside the powers conferred on him by the Bill.

Mr. DUGALD THOMSON.—It is proposed that he shall be able to act quite contrary to the other provisions of the Bill, because the clause says that these provisions shall regulate the matter unless there be the approval of the President to a submission.

Mr. HUGHES.—I do not think so. The words referred to are intended to apply to technical oversights.

Mr. DUGALD THOMSON.—It seems to me perfectly clear, according to the words of the clause.

Mr. HUGHES.—I do not think that any Court would hold it to that meaning. What I consider is intended is to give the President power to deal with the matter, although, technically, an organization has not complied with the regulations, and consequently has no status.

Mr. CONROY.—Suppose there is no organization. The time of the President may be taken up day after day.

Mr. DUGALD THOMSON.—Leaving that matter, and referring to the larger matter to which the honorable and learned member for Angus has alluded, and on which the Prime Minister has touched, it appears to me that we have learned nothing, if we have forgotten a great deal, from the experience of the Arbitration Courts which have been in existence for some years. The experience gained in New South Wales and New Zealand shows that a tremendous pressure of work results from the fact that a very limited number of men constituting a union — some of the members of which are often not actually employed in the particular industry concerned—are permitted to submit a dispute. The action taken by the members of these unions does not always meet with the approval of a majority of the employes in an industry.

Mr. HUGHES.—Would the honorable member furnish one illustration?

Mr. DUGALD THOMSON. — Many could be given. The honorable and learned member for Angus has just quoted one. I quite admit that the arguments used on this side of the Chamber lose much of their strength, if, as the honorable and

learned member for Corinella says, the Bill would apply only to disputes extending beyond any one State; but I would point out that provision is made not merely for dealing with such disputes, but for interfering in individual States disputes.

Mr. WATSON.—Only in cases where the States ask us to do so.

Mr. DUGALD THOMSON. — Apart from such cases, provision is made for extending the application of the common rule throughout Australia.

Mr. WATSON.—That would be only in regard to cases in which the Court could interfere. The provision as to the common rule is necessary to make the awards complete, and prevent the recurrence of disputes.

Mr. DUGALD THOMSON.—If the Court applied a common rule, it would take control of an industry, and any subsequent dispute in that industry, even in a single State, would have to be referred to the Court for settlement. The Court would thus be able to deal not merely with disputes extending beyond any one State—large and extensive disputes—in which I admit that there would be difficulty in securing the consent of the majority of those concerned, but also with disputes in very small industries—it might be in a single employment.

Mr. HUGHES.—I do not quite follow the honorable member. Suppose a case, in which the Victorian and New South Wales bootmakers were affected, came before the Federal Court. Does the honorable member mean to say that if the Court made an award, any subsequent dispute that might arise in any State, whether or not it extended beyond the boundaries of that State, could be referred to the Court?

Mr. DUGALD THOMSON.—I mean to say that, according to my reading of the Bill, if a dispute occurred in connexion with the bootmaking trade in two States, and the Court fixed wages, hours, and conditions of work, including rates for piece-work, and a dispute subsequently arose in a single State in regard to any of those matters, it would have to be referred to the Court which had given its decision, and had practically, in regard to these matters, taken over the control of the industry. I admit that if the Federal Court had not dealt with any particular matter in that industry, a dispute regarding it might be referred to the Court of the State in which it arose; but if the Federal Court



had dealt with the wages, rights, privileges, hours, rates of piece-work, and the relations generally between employers and employes in the industry, and a dispute arose in connexion with those matters afterwards, it must be referred to the Federal Court. I cannot follow the honorable and learned member for Corinella in his legal arguments as to whether the High Court would indorse some of the provisions of the Bill. I grant that upon that point he is a better authority than I am; but, even as a layman, I think that I am able to form certain conclusions as to the meaning of the clauses. If the Court is to have the extensive jurisdiction that I have indicated, there is very good reason for adopting the proposal of the honorable and learned member for Angas, that the majority of those concerned in any dispute shall have the power to decide whether it shall be submitted to the Court. When a body of employers and employes are engaged in a dispute it seems to me reasonable that the course to be adopted should be decided by a majority of either one side or the other.

Mr. HUGHES.—Why one side or the other—why not both?

Mr. DUGALD THOMSON.—I mean one or the other.

Mr. HUGHES.—Yes; but why not the majority of both sides in either case? An organization of the employers may comprise only one man.

Mr. DUGALD THOMSON.—Then he would constitute a majority.

Mr. HUGHES.—He would be a majority of that organization, but not a majority of those engaged in the industry.

Mr. DUGALD THOMSON.—I refer to a majority of those engaged in a dispute.

Mr. HUGHES.—I should like the honorable member to read the amendment. It is proposed that the course of action shall be settled by a majority of those engaged in the industry affected, and that is entirely different from the majority of those concerned in the dispute.

Mr. DUGALD THOMSON.—Personally, I should be in favour of providing that the course to be adopted should be settled by a majority of those engaged in a dispute, or, failing that, by a majority of those belonging to the organization affected by the dispute. At least, a majority of the organization affected should be required. The Prime Minister spoke of the necessity of having substantial organizations, such as trades unions. Such

organizations are very good in their way, but they are established for purposes other than those contemplated by the Bill. The Prime Minister seemed to think that there would be some difficulty in dealing with other organizations, because they would not possess sufficient funds, or be of sufficient standing to enable the Court to look to them as responsible. I believe that the object in view might be more easily accomplished even than by looking to the unions. I admit that it is the policy of the Bill to hold the unions responsible, but experience might have suggested that contributions should be collected by the employers when paying their men—contributions very much smaller than those now made to the unions—and that the employers should at the same time contribute similarly week by week, and that the whole of the money so collected should be placed under the control of the Court, to be devoted solely to the purposes of the Bill. If that plan had been adopted, it would have been much more likely to secure the successful working of the measure. It would, amongst other things, have tended to minimize the number of unnecessary disputes. It is admitted by the President of the New South Wales Arbitration Court that a multitude of unnecessary disputes are brought before that tribunal, owing to the fact that there is no stipulation that applications to the Court should be indorsed by a majority of the employes engaged in an industry. The course I have suggested would also overcome the difficulty arising from a minority of a very small organization submitting a dispute to the Court. I believe that any body of workmen would be sufficiently sensible and alive to their own interests to decide by a majority in favour of adopting a reasonable course—whether they should carry the dispute to the Court, accept some compromise, or remain as they were. However, I recognise that the Bill has been framed on different lines, and I only allude to the subject, because of the difficulty raised by the Prime Minister. I am in favour of providing that the consent of the majority of the members of the organization engaged in a dispute shall be required before application is made to the Court. It seems absurd that half-a-dozen men belonging to an organization should be able to raise disputes, and appeal to the Court time after time, without the approval of a majority of those whom they are professing to represent.

Mr. SPENCE (Darling).—I propose to deal only with the question of the practicability or otherwise of the amendment submitted by the honorable and learned member for Angas. I feel thoroughly satisfied that he has not given it mature consideration. The effect of its adoption would be to render it absolutely impossible for the Shearers' Union to obtain access to the Arbitration Court.

Mr. GLYNN.—I am sorry to hear that.

Mr. SPENCE.—The honorable and learned member proposes that, before an industrial dispute can be submitted to that Court, it shall be necessary to obtain the concurrence of a majority of the members engaged in the industry. I defy any person to determine how many shearers there are in the Commonwealth to-day. These men, it must be remembered, are employed only for a portion of the year, usually from July to December, and the number engaged in the industry depends to a large extent upon the weather conditions and the demand for labour. The employers themselves do not engage the same men year after year. If the former were asked to supply the names of their employes they could not do so. I would further point out that many men are engaged in the industry for one season only. As the representative of an organization of eighteen years' standing, and, as an officer of a trade's union with a quarter of a century's experience, I claim that the proposal is absolutely impracticable. Therefore, I ask the honorable and learned member to withdraw it. When Mr. B. R. Wise framed the New South Wales Arbitration Act I had an opportunity of perusing it before it was submitted to Parliament. On my suggestion one of the clauses was amended to bring the Shearers' and Seamen's Unions within the scope of the Bill, Mr. Wise recognised that it would be impossible, whenever a dispute arose, to secure a representative meeting of the shearers of Australia, because their addresses are not known. I remember one individual who, upon being asked his address, gave the expressive reply, "Ask a crow where his tree is." Shearers are a nomadic class, with no fixed place of abode. It is impossible to secure a vote of the members of the organization itself.

Mr. CONROY.—Does the honorable member mean to say that a majority of the members of the Shearers' Union are so situated?

Mr. SPENCE.—I did not make any such statement. The New South Wales Arbitration Act was amended to enable the Shearers' Union to take advantage of the peculiar circumstances of that organization being recognised. When I say that it is impossible to secure a majority vote of its members, of course I refer to the greater portion of the year.

Mr. KELLY.—Is a dispute likely to arise when the men are not employed?

Mr. SPENCE.—It is impossible to secure the vote of a majority of those engaged in the industry, because no one can tell how many are so employed. Surely the honorable and learned member for Angas must realize that his proposal involves a great deal more than he foresaw. If the proposal be carried, the Bill may as well be thrown into the waste-paper basket. Moreover, the honorable and learned member will require to define whether those over twenty-one years of age alone shall possess the voting power, because there are a great number of boys connected with the Shearers' Union. Who is to superintend the taking of the vote?

Mr. CONROY.—Who is to go to the Court?

Mr. SPENCE.—The honorable and learned member belongs to a school the members of which believe in the policy of non-interference. I appeal to the honorable and learned member for Angas and the honorable and learned member for Werriwa to adhere to their principles, and not to interfere with the internal working of an organization which admittedly knows how to manage its own affairs. The shearers' organization allows nobody to act for it without its authority. We consult its members as widely as it is possible to do so whilst the shearing season is in progress. But in the proposal of the honorable and learned member for Angas, the question of a majority vote of that organization is involved. It would be impossible to secure a majority vote during the off season, because the addresses of its members are unknown. It is impossible to ascertain the number of persons engaged in the pastoral industry from the very nature of their employment, which is of an intermittent character. For instance, there were 63,000,000 of sheep in New South Wales a few years ago, but owing to the drought the number was reduced to 30,000,000. It necessarily follows that

less labour is required to shear 30,000,000 sheep than was needed to shear 63,000,000.

Mr. CONROY.—Does the honorable member believe in the application of the "common rule"?

Mr. SPENCE.—I trust that we shall deal with one matter at a time. I am pointing out the impracticability of this proposal. Its effect will be to render the Court inaccessible to some of the very organizations to which the Bill was specially intended to apply.

Mr. CONROY.—If the honorable member did not wish the trades unions to force their opinions upon others, I could understand his position.

Mr. SPENCE.—The number of men employed in the pastoral industry outside the shearers' organization is not worth counting.

Mr. CONROY.—I am thinking of the non-unionists.

Mr. SPENCE.—I am not discussing that question. I am confining my attention to the proposal of the honorable and learned member for Angas, which, if given effect to, will render the Court utterly inaccessible to the Shearers' Union. Can the honorable and learned member for Werriwa, with his marvellous ability, inform the Committee how many wharf labourers there are in the Commonwealth? Of course, he cannot. The number is regulated by the amount of shipping. Nobody carries round the brand of a wharf labourer or of a shearers upon his back.

Mr. HUGHES.—There are plenty of members of the Shearers' Union who belong to the organization to which I belong.

Mr. SPENCE.—Exactly. That is another difficulty which confronts the honorable and learned member for Angas. If his proposal is adopted, it will be necessary to define, by regulation, the society in which these men shall vote. The amendment is entirely unnecessary. The honorable member for North Sydney seemed to think that a minority might decide the matter. Unions have very decided views as to majority rule, and do not do their business by the action of minorities. This Bill is based on a recognition of existing conditions, and some of those conditions, which are regarded by certain persons as dangerous in connexion with unions, have been met by bringing unions under law, and making them collectively responsible. The honorable and learned member for Corinella put the case very clearly; and it is recognised that there

is no other way of dealing with industrial disputes. No body of men can express their opinions except by resolution at general meetings or by referendum; no other way has yet been discovered by humanity. Unions are responsible under penalties to the Court, and have to provide for all these matters in their rules, which, according to the schedule of the Bill, must be drawn up in proper form before there can be registration. The amendment places a bar in the way; and with a quarter of a century's experience, particularly in connexion with Inter-State bodies, I say that it would be utterly impracticable to carry on under this amendment. In my opinion, such a provision is unnecessary, seeing that all safeguards are already provided. I hope the amendment will be withdrawn.

Mr. KELLY (Wentworth).—It seems to me that the honorable member for Darling might very reasonably be expected to take up a somewhat—if I may be permitted to use the word—violent advocacy of the cause of minorities in trades unions.

Mr. SPENCE.—There is no recognition of minorities in a union.

Mr. KELLY.—We find that the honorable member is rather an advocate of fomenting trouble, and I think when we listen to arguments for and against the particular clauses of the Bill, and especially clauses of this nature, it is well to look to previous words of honorable members who advance those arguments.

Mr. SPENCE.—I know something about the matter, anyhow.

Mr. KELLY.—Apparently the honorable member does know something about the matter, and it is on his knowledge that I wish to trade at the present moment. When we had before us the case of the domestic servants, whose welfare the honorable member has so much at heart, we find that on being asked how it would be possible to have an Inter-State dispute in connexion with them, he replied "Oh, we could soon work one up." The honorable member, in safeguarding that right to foment disputes, might reasonably be expected to violently advocate the privilege of minorities to shape the policy of the unions concerned.

Mr. STORRER.—How many shearers are there in the Commonwealth?

Mr. SPENCE.—Nobody knows.

Mr. KELLY.—Perhaps nobody does know; but a short time ago there were very few in New South Wales. There was a

certain number of men—with whom the honorable member for Darling was concerned—who, he tells us, did not strike, but as they did not work, I suppose that for the time being they could not be regarded as actual shearers. All this shows how much the number of shearers in any State may vary. The honorable member says that it would be practically impossible to apply the provision, if amended as proposed, to the shearers; and I agree that it would be impossible if the amendment were adopted in its present form. But the honorable and learned member for Angas may consent to alter his amendment so as to make it simply apply to those engaged in "any place of employment," or something to that effect. That would be an absolutely fair proposal.

Mr. SPENCE.—Shearers have no place of employment

Mr. KELLY.—Every one has a place of employment.

Mr. SPENCE.—Every man has not a place of employment.

Mr. KELLY.—I should be very glad if the honorable member for Darling would tell me of any one who has not a place of employment; if there be such a one, it is an extraordinary state of affairs. I do not say that a place of employment necessarily means a place with a roof, because a man may be employed, for instance, in a paddock; I am not quibbling about terms. But I should like to ask the honorable member's opinion as to whether it would not be quite practicable to get a referendum of the persons engaged in any particular employment—not employment in an industry, but at a particular place. If there be a strike or a dispute on a particular station, surely a referendum could be taken of the employés on that station to find out whether the strike or dispute was indorsed by all. Would the honorable member be in favour of a proposal of that kind?

Mr. SPENCE.—The honorable member does not understand the matter.

Mr. KELLY.—I suppose the honorable member regards the suggestion as perfectly wicked. I, personally, am very much surprised that honorable members opposite do not "rush" this proposal. In New South Wales, at any rate, the Labour Party were quite keen on the referendum, until the referendum hit them rather hard on the question of the reduction of members in the State Parliament.

Mr. WATSON.—The Labour Party are just as keen now on the referendum.

Mr. KELLY.—The Prime Minister will forgive me, but I think the referendum has gone from the first place to about the fourth or fifth in the programme of the Labour Party.

Mr. WATSON.—It is still on the programme.

Mr. KELLY.—But not in the same place.

Mr. WATSON.—It is just where it was before.

Mr. KELLY.—If I am wrong, I withdraw what I have said about the referendum in New South Wales. But I was informed, on very good authority, that since the referendum proved such an unexpected blessing to the Labour Party, it had been placed about three places lower down in the programme in New South Wales. I am surprised that the Labour Party do not accept my suggestion, because it really means majority rule in the unions—a splendid idea! The honorable member for Darling asked, "Why cannot you allow these organizations to manage their own affairs?" That is exactly our desire. Surely there is no more pressing or urgent question than whether men should or should not go out on strike, or, under the new conditions, whether they should or should not risk the funds of the union in applying to the Court. Surely it is not too much to ask that a majority of the men engaged, not in the entire industry, but in a particular place of employment where the trouble arises—

Mr. SPENCE.—But they may not then be engaged.

Mr. KELLY.—Surely it is not too much to ask that, in such a case, a vote should be taken as to whether or not the dispute should be brought before the Court. Why should one or two men have the power, as they will have under this Bill if it be passed in its present form, to move the Court? Does such a provision promise to facilitate the easy working of the measure?

Mr. WATSON.—One or two men could not move the Court.

Mr. KELLY.—There are two things which might practically destroy the Bill. One of these would be an application of the amendment in its broader form; and I am sure the honorable and learned member for Angas does not mean to kill the Bill.

Mr. CHAPMAN.—Does the honorable member not think that the amendment would kill the Bill?

Mr. KELLY.—In its broader form it might; but to have the Bill in its present form, and allow one or two men to have the power of fomenting trouble, would kill it.

Mr. SPENCE.—One or two men would not have that power.

Mr. KELLY.—They would have it under the Bill as it stands. The honorable member for Darling himself said that he has the power to work up trouble.

Mr. SPENCE.—I said the opposite.

Mr. KELLY.—The honorable member, than whom I do not ask for a better authority, said he could soon work up a dispute.

Mr. SPENCE.—This is not a question of a dispute, but a question of getting to the Court, the dispute being existent at the time.

Mr. KELLY.—The honorable member says that it is simply a question of getting to the Court, but no appeal can be made to the Court until there is a dispute.

Mr. SPENCE.—There will be no difficulty about that; the dispute will, of course, be in existence.

Mr. KELLY.—I confess I cannot follow the honorable member. I honestly cannot see any argument against the proposal to leave out the words "without the approval of the President." If the words are retained the Judge will be given power at any time to over-ride the wishes of Parliament on any particular question. Why should that be?

Mr. McCAY.—A Judge does that very often, when an Act is not clearly drawn.

Mr. KELLY.—But if this House cannot draw a Bill clearly we had better give the Judge unfettered discretion.

Mr. CONROY.—Call him an arbitrator.

Mr. KELLY.—Exactly. If we can frame clauses which will guide the Judge and keep him within the Bill, then we ought to have such clauses; but no provisions are required if they simply enable the Judge to say—"Well, this is a case which I do not think was meant to come within the Act, and I shall allow it to go by default." The Prime Minister said that the main feature of the arbitration principle is that of collective bargaining; and every one will be agreed as to that.

Mr. CONROY.—Collective disputing.

Mr. KELLY.—We will take the Prime Minister's words. Collective bargaining surely means bargaining between a majority of employers and a majority of employes. It does not mean a minority of one or two fomenting a dispute with an employer, or

*vice versa*, but a majority of employers and a majority of employes settling their differences before the Court. It does not mean the fomenting of trouble with the aid of one or two agitators. I cannot support the amendment in its present form, which is too wide.

Mr. CONROY.—Surely we ought to include every citizen in the community.

Mr. KELLY.—Not so. I opposed the Bill on its second reading; but I do not want to kill it in Committee. I like the principle of the amendment, because any provision which will tend to lessen frivolous disputes, worked up by one or two men, will operate in the direction of making this a workable law. Without some such provision the Court would be overloaded with work, and the Bill would be a failure in every direction except one—the creation of prestige and power amongst a small section governing the unions.

Mr. GLYNN (Angas).—I should like to indicate to the Committee that I shall not press the amendment in its present form. I do that to oblige the honorable member for Darling. My new proposal will involve the very minimum of interference, and will, I think, justify the honorable member in giving me his vote. I now propose to amend sub-clause *a* by adding after the word "consent" the words "of the majority of the members." Surely it is not too much to ask that the majority should consent in such a case. To prevent any confusion between the issue raised by this amendment—with the other question which depends on it, but which can be met on other grounds—and the question of the approval of the President being sufficient without any conditions, I shall not move the amendment in regard to the latter. I have, I think, gone a long way to meet some of the arguments and wishes which have been expressed by honorable members.

Mr. CONROY (Werriwa).—Before the honorable and learned member for Angas withdraws his amendment, I will ask him to consider whether it is really too wide. We are now dealing with a measure that affects every citizen in the community. The helpless man ought to be more dear to us than the man who can help himself. At any rate, we should be careful not to thrust any disability upon him. But that is what we are going to do, if this clause is passed as it stands, without great care being taken to prevent the committee of management of an organization going to the Court on a matter on which the majority of the mem-

bers of the organizations may be against them. Surely the majority of the members of an organization ought to be allowed to determine what they shall do. Who are the leaders of the organizations, and whenever have they exhibited such sense as should lead us to believe that they will fairly represent the majority of their unions? What have they ever done for the advancement of the men whom they lead? We know that they have done much for their misery. Are the majority to rule or not?

Mr. HUGHES.—Certainly, they are.

Mr. CONROY.—Then how dare we say that the majority shall not decide a matter like this?

Mr. WATSON.—The Court will decide it.

Mr. CONROY.—How can the Court decide properly unless the reference to the Court has the approval of the majority of the members of the union? As the Bill at present stands, workmen who are outside the unions may not be able to get any employment whatever. They will become outcasts. Say that there are 100,000 men in the trades organizations throughout Australia. The vote of these men is not to be taken. A small minority of leaders for the time being may decide whether they shall go to the Court or not.

Mr. JOHNSON.—Is there not a discretionary power given to the Judge to hear a case of that kind?

Mr. CONROY.—How can he decide? I quite agree with the honorable member for Darling that there are difficulties in matters of this kind. But difficulties only exist for honorable members to overcome them; and if the present difficulty is one which cannot be overcome, and the majority of the members of a trade cannot be ascertained, how dare any committee of management ask Parliament to pass a measure that would allow them to decide for the majority? The Bill provides that a common rule may be made, which will apply to every employé in the industry affected, throughout Australia. So that absolutely a small minority of men can cause the whole of the employés in an organization to be brought under that common rule. What does the honorable and learned member for Corinella think of that? Does he think that the minority of an organization ought to be allowed to take a dispute to the Court, which a majority, not only of that organization, but of the whole of the employés of the industry, might be against?

Mr. McCAY.—I merely pointed out that the amendment would not work.

Mr. CONROY.—That is a good reason for honorable members to apply their wits to devise some means by which it may be made to work. In ninety-nine industries out of a hundred it can be worked without the slightest difficulty. Is there any difficulty, in the coal-miners' organization in New South Wales, about consulting the majority of the employés?

Mr. WEBSTER.—Yes.

Mr. CONROY.—It may be somewhat difficult, but it is done frequently. I remember an instance in which the Minister of External Affairs was engaged. The wharf labourers of Sydney were consulted as to whether their hours of work should be altered. According to reports, three or four meetings were held, and at every meeting a different resolution was passed. The Employers' Federation agreed to the first alteration which the wharf labourers desired to make. Then a second meeting was called to confirm the resolution. But, lo and behold! a different body of men attended, who entirely reversed the decision of the first meeting, and declared for a second alteration. That, again, was taken to the employers, who agreed to it. A third meeting was held, which altered what the second meeting had done; and after an animated discussion, the whole matter was left in the hands of the secretary of the union, who left matters exactly as they were. If this measure had been in operation, on the vote of the first meeting, a dispute might have been referred to the Court, although it by no means expressed the will of the majority of the employés. I maintain that the opinion of the majority of the employés in any industry should be ascertained. If the decision of the Court is to bind the whole, why should not the majority be consulted? Suppose an honorable member represented 10,000 workmen who did not belong to unions. Would he consider it proper that the will of 100 workmen in the same trade should have the effect of taking a matter to the Court and establishing a common rule that would bind every one of the men? Under clause 48 the Court has power to direct that—

As between members of organizations of employers or employés and other persons offering or desiring service or employment at the same time, preference shall be given to such members, other things being equal.

That means that the men who are not members of organizations will not be consulted

in any way. It is a very serious thing for Parliament to take upon itself to determine a matter of that kind, considering that probably in all the unions throughout Australia there are not 100,000 men.

Mr. HUGHES.—There are 66,000 unionists registered in New South Wales alone.

Mr. CONROY.—Paid members?

Mr. WATSON.—Yes; there are others not registered.

Mr. EWING.—The number registered in New South Wales is 66,900.

Mr. WATSON. — Those are registered under the Act, but there are many more.

Mr. EWING.—There are 400,000 other workers.

Mr. CONROY.—Exactly; so that one man in seven belongs to a union. The proportion of unionists in New South Wales is larger than in any other State. Only one man in every seven belongs to these organizations, and the Committee is asked to say that the seventh man shall have the power to go to a Court that shall dictate to the other six men how they shall live. I hope that the other six men will wipe out the seventh man, and that if the seventh man will not allow them to live they will set aside Parliaments, and will not permit them to exist except in the Northern Territory, where all the land will be at their service, and where, if, as they say, labour is the only source of wealth, they will not disturb the rest of the community.

Mr. DAVID THOMSON.—Fleming talks in that way.

Mr. CONROY.—It appears to me that he is thoroughly justified. If the seventh man tries through Parliament to prevent the other six men from obtaining a living, the latter have a right to turn round and say to him, "We shall deal with you in exactly the same way." If the seventh men were only to form themselves into industrial organizations for the purposes of industrial partnership or collective bargaining, they would be acting within their rights, and no objection could be raised, but rather hope expressed, that such a state of affairs would continue, because it would bring about a truer system of contract between the two parties than would otherwise be possible. But when one man in every seven, having obtained certain power, coerce a great many other men into thinking that they are the only persons to be considered, it is high time for the six men to get up, and say what they think about the matter. Is it not a dreadful thing that, in what is called a

democratic country, we should be putting out of consideration six men out of every seven, and only recognise organizations whose members have had the initiative drilled out of them to a certain extent? It can be shown that the greatest rise in wages during the last century has not been obtained by trade organizations, but by those industrial classes which have had no organizations. In one case the increase has been perhaps over 200 per cent., while in other cases it has not exceeded 50 per cent. We should take good care that no organization is allowed to exist which places a limitation on the number of its members. If a hundred men like to come together and say, "We will not allow any one to enter our partnership," they can do so, but the moment they come to Parliament and say, "We want power to prevent any one else from entering into our partnership," they ask for more than they should.

Mr. WATSON.—The Government are with the honorable and learned member in that regard. I have announced that we shall take every step necessary to insure that the ranks of the unions shall be open to every person.

Mr. CONROY.—We ought to insist on some amendment of the sort being passed. The honorable member for Darling has shown that there are difficulties in the way, but if he likes, let him pick out one or two industries, and we can make special exceptions in their favour. But where this opinion can be legitimately obtained, where the consequences may be so serious to other employes in the industry who have no connexion with the dispute, surely the majority of the men should be consulted. What better instance could be given than the case of the Colonial Sugar Refining Company, where practically 100 members of an organization, not more than twenty of whom were financial, set up a dispute which affected the employment of 3,000 persons? In the case of the tanners' dispute, I know that many more men were desirous that it should not go before the Court than were desirous that it should. And in the case of the wool-scourers, the men engaged at Penrith earnestly prayed to be kept out of the dispute. The rents of cottages are much less in the country than in the cities, and there are other advantages which render a lower rate of wages still more profitable. In fact, a rate of £2 5s. in one place is not so good as a rate of £2 in another place. There are instances of that kind to be found all over Australia, as

the Minister of External Affairs is well aware.

Mr. HUGHES.—The Court has power to vary an award.

Mr. CONROY.—Surely the Minister must see that the Court will not be able to keep on inquiring into these things. There is only one practical way in which to carry out this idea, and that is to do as was done in England once—to divide the country into districts, and legislate for them alone. The place in which the legislation existed would become deserted, while the place in which it did not exist would be resorted to by the people.

Mr. WATSON.—That is not the experience of New Zealand. They are rushing in thousands to the place where this legislation does exist.

Mr. CONROY.—New Zealand would be enjoying a much greater degree of prosperity had no such legislation been passed, and I might mention that the rise in wages there has been infinitely greater in the agricultural industry, which has no union, and is not under the Act, than in any other. I submit that we ought to pass the clause in the form at first proposed by the honorable and learned member for Angas. It is perfectly clear that we ought to omit the words "without the approval of the President." Otherwise, what is the use of any of these safeguards at all? Here we have three provisions to the effect that everything is to be certified to by the Registrar, and done as he may determine. If we require these things to be done, they must be done, and we should not allow any President, whoever he may be, to go outside the law. Schedule B of the Bill lays down the conditions to be complied with by an association applying for registration as an organization, and if we do not omit the words "without the approval of the President," we shall do away with that schedule; and that, I submit, we ought not to do. Another objection to the retention of the words is that it would allow the President of the Court to decide some matters on an *ex parte* statement.

Mr. WATSON.—He will not give a decision; he will not award anything.

Mr. CONROY.—It might turn out that the President would be misled, and that there was no true organization. The majority of the members of an organization might desire to withdraw; but the leaders would be very anxious to prevent them from doing so, and without any reference to the men they

might rush on a dispute and secure the approval of the President before he knew what he was doing. During the whole of that time, not one of those men would be allowed to withdraw from the organization, or to discontinue his subscription, and that in the case of a number of poor men is a very important matter.

Mr. WEBSTER.—The honorable and learned member has a wonderful imagination.

Mr. CONROY.—I am certain that there is a provision of that kind in the Bill. Some cases have been hung up in New South Wales for twelve months, and are likely to be hung up for another year. Under this Bill a man might be compelled to keep on subscribing for a couple of years after he wished to withdraw from the organization, and yet, in the face of that possibility, it is not proposed to take special care that the will of the majority shall be ascertained. I submit that there is no reason why it should not.

The CHAIRMAN.—The honorable and learned member for Angas has asked permission to withdraw his amendment, with a view to submitting a similar amendment in a later part of the clause. Is it the pleasure of the Committee that leave be given?

Mr. ROBINSON.—I object.

The CHAIRMAN.—In that case the amendment cannot be withdrawn.

Mr. ROBINSON (Wannon).—Several honorable members object to the withdrawal of the amendment. While the original amendment was somewhat too wide, I fancy that the projected amendment is too narrow.

The CHAIRMAN.—The projected amendment cannot be discussed now.

Mr. ROBINSON.—I wish to point out some reasons why some such amendment as the honorable and learned member for Angas first gave notice of should be carried. The members of these organizations comprise a very small proportion of the industrial employes. If we give to one organization the power of bringing employment in any industry before the Court we give a very small proportion of the employes the possibility of bringing an industry before the Court, and of the Court fixing the wages, hours, and conditions of employment. In the Bill specific power is given to the Court to exclude a large number of men from earning their living. In New South Wales disputes have been brought



before the Court by organizations which comprised only a small minority of the employes in an industry. The members of these organizations have got preferential treatment, and by so doing they have been able to take the bread out of the mouths of some of their competitors. Action of that kind is not in accordance with natural justice, and the Committee should be slow to legislate in such a way. The proposal of the honorable and learned member for Angas is, I think, a little too wide in that respect, but the provision in the Bill is so preposterously narrow that it should call forth the condemnation of all reasonable men. Under the Bill an organization of employes need comprise only one hundred persons, so that the expensive machinery of the Court might be set in motion by fifty-one persons. That is a monstrous proposal. What the honorable member for Darling desires is quite clear. He wishes to build up the employes' unions as political organizations at the expense of the employers. The fines of the employers are to be paid to the unions of the employes, which are political organizations, and thus the Labour Party is to be maintained at the expense of the employers. That is the long and the short of their support of the Bill. Under it they propose to extract money from one class to keep going the political organizations of another class. Some such proposal as that of the honorable and learned member for Angas is absolutely necessary to prevent a small minority from bringing a case before the Court. There should be a petition signed by 1,000 employes before a case could be brought before the Court. Why should fifty-one persons, who see an opportunity to obtain better terms for themselves than their fellow-workmen can hope to enjoy, be allowed to put the expensive machinery of the Court into operation? In every case under the Bill, as under State legislation, they will ask for preferential treatment—treatment which will secure employment to them while workmen outside the organization will be lacking it. In some of the organizations under the New South Wales Act the members of the unions do not comprise 10 per cent. of the employes in their industry, and yet they have managed to secure for themselves preferential treatment, leaving the other 90 per cent. to battle for their living as well as they can. This is the provision which honorable gentlemen opposite are sup-

*Mr. Robinson.*

porting, but it is one which we should not countenance. Therefore, while the amendment of the honorable and learned member for Angas may be too wide, the Bill is certainly too narrow, because it will enable fifty-one employes to set in motion the Court, possibly to the injury of thousands of other employes.

*Mr. HUGHES (West Sydney—Minister of External Affairs).—*The honorable and learned member for Werriwa has dealt with this matter at great length, while the honorable and learned member for Wannon has treated it with commendable brevity. I will deal first with the objection urged by the latter. He says that the provision in the Bill is opposed to natural justice. That is a peculiar phrase, so that I am sorry that he did not do the Committee the service of defining it. I do not know what he means by it.

*Mr. KELLY.—*Cannot the Minister understand natural justice?

*Mr. HUGHES.—*Everything is natural. It is natural to cut off a man's head, if one goes the right way about it, or to commit suicide, as to eat one's dinner, or to make an effort to live. It is natural to make shirts for 1½d. a dozen, though not quite so comfortable as to make them for a decent rate of pay. The honorable and learned member's idea of natural justice is carried to its logical and magnificent conclusion in the East End of London, and in the Bowery in New York, where sempstresses work at the rate I have named, and toil all day, putting their soul and body into their labour, to earn 6d. or 9d. In those places he could bathe in the fountain of natural justice, whereas here he can only wet the soles of his feet in it. He says that not 10 per cent. of the members of an industry will, under the Bill, impose their will upon all employes, and that annoys him terribly; yet it is not very long since 10 per cent. of the people of Australia imposed their will upon all the rest, and if he had been here then, he would no doubt have considered it a very reasonable arrangement. It is not 10 per cent., but 90 per cent. of the people who now rule, and therefore he wants not majority rule, but an exhaustive ballot. Majority rule is distasteful to him in this instance, because it does not suit his own views. The honorable and learned member for Werriwa spoke about requiring the submission of the matters under discussion to the unions, yet he is a violent opponent to the principle of the referendum.

which provides for the submission of proposed measures to the people, instead of to their representatives in Parliament. He has stated that a requisite in this case is the vote of the whole of the members of a union, but if a scratch majority of the members of the Committee—say twenty to nineteen, the total making barely a majority of the House—could be got to oust the present Government, he would bubble over with delight. He would term that constitutional Government. The referendum is something quite opposed to that, yet he gets up and supports its application in this case. He referred to events which happened 200 or 300 years ago, with which he is, I admit, more intimately acquainted, and upon which he is better able to speak than upon those happening now. He says that at one time England was divided into districts, to some of which industrial legislation was applied, with the result that where it was applied, the people left the district. Well, let them do so here. Such a statement is on all-fours with the blatant, vacuous, foolish, inane expressions of those who say that this legislation is driving capital out of the country. Formerly, according to the honorable and learned member, it did not drive out capital, but it drove out the people, which is an infinitely more serious matter. But, as the Prime Minister has reminded him, it has not driven anybody out of New Zealand.

Mr. CONROY.—The population of New Zealand has not appreciably increased, and the numbers in the unions there have diminished.

Mr. HUGHES.—My honorable and learned friend unites in his magnificent self all those powers of observation which the New Zealand Government is compelled to delegate to a number of individuals. He knows more about statistics than does the Government Statistician of New Zealand, more about the political economy of that country than does the professor retained at the University to teach it. He is a political Poo-Bah. He says that, not this legislation, but something else has prevented a decrease of population in New Zealand. The causes which have increased population in New Zealand—for it has increased—of which he can avail himself are remarkably few. He says that this legislation is not one of them. Neither, in his view, is protection, because to him protection is anathema. What is it? Is it the climate?

Mr. CONROY.—Good land legislation.

Mr. HUGHES.—This is pathetic! What is this good land legislation? It is Socialism pure and simple. It is the buying up of big estates, and the handing of them to the small person; the offering of inducements to closer settlement; and the doing of other things which he vehemently decries. It is those things that have increased the population of New Zealand, he says, and not the legislation now under discussion. Then he wishes for majority rule. I have already pointed out that in Parliament a majority of those present rule. The majority of honorable members present in the chamber when the division is taken to-night will determine the question now before us. So in every union it is the majority which rules. When it was sought to provide for a three-fifths majority under the Constitution, was the honorable and learned member for Werriwa in favour of a majority of those present and voting, or of an absolute majority, whether some were absent or not? He stands convicted there. He was in favour of the application of the provision to those who were present and voting, and not to the whole body of members. He speaks about the tyranny of unionism. But under the New South Wales Act, which we have followed, it is prescribed that the rules of the unions must be submitted to the Registrar for approval, and amongst other things, rules governing the appointment and removal of a committee of management, the chairman, president, or secretary, the powers and duties of such persons, and the control to be exercised by special or general meetings over that committee, are laid down. Further, any one who knows anything at all about any other union than that to which both my honorable friend and myself belong, knows that all members may attend any meeting, whether general or special. I am connected with an industrial union numbering over 3,000 members, and the room in which we meet, and which we find ample for our accommodation, will hold about 300. Does he suggest that the members of that union, some of whom live twenty miles away, in distant suburbs, and who perhaps are working on the night upon which a meeting is being held, should be required to attend?

Mr. CONROY.—Yes. The honorable and learned member has described a strike as a state of warfare, and therefore it is a sufficiently serious matter to compel the attendance of all members.

Mr. HUGHES.—It is because we have declared for peace, and not for war, that we are supporting this legislation. If I had the rules of the Waterside Workers' Federation with me I could show that a strike can be declared only after a ballot of all the members throughout Australia.

Mr. CONROY.—That is exactly what we wish to provide for in other cases.

Mr. HUGHES.—While that is the method by which we approach a state of warfare, a mere handful of men may appeal to the Court to invoke peaceable methods for the settlement of a dispute. If the others like to remain supine, and neglect their own interests, they must, if necessary, suffer. Why should the members of an industrial organization be treated differently from the members of the body politic? What percentage of the electors in the division of Werriwa recorded their votes at the last election?

Mr. CONROY.—Five out of every seven who voted voted for me. The others did not vote because they were certain that I should be returned.

Mr. HUGHES.—The honorable and learned member knows all about trades unionism, but a small matter such as the percentage of voters to electors in his division escapes his eagle eye. I believe that those who did not vote were so paralyzed at the audacity of his conduct in seeking re-election that they were unable to drag their palsied limbs to the poll. During the last Parliament he meandered throughout the live-long night and day, and in all things made himself so conspicuous and notorious that he led the electors of Werriwa to believe that he would not offer himself again, but, having done so, he wondered that so few voted for him. I am amazed at the moderation of the people of that district. The fact that there was no riot there affords one of the most signal examples of the law-abiding character of the Anglo-Saxon race. Now the honorable and learned member says that he does not believe in the referendum. Just imagine a referendum being taken as to whether the honorable and learned member is a fit and proper person to be in this Parliament at all. No wonder he is not in favour of the referendum. He also says that one man out of every seven is able to dictate to the other six as to the terms on which they are to live.

Mr. CONROY.—What I say is that one man should not be able to dictate the terms to six others, and that the six should not be able to dictate terms to the remaining

one. There should be no interference on either side.

Mr. HUGHES.—The moderation of the honorable and learned member is very much like that of Warren Hastings. It is marvellous, and he stands aghast at it. When he used such an illustration as he did he betrayed the poverty of his imagination and his absolute ignorance of the matter under discussion. He betrayed poverty of imagination, because whilst ignoring facts he should have been able to bring forward a very much better illustration. If, on the other hand, he had desired to confine himself to the facts, he ought to have known that the award of the Court would only apply to the parties to the dispute, and not to any one else.

Mr. CONROY.—The honorable and learned member is wrong.

Mr. HUGHES.—The application of the common rule is a matter in regard to which the other six men to whom the honorable and learned member has referred, would have a voice before they were affected.

Mr. CONROY.—Not under the Bill. They would have no right to be heard before the Court. I challenge the honorable member on that.

Mr. HUGHES.—The question whether or not I shall accept the challenge depends on its character. This Government declares that the only persons subject to the common rule are those who have been cited to appear before the Court?

Mr. ROBINSON.—How could the Court cite a hundred and one employes to appear before it. They would have to be served with a process. Would the Minister serve every employer in Australia with a process?

Mr. HUGHES.—How would any one be cited to appear? On page 231 of the Industrial Arbitration Reports of New South Wales, volume II., appears the report of a case in which it was sought to apply the common rule to certain persons before giving them any notice. An application was made by the Hairdressers' Employes Union, and Mr. Justice Cohen said—

We will make an order, but some public notification must be given. An advertisement in two daily papers will be sufficient.

The Government will not rely on the practice of the Court in a matter of this kind, but will insert in the Bill a direct provision that no person, except the parties to the original application, shall be subject to the conditions of the award until they have been cited, and have had an opportu-

nity of protesting, and being heard in their defence.

Mr. CONROY.—That is a very good amendment, and I congratulate the Minister on it.

Mr. HUGHES.—That disposes of any question of injustice to the "other six," of whom the honorable and learned member has spoken. Let us assume that only one man out of every seven is in a union, and that a case is brought before the Court. Before the award would be extended beyond the members of the union those outside of the organization would be cited—due notice being given—to show cause why the award should not be made the common rule. There would be, in effect, a new trial. The men outside the union could urge any objections that would have been relevant in the first case.

Mr. ROBINSON.—Where is the amendment?

Mr. HUGHES.—Does the honorable and learned member object to it?

Mr. ROBINSON.—No; but I want to see the promise made by the Minister carried out.

Mr. HUGHES.—Does the honorable and learned member believe in it?

Mr. ROBINSON.—Yes.

Mr. HUGHES.—That is all right.

Mr. ROBINSON.—The Government have given notice of six pages of amendments, and I want to know why they omitted this particular one?

Mr. HUGHES.—It is a peculiarity of these gentlemen—

The CHAIRMAN.—I think that the honorable member is travelling beyond the amendment.

Mr. HUGHES.—Perhaps so; but the honorable and learned member for Werriwa has been arguing that one man out of every seven will be able to secure an award which will apply to the other six as well as to himself. I am pointing out that that is not the intention of the Government, and that the common rule will apply to persons other than the original parties only after they have been notified, and have had an opportunity of being heard. The honorable and learned member for Wannon wishes to see the amendment in type, and I now inform him that if he will wait he will see it in writing, or perhaps in type, very shortly. We shall be glad if he can do anything to make the amendment really effective, and to secure that no person other than the parties to the original dispute shall be affected by

the award of the Court, unless and until they have been served with notice, and have had an opportunity to show cause. I take it that the position which I have stated completely destroys the arguments of my honorable and learned friend.

Mr. CONROY.—Let me have the amendment. I may accept it.

Mr. HUGHES.—Is the Government reduced to the necessity of having to write out an amendment, and give it to the honorable and learned member in order that he may accept it. Does he not know that if he accepted it the Committee might consider that fact as affording the best of reasons for not adopting it. We shall submit our amendment to the Committee. I would remind the honorable and learned member that the majority rules in this Committee, and not the honorable and learned member, who has always, except on one or two occasions, been in a minority. I only wish to say that every union with which I am acquainted provides for government by a majority of those present and voting at ordinary or special meetings. Now a "special meeting" within the meaning of this Bill, so I understand, is a meeting summoned for the special purpose of referring a dispute to the Court, and no union in New South Wales could refer anything to the Arbitration Court except under these conditions. There must have been a notice inserted in the press, or each member of the union must have been notified through the post of the intention to hold a meeting on such and such a date—at seven days or more distant from the date of the notice—at which a certain resolution would be moved. The resolution must set forth that it is the intention of the union to refer to the Court a particular matter in dispute, and the dispute has to be set out. If honorable members wish to insert such a provision as that in the Schedule, instead of leaving it to the Court to provide for it by regulation—all such regulations must be laid upon the table of the House for approval or disapproval—I feel quite sure that no objection can be taken to that course. Every union in New South Wales has to adopt the course I have indicated, and the Arbitration Court has, on several occasions, refused to go on with the hearing of a dispute, because the meeting at which the reference was decided on was not duly and constitutionally summoned. When every member of the union has been notified that a special meeting is to take place, the majority of those present is

held to be sufficient to voice the desire of the union.

Mr. CONROY.—The Minister mentioned cases in which only the members of the Committee could be present.

Mr. HUGHES.—I will take two cases, that of the Shearers' Union and that of the Seamen's Union. At shearing time the members of the Shearers' Union are scattered all over Australia, and if a meeting were called at Bourke or Wagga, who could attend, except the persons to whom it had been found convenient, by the union, at a general meeting, or by means of a ballot taken in that year, to delegate the power to decide such matters? In the case of the Seamen's Union, which is a very large one, the general meetings are often attended by only half-a-dozen men. The rest of the members are away at sea. I would remind the honorable and learned member that the primary business of a unionist is to earn his living. He does not do that by belonging to the union alone; that organization simply helps him to obtain better conditions. In other unions, however, such, for instance, as a Tailors' Union, there might be 150 or 200 members, and a meeting might be attended by 100 or 150 men. In the same way, whilst the Incorporated Law Society might have 300 members, only five would attend a meeting. Still, my honorable and learned friend would not say that these five persons, if they formed a quorum, should not carry on the business. The possibility of holding a large or small meeting depends entirely on the character of the union. The unions conduct their business effectually under the conditions I have indicated. It has always been the practice to allow the unions to conduct their affairs by means of meetings attended, under some circumstances, by only members of Committee, whose powers, however, are severely restricted. The experience gained by the Shearers' Union affords proof that the Court will not accept anything that a committee may do. The New South Wales Arbitration Court refused to allow the committee of the Shearers' Union to alter the rules, except in accordance with the decision arrived at by a general meeting, or by means of a ballot of the members. Therefore, the whole body of the members of that union had to be consulted before a dispute could be brought before the Court. So it is in the majority of cases. I beg honorable members to believe that no union will be forced, against the will of the majority, to

accept an award, and that no person who is outside the immediate organization making the application, will suffer any injustice, because the award will not apply to such persons until they have been cited to appear and show cause.

Mr. DUGALD THOMSON (North Sydney).—I am sure that honorable members must be satisfied, after having listened to the speech of the Minister of External Affairs, that the Government are in no hurry to push through this measure. Three-fourths of the speech delivered by the honorable and learned member was devoted to matters apart from the subject under discussion, whilst as to the rest, he certainly gave us some information, and afforded us a most excellent reason for opposition to the clause. He twitted the honorable and learned member for Werriwa with lacking imagination. He certainly displayed wonderful imagination himself, and he also credited the Committee with a vivid imagination, because he apparently regarded it as capable of discerning the nature of an amendment that has not yet been tabled by the Government. The Government has flooded the Chamber with amendments, and yet we have heard nothing of one of the most important, the very existence of which justifies the honorable and learned member for Angas in his opposition to this clause. At the present moment we are not even aware of the nature of that proposal.

Mr. HUGHES.—That amendment is in the hands of the Attorney-General, and will be circulated as soon as it is printed. I can, however, give the honorable member a general idea of its substance if that will suffice.

Mr. DUGALD THOMSON.—Then we are all in the hands of the Attorney-General, because we are perfectly ignorant of what we are doing, without having that amendment before us. Personally, I think that the clause should be postponed, seeing that an important amendment has been foreshadowed, of the contents of which we are not yet seized. I do not accuse Ministers of any intention to keep the Committee in the dark.

Mr. HUGHES.—The honorable member may accept my word that the sole object of the amendment is to prevent any person not being a party to a dispute from being affected by an award of the Court unless, and until, he has been cited in some effective way, and has had an opportunity to

show cause why the common rule should not apply.

Mr. DUGALD THOMSON.—The very recital of the object of that amendment by the Minister is sufficient to illustrate its importance. Yet we have proceeded thus far in the consideration of this Bill without having previously heard of it.

Mr. HUGHES.—The Prime Minister informed me that he notified the Committee of it one day last week.

Mr. DUGALD THOMSON.—I was not aware of it. I should like to ask the Minister of External Affairs whether the amendment is intended to prevent a decision of the Court from extending to non-unionists who are engaged in an industry, if in the first place unionists only are parties to the reference to the Court? The honorable and learned member for Werriwa stated that as unionists only had a voice in the reference of industrial disputes to the Court, the interests of only one man out of seven would be considered. To that statement the Minister of External Affairs replied that, under the amendment proposed, the whole seven would have a voice.

Mr. HUGHES.—The one man out of the seven would have a voice as to whether the union to which he belonged should go before the Court, and the other six would have a voice as to whether the award of the Court should apply to them.

Mr. DUGALD THOMSON.—If, out of seven men who are employed in an industry, only one is a unionist, will the other six not be bound by the award of the Court until they have been given an opportunity to show cause why the common rule should not apply to them?

Mr. HUGHES (West Sydney—Minister of External Affairs).—I wish to be perfectly frank with the honorable member. Let me take, as an illustration, the case of the employés at Mort's Dock, Balmain, Sydney. Let us suppose that the Iron Trades Council in that establishment appealed to the Court for an award of some sort. If the Court declared that the wages payable in the iron trade should be so much, I am not going to say that that award would not apply to every iron-worker in that establishment. It would apply to the non-unionists employed there equally with the unionists, but it would not affect any person engaged in the trade outside until the application of the common rule had been invoked. All outsiders would have an opportunity of being heard as to why that rule should not apply

to them. Here is another case which will serve excellently as an illustration. In New South Wales the iron trade employers have applied to the Arbitration Court for an award in favour of a reduction in the wages payable by them. In similar circumstances the question involved under this Bill would be whether that reduction would affect persons outside those establishments which are conducted by the employers who are members of that particular union. Under the Government proposal, I say that it would not, until notice had been given to such persons, and they had been afforded an opportunity of showing cause why the common rule should not apply.

Mr. DUGALD THOMSON (North Sydney). — That is not an answer to the argument advanced by the honorable and learned member for Werriwa. He contended that the whole of this reference might be decided upon by a minority, either of employers or employés. The Minister of External Affairs, thereupon, used what he evidently considered a very strong argument. He asked, "Is not this House a minority of the people, and does it not make laws for the people?"

Mr. HUGHES.—I did not say that it represented a minority of the people.

Mr. DUGALD THOMSON.—Honorable members of this House constitute a minority of the people, and yet we make laws to govern them. But the difference is that all the people whom we govern can exercise the franchise, whereas under this Bill, it is proposed to deny the franchise to some of those who will be affected by its operation.

Mr. HUGHES.—In what way?

Mr. DUGALD THOMSON.—Simply because unionists are recognised under the Bill, whereas employés generally, apart from unionists, are not recognised.

Mr. HUGHES.—They have the option of joining the unions.

Mr. DUGALD THOMSON.—What would the Minister say if the political franchise were extended only to members of unions, and if, in answer to his complaint, an honorable member declared, "Oh, but the public have the option of joining the unions."

Mr. HUGHES.—The franchise is extended to all, whether they want it or not.

Mr. DUGALD THOMSON.—The very principles of the party to which the Minister belongs are opposed to any restriction of the franchise. It is extended to men in consideration of the taxation which they

pay, and because of their manhood. But under this Bill it is not proposed to give a vote for manhood or the taxation which individuals contribute. Nothing of the sort. Consequently the whole argument of the Minister falls to the ground. The honorable and learned member for Angas and the honorable and learned member for Werriwa argued in favour of the full franchise, which has always been advocated by members of the Labour Party.

Mr. HUGHES. — The honorable and learned member for Angas wishes to withdraw his amendment.

Mr. GLYNN.—Because I cannot carry it.

Mr. HUGHES. Can the honorable member for North Sydney give me a single case in which an injustice will be done to non-unionists if the Bill is subject to the restriction of which I have just spoken?

Mr. DUGALD THOMSON.—It is not difficult to do that. Take the case of an employer of a thousand men, only 200 or 300 of whom belong to a union. The union may decide to apply to the Court for an award. A great majority of the thousand men may think it undesirable to adopt that course, lest it should result in a decreased wage. In spite of that, however, a majority of the members of the union may force an appeal to the Court. An award may be given decreasing the wages paid, and the thousand men will be compelled to submit to it.

Mr. HUGHES.—Does the honorable member assume that the Court will make an award of that sort?

Mr. DUGALD THOMSON.—Will it never make an award in favour of a reduced wage? The Minister must know that if there are a thousand employes engaged by one man, only 300 of whom are members of a union, and if a dispute occurs on the motion of the unionists, the latter will be able to force the thousand men into the Court, and compel them to submit to a decision in favour of a reduction of wages. Then, if the Court chooses to make the common rule apply to the whole of the employes in that industry, it will have power to do so. I recognise the difficulties of the position, especially in connexion with a Federal arbitration measure. That is why I think the honorable and learned member for Angas has done right in endeavouring to limit the application of this provision. In dealing with industrial disputes, which extend over several States, it would be almost impossible to obtain the voice of the

whole of the employes engaged in them. I quite agree, at the same time, with the honorable and learned member for Wannon that the amendment is almost too restricted in its present form. I repeat that it is idle for any Minister to make a speech, such as that which was delivered by the Minister of External Affairs, reflecting upon members for having moved amendments when the Ministry themselves hold up their sleeve a proposal which has an important bearing on this very provision. Yet we are expected to discuss this clause and this Bill without any knowledge such as that laid before us at this late hour. I trust that the amendment of the honorable and learned member for Angas will be carried. The Minister of External Affairs has already stated that before there is a strike in certain unions there has to be a majority decision.

Mr. HUGHES.—I only said that that occurred in the union with which I am connected.

Mr. DUGALD THOMSON. — I know from my observation that there is such a rule in some other unions; and it is a good rule to recognise.

Mr. SPENCE.—Some unions require a two-thirds majority.

Mr. DUGALD THOMSON. — In any case a simple majority is very reasonable. When a vote of the kind is taken in the case of a strike, why should a vote not be taken in a matter which may lead to a strike?

Mr. HUGHES.—If each person is served with a notice and does not take any interest in the matter he is merely in the position of an elector who does not choose to vote.

Mr. DUGALD THOMSON.—To some extent that may be admitted; but I think that in the case of the New South Wales Court each employe is not served with a notice.

Mr. HUGHES.—In our particular union he must be served with a notice.

Mr. DUGALD THOMSON.—I thought that the Minister in speaking of notices was referring to the Court.

Mr. HUGHES.—I was referring to the practice of the union.

Mr. DUGALD THOMSON.—That may or may not be done in unions, but there is no provision in the Bill to that end. There is no provision that a majority of a union, voting even at a meeting, shall decide the question. There is a sub-clause which provides that the consent to submission to the Court must be given in writing under the hands of a majority of the committee

of management of an organization. But that committee may not be appointed for the purposes of this Bill.

Mr. HUGHES.—If the honorable member looks at schedule B, he will see that he is not correct.

Mr. SPENCE.—The committee must be authorized by the union.

Mr. DUGALD THOMSON. — The schedule referred to only specifies the purposes for which the union is formed, and provides for certain matters.

Mr. HUGHES.—It provides for the control of the committee by a general or special meeting.

Mr. DUGALD THOMSON.—That only means that the organization decides how it is to elect the committee, and the control of that committee is by general or by special meeting.

Mr. SPENCE.—Will the honorable member read the schedule further?

Mr. DUGALD THOMSON.—I see that the schedule provides that the rules of the association must provide for—

The manner in which consent of the association shall be given to any submission to the Court.

But assent can be given in writing under the hands of a majority of the committee of management, who may have been elected without any reference whatever to the Bill.

Mr. HUGHES.—The Registrar would not endorse a rule which would permit that.

Mr. DUGALD THOMSON. — While the Registrar approves of certain rules for the election of the committee, he cannot decide what motives or objects will govern in their election.

Mr. HUGHES.—It might be insisted, for instance, that any intention on the part of a committee to refer a matter to the Court should be sent in writing to each member, or be advertised.

Mr. DUGALD THOMSON.—But that is not insisted on in the Bill.

Mr. HUGHES.—Let the honorable member move an amendment to that end on the schedule.

Mr. DUGALD THOMSON.—There is an amendment before us that will meet the case. The Bill as it is provides that a majority of the committee, which may consist of three or four, may give their consent in writing.

Mr. SPENCE.—That only means that the committee affix their official signatures to the document.

Mr. DUGALD THOMSON.—According to the Bill, a majority of the committee can refer a dispute without consulting the organization.

Mr. SPENCE.—No.

Mr. GLYNN.—Two men might refer a dispute under the Bill.

Mr. HUGHES.—But there will be regulations which will be laid on the table.

Mr. LONSDALE. — Regulations cannot override the Bill.

Mr. DUGALD THOMSON. — I am quite aware that regulations will be laid on the table of the House; but we are giving approval now, if we carry this clause, to the submission of a case to the Court being decided by a majority of the committee, no matter for what reasons the committee were elected, or however small the committee may be. Something ought to be done to make certain that the desire for a reference is more general than might be represented by two or four men in a committee of three or six.

Mr. HUGHES.—Let the honorable member show how that can be done; let him suggest whether it shall be done by notice to each member, or by advertisement.

Mr. DUGALD THOMSON.—The honorable and learned member for Angas has shown one way in his amendment.

Mr. WATSON.—That is an impracticable way.

Mr. DUGALD THOMSON.—I hope that the Government will recognise that there is a difficulty in the way, and that the amendment is a reasonable one. If not, of course the Government will resist the amendment.

Mr. HUGHES.—There is no such provision in New South Wales.

Mr. DUGALD THOMSON.—There has been a great deal done in New South Wales which makes the State Act more unpopular than it ought to be.

Mr. WATSON.—So far as I know, there has never been any difficulty in New South Wales in this connexion.

Mr. MAUGER.—Nor yet in New Zealand.

Mr. DUGALD THOMSON.—I do not know that there has been no difficulty in New South Wales. It is for the Government to propose something to meet the case.

Mr. WATSON.—There was a doubt whether the Bill was not already sufficiently explicit on this head. The practice in New South Wales has been to issue citations before applying for a common rule.



Mr. DUGALD THOMSON.—I do not know that that was provided in the Act.

Mr. WATSON.—It was not, but the power was there.

Mr. DUGALD THOMSON. — The amendment proposed goes a little way towards meeting the objections. To me, at any rate, it is objectionable that a small minority—so small that it may consist of only two or three men—should have the power to decide a reference to the Court, and commit every worker in an industry to a decision which he may regret.

Mr. LONSDALE (New England).—There is no need in this discussion to insinuate wrong motives to honorable members on this side in submitting amendments; and it would be very much better if the Minister of External Affairs, whom we all admire, would keep himself within the bounds of the Bill. Because some of us have taken a very strong stand against the measure, the Minister wishes to infer that we desire to see the workers sweated at the very lowest wages. That is a sort of argument which should not be used. I care very little myself what the Minister may say of me, personally. It is sufficiently known to the workers that I am just as sympathetic towards them as is any honorable member behind the Government. All my life I have done my best for the working classes, and I am opposed to the Bill only because, in my opinion, it will create an aristocracy of labour, while sending a large number of men out into the world to starve. If we can have a Bill that will help the whole of the workers—which will not injure one portion in order to benefit the other portion—I shall be prepared to give that Bill all the help in my power. I give credit to the Government, and honorable members behind them, for being honest in their conviction that this Bill will attain the end that I have indicated; and I am honest in my belief that it will not. Our opposition to this and other clauses has been shown to be right, by the intimation of the Minister of External Affairs that he is going to submit an amendment that will meet some of the difficulties and objections to which we have called attention. That intimation is a proof that our opposition has been effective, and that the Ministry have come to the conclusion that our arguments are fair and right. The statement has been made that no common rule has been applied in New South Wales, unless the persons to be affected have been cited.

Mr. HUGHES.—I never made such a statement.

Mr. LONSDALE.—The statement was made by the Prime Minister. The fact is that men have come under an award of the Court, and have gone on working in ignorance under the old conditions until some secretary of the union has popped in and informed them of their violation of the law. In one case men were threatened with punishment, although they did not know they were breaking the law.

Mr. HUGHES.—Or they said they did not know.

Mr. LONSDALE.—The men I have in my mind did not know anything of the award. I have said before that if the operation of the Bill could be confined to the larger cities, there would not be much difficulty in applying a common rule. In New South Wales, with the conditions of which I am more familiar, the common rule of the larger cities does not suit the smaller centres of industry, and that causes the trouble and difficulty. The country saddlers of New South Wales applied to be registered as a country union, but the application was refused, and they had to submit to an award obtained through the union in Sydney. The shop employes applied to have a country union registered, but were refused, and, if I remember rightly, they applied to the Supreme Court for an injunction, but were unsuccessful. I do not know how many shop employes there are in the union in Sydney, but they have succeeded in getting before the Court by making an industrial agreement with only one of the employers.

Mr. HUGHES.—That application for the common rule has been refused.

Mr. LONSDALE.—The application has not been settled yet.

Mr. HUGHES.—The honorable member is speaking of Lassetter's employes?

Mr. LONSDALE.—Yes.

Mr. HUGHES.—It is a registered agreement, with the condition that it shall not come into force until there is a common rule.

Mr. LONSDALE.—No award has been made, but the case is now before the Court.

Mr. HUGHES.—What I mean to say is that the application for a common rule has been refused.

Mr. LONSDALE.—The case has not reached that stage yet.

Mr. HUGHES.—Yes.

Mr. LONSDALE.—So far as I know the matter has not yet been settled, but is at present before the Court. They get into

the Court by simply making an agreement with one employer.

Mr. HUGHES.—Their going to Court has not advanced them one iota.

Mr. LONSDALE.—I am not saying what may be the effect. My point is that it may be possible for a small number of employers, by consenting to a certain thing, to get their case before the Court.

Mr. HUGHES.—That is as far as they can go.

Mr. LONSDALE.—Of course when the dispute comes before the Court, the Court has to settle the terms.

Mr. HUGHES.—Then an application must be made for a common rule.

Mr. LONSDALE.—The Shop Employés Union embraces only a small proportion of the shop employés of Sydney. The country employés have no say in the matter. The common rule, in cases where it has been applied, has practically reduced the wages of the men in the country districts. If the employers took advantage of it in a number of cases the wages of the employés in the country districts would be lowered. But these employers, who are said to be so unfair, and who are always grinding down the poor man, have consented to allow the wages to remain as they are, although they could reduce them by 2s. a week. I am opposed to conferring any privilege upon any man, capitalist or workman, by means of which he would be able to levy tribute, or to take advantage of his fellow men. I quite admit that this Bill is built up on the principle of organization. But something should be done to give the workmen outside the organized unions some voice in dealing with the matters that affect them. If that can be done to some extent, my objections to the Bill will be removed. The Minister of External Affairs has stated, however, that the Government intend to move an amendment, which will remove many of the objections to the Bill. I compliment the Minister upon what he has suggested. Of course, he is a splendid artist in bluff. He tried it on to-night, but before he sat down he gave away his whole case by telling us that the Government had this amendment prepared. We shall see to what extent it will improve the Bill.

Mr. WILKS (Dalley).—The importance of the amendment foreshadowed by the Minister of External Affairs cannot be too much emphasized. The Government have realized the disadvantage of allowing

organizations to become close corporations. The public will realize that they have materially altered the idea of Arbitration Acts as hitherto known. It is clear that the experience of New South Wales has been of value to the Government. We are now told that the measure is not to be restricted to the organizations. The Government intend to make the Court free and open to all. Boiled down, the position now is that one common rule will apply to one workshop.

Mr. HUGHES.—I put it that one rule would apply to one organization.

Mr. WILKS.—I understand that in a workshop where unionists and non-unionists work together, after an application has been made to the Court for an award, it will apply to that particular workshop and that particular set of employés.

Mr. HUGHES.—The organization might embrace three or four workshops.

Mr. WILKS.—But the common rule will in the future apply to one set of employés, and those who do not belong to that set of employés will have a right to appeal against it.

Mr. HUGHES.—They will have an opportunity of protesting or objecting.

Mr. WILKS.—That is a wonderful improvement in the Bill; and if the Government had only intimated in the earlier stages of the discussion that it was their intention to move such an amendment a week's struggle would have been saved. I do not know whether the Government were not prepared with their amendment last week, or whether they were not sufficiently acquainted with the measure, which of course was introduced by the late Government. Whatever may have been the reason for keeping the amendment in the dark, and springing it upon the Committee at this stage, I must say that I am very pleased that they have foreshadowed a proposal of this character, the usefulness of which will be recognised not only amongst the employers, but also the employés throughout Australia. It will be found that the greatest objections which have been raised to the New South Wales Arbitration Act have been absolutely removed. The honorable member for North Sydney has given the illustration of 300 unionists working with 700 non-unionists, and has said that it would be unfair for the 300 to apply to the Court, and to obtain a decision which would affect the 700. But I doubt

whether it would be possible to find 300 unionists who were working together in a workshop with 1,000 non-unionists, especially in the iron trade, the members of which in every part of the world form most powerful organizations. But under the proposal of the Government, while the 300 unionists would have the right to apply to the Court for a decision, it would not prevent the 700 non-unionists from appealing against it. I would point out that the argument of the honorable member for North Sydney would apply to all joint stock companies. The shareholders of a bank are not called together every time the directors—who are practically their delegates—make a change in the working of the institution. The honorable and learned member for Werriwa has complained because the Government did not introduce their amendment earlier. Apparently they have had it up their sleeve for some time. If so, it would have been well for them to have introduced it so as to save the time of the Committee. Although I support the Bill, I must say that in my opinion, the less employers and employés use the Court the better it will be for them. As in the case of other Courts of law, the less we use them the better we like them, and the more we are compelled to use them the less we like them. But an Arbitration Act will stand as the guardian of the rights of the people, whether employers or employés, against the exacting employer on the one hand, and the agitating employé on the other. I think that the Prime Minister, from his acquaintance with industrial concerns, will admit that the less the Court is appealed to the better it will be for all parties. But the honorable gentleman seeks to bring into operation certain machinery, so that, in the event of the employers or employés becoming too exacting, the public shall not be disturbed by their disputes. The amendment foreshadowed liberalizes the arbitration law as we have known it in the past, and will show that the Parliaments of Australia, the land of legislative experiments, has learned something from the experience of New Zealand and New South Wales. We are not fighting for close corporations or an aristocracy of labour, but so that every man, no matter whether he belongs to a union or not, will have power to appeal to the Court. I feel certain that the amendment will remove very many of the objections raised to the measure.

*Mr. Wilks.*

Mr. WEBSTER (Gwydir).—The arguments of the last speaker appertain to some amendment, of which I have as yet no knowledge. I have heard of an amendment being foreshadowed, but I cannot believe that it will apply in the way that honorable members opposite suppose. The whole of this Bill is built upon the idea that there are to be associations of employers and employés. The application of the measure depends on the existence of such organizations. Can we imagine that any amendment will give men, who are not unionists, an equal right to appeal to the Arbitration Court with those who belong to organizations? How are men unitedly to demand their rights, unless they are organized? If they are organized, they become an organization, and consequently will be able to approach the Court. The honorable and learned member for Wannon says that when they become members of unions, they become political factors. But a measure of this kind is not enacted for the purpose of being used as a political machine, but for the purpose of avoiding strife in the industrial world, and deciding the relations between employers and employés by the methods of organization. I see no reason for the Minister of External Affairs to suggest an amendment of this kind, nor can I see that the amendment as foreshadowed by him can be practicable or applicable.

Mr. WATSON.—It was suggested a long while ago.

Mr. WEBSTER.—It cannot be discussed before it is submitted. Ample provision is made for all the purposes for which the Bill is required, and to insure that it will be practical and effective in its operation. The position is safeguarded by the organization. At an ordinary meeting the organization decides that a certain course of conduct shall be followed. A special meeting of the members is then called for the purpose of considering the subject, and all the members are notified. Every member has an opportunity to vote for or against the proposal, and if he neglects to use his opportunity his failure cannot be overcome by an amendment of this character. It must be through the organization that the decision is arrived at.

Mr. CONROY.—Why should it bind men who are not members of the organization?

Mr. WEBSTER.—How the honorable and learned member can make the Bill

apply to men who are not members of an organization unless they become united in some form or other is simply beyond my comprehension. It is a foolish question to put to me.

Mr. CONROY.—I propose to leave them outside the Bill.

Mr. WEBSTER. — According to the clause they are left outside the Bill, and the honorable and learned member for Angas has caused this discussion by submitting what, to my mind, is an absurd proposition—that a majority of the members shall vote before any application shall be made to the Court.

Mr. CONROY.—The persons in the industry, he said, whether they were in a union or not.

Mr. WEBSTER.—That is the trouble, and I wish to know how they are going to organize persons who are outside the organization.

Mr. HUGHES.—The amendment is outside the scope of the Bill.

Mr. WEBSTER. — Undoubtedly. In this discussion we have got tangled up to some extent. The honorable member for Dalley has complimented the Government on the effect which some proposed amendment would have on some persons outside those who have hitherto been benefited by this legislation. He has said that the Government were going to broaden the principle of arbitration more than had ever been done in any country. To my mind, that conclusion has no logical basis. I hope that the Government will not be tempted by these honorable members, some of whom declare themselves opposed to arbitration in any form.

Mr. CONROY.—Oh, no; we are in favour of arbitration, but not compulsory arbitration.

Mr. WEBSTER.—I do not mean to say that they are insincere in their desire to amend the Bill; but I think I have a right to say that supposed improvements which originate in certain quarters should be very carefully considered by those who wish to see the Bill made operative and effective.

Mr. HUGHES.—The amendment which I suggested is only that which the Arbitration Court in New South Wales has adopted and is putting in force.

Mr. WEBSTER.—I realize that it would be included in the regulations when they are completed, and that then they would be open to consideration by honorable members.

Mr. HUGHES.—It is amongst the regulations in New South Wales.

Mr. WEBSTER.—Some honorable members desire to have the amendments and the regulations placed before them straight away; otherwise the Bill is not satisfactory to them. Certain honorable members are under a misapprehension as to the injury which is to be done to every six men out of seven. The proportion is absurd.

Mr. CONROY.—The proportion is really eight to one, but I accepted the statement of the honorable member.

Mr. WEBSTER.—There are thousands of employes in New South Wales, and I dare say in other parts of the Commonwealth, who will not come under the Bill, and whom it is not fair to include in computing the proportion of men whom it will affect and the proportion whom it will not affect, such as, for instance, those whom the honorable and learned member for Wannon has got great credit—perhaps deservedly so, from his stand-point—for relieving from its operation. Even though the proportion were three to one, I contend that there would be no obstacles in the way of their taking the full benefit of the legislation by doing what all men will do in such circumstances, and that is by joining an association.

Mr. WATSON.—On an aspect of the matter which does not seem as though it should be under discussion at the present time—the common rule—I desire to say that the indication of the Government's intention as put forward by the Minister of External Affairs does not embody anything new as far as our attitude is concerned. Some weeks ago—just before the re-assembling of the House after a notable adjournment—I was interviewed by the press on this matter. It will be remembered that, in his second reading speech, the Attorney-General said that he had some objection to the application of the common rule to parties other than those who had been cited, and that it would be a proper thing to give notice to those whom it was proposed to bring under the Bill. After he became a member of the Ministry he was interviewed in regard to that aspect of the matter, and the press slightly misunderstood what he said. Some of the pressmen got the impression that he was against the common rule altogether. I pointed out at the time that, so far from that being the case, he was in favour of the common rule, with the addition that any

whom it was proposed to make a party should have notice of the proposal; and I added that the Government quite sympathized with him in that regard. The reason why we did not bring down this amendment with the others was that my honorable and learned colleague had not made up his mind as to the best manner in which to provide for notice being given. The common rule is referred to in paragraph *f* of clause 46, and, as it was only a matter of detail, I did not think it necessary to bring down the amendment with the others, as there was plenty of opportunity for giving notice of our proposal.

Mr. GLYNN.—It will come on as a Government amendment to paragraph *c* of clause 37.

Mr. WATSON.—That is only a drafting amendment, and paragraph *f* of clause 46 is really the operative provision, as I read the Bill. This is no new proposal, so far as the Government is concerned, for my declaration on the subject is between three and four weeks old.

Mr. DEAKIN.—There were some clauses promised about seamen, too; are they ready yet?

Mr. WATSON.—No. New clauses cannot be considered until the remaining clauses of the Bill have been disposed of, and no attempt will be made to take honorable members unawares.

Mr. DEAKIN.—As they indirectly affect other parts of the Bill, we ought to see them as soon as possible.

Mr. WATSON.—I quite appreciate that. They are roughly drafted, and we anticipate that within a day or two we shall be able to give notice of them. I trust that the Committee will not carry the amendment even in its altered form.

Mr. CONROY.—What does the Prime Minister say about the approval of the President?

Mr. WATSON.—The honorable and learned member for Angas has abandoned that amendment.

The CHAIRMAN.—An honorable member objected to its withdrawal.

Mr. WATSON.—The Government are against the alteration of the clause in any shape.

Mr. CONROY.—Then why have these other rules at all?

Mr. WATSON.—They are intended to be used in all ordinary cases. It is not desired to put always on the President the onus of determining whether a

dispute in its initial stage should come before the Court. Of course, under another clause the Court will have power to disregard a dispute if it is considered to be a trivial one. But, generally speaking, we think it is desirable, in clause 31, that these provisions should be complied with. I assure honorable members, who desire the Bill to be made as perfect as possible, that in regard to nomadic occupations, such as that of shearing, at some seasons of the year the practical difficulties in the way of getting a vote by every member of the organization, in order to insure that there shall be a majority, are such as to render unworkable a clause of this description if we really do wish to provide for disputes of that character.

Mr. CONROY.—Suppose that there was no legislation at all, how would they decide to have a strike?

Mr. WATSON.—What has happened in the past has usually been that the men have decided on the policy during the shearing season. These men are always available in the sheds when they take their tickets. The tickets contain voting slips, which the men attach to their ballot-papers, and during the season they usually vote on all matters of large policy which are not committed to the care or decision of the executive.

Mr. CONROY.—They are able to collect a tax of 15s. from each man, and yet they are not able to get an expression of opinion on an important matter like this.

Mr. WATSON.—The reference to that payment is a misrepresentation, because it is considered by the men, not as a tax, but as a voluntary effort to do good for themselves and others by subscribing a certain sum. The honorable and learned member is distinctly unsympathetic towards the Bill, and, therefore, we can quite account for his anxiety to misrepresent what has been said. The usual course, I repeat, is to get an expression of opinion on large matters of policy during the shearing season; but frequently the circumstances of the shearing occupation are changing. In a slack time, when there is no shearing going on in, say, New South Wales, the employers may announce some alteration of working conditions—whether of rates of pay or of general conditions matters not—which, in the view of the organization and its management, calls for immediate action.

Mr. SPENCE.—Such alterations always are announced in the off season.

Mr. WATSON.—It is almost invariably in the off season that any change of policy is arrived at, and then members of the union are scattered to the four winds of heaven. Many of them are men who have to obtain their living at all kinds of casual employment, so that a fortnight after they have finished shearing it is impossible to say where they are. If we wish to prevent strikes amongst shearers, we should provide that disputes, when they arise, may go at once before the Arbitration Court, instead of preventing them from being taken there until the following season, which would precipitate strikes. It would be a most outrageous thing to rob the men of the weapon which they now possess, of being able to strike, and to substitute for it no legal remedy. The Bill makes striking illegal, but it is now proposed to condemn the men to suffer injustice for, perhaps, a whole season, because the majority of the members of the union cannot be consulted. If the amendment were carried it would be impossible to refer the matter to the Court so as to obtain a decision which would affect the conditions under which shearing was then being carried on; the decision of the Court could have effect only during the subsequent shearing season. That being so, it is advisable to leave the Bill as it stands, allowing authorized individuals, men working under rules of which the Court must approve, to submit disputes for settlement. The Court will not put power into the hands of irresponsible individuals, and committees of management will act under proper regulations. I appeal to the Committee to trust the Court to this extent, and to pass the clause as it stands.

Amendment, by leave, withdrawn.

Amendment (by Mr. GLYNN) proposed—

That after the word "consent," line 9, the words "of a majority of the members" be inserted.

Mr. CONROY (Werriwa).—I am sorry that the honorable and learned member for Angas did not press his first amendment. I certainly hope that the Prime Minister will consider that now before the Committee. Surely, if a strike is such a serious matter as to bring about what is practically a state of warfare, the members of the organizations concerned should have some voice in its declaration.

Mr. MAUGER.—The objection to the provision in the Bill is one raised by those who wish to make the measure unworkable.

Mr. CONROY.—The honorable member does not understand the arguments which have been used, or he would not say that. If the Ministry were prepared to take from the Court the right to make a common rule, they would lessen some of the objections to the provision now under discussion; but why should ten or a dozen men at the head of a union consisting of 3,000 be allowed to refer a dispute to the Court without consulting the members of the union?

Mr. MAUGER.—They will be responsible for what they do.

Mr. CONROY.—Is the honorable member prepared to bring into existence here a condition of affairs similar to that existing in America, where the leaders have been careful to appropriate this power solely to themselves, and use it to levy blackmail? I am glad to say that we have nothing of that kind here yet.

Mr. MAUGER.—Nor have they in America anything of quite the character that the honorable and learned member represents.

Mr. CONROY.—The honorable member cannot read the newspapers or he would know that he is stating what is incorrect. One man has been convicted of blackmailing. Why should, perhaps, a dozen men in a union, comprising 3,000 members, have the power to commit the union to a dispute into which its members do not desire to enter?

Mr. MAUGER.—Because the union may have delegated to a dozen members the power to commit it to a decision.

Mr. CONROY.—They may have appointed the committee for quite another purpose. One of the provisions in the Bill would prevent the members of the union, however dissatisfied they might be with their leaders, from withdrawing from the organization whilst a dispute was pending. It seems incredible that a body of men who claim to represent the workers of Australia should dare to legislate on behalf of one man out of every seven, and in such a way that even the individual members of a union cannot dissent from the decision arrived at by their leaders. The members of the union are, in effect, told that, having elected a committee of management, they must abide by their decision, and must not withdraw from the union during the time that a dispute is pending. Honorable members do not understand the purpose for which they are sent to Parliament when th

partial laws. If the Government agree that no award of the Court shall be made a common rule unless the men outside of the labour organizations consent, I am willing to concede that the award arrived at will be a matter of no great concern. The labour unions would be perfectly within their rights if they went to the Court and asked for an award that would affect only themselves; but they would have no right to say "We are agreeable to do so-and-so, and you outsiders shall do so-and-so." No one disputes the right of the unionists to declare their willingness to do a certain thing; but I object to Parliament helping them to declare that other men shall do the same. What right have we to take away the liberties of individuals in this way? The Prime Minister admits that the union officials can always discover the members of the unions when they want to get their subscriptions; but when an important question arises as to whether or not a dispute shall be submitted to the Court, they do not consider it worth while to consult these wretched, miserable men. They say, "What right have they to be consulted, even if they are a majority of members? Let the committee of management decide for them. Let the worthless dogs go." Perhaps they would not use this language, but that is the way in which they act, and that is how they think. I should like to know if the Government would accept an amendment to the effect that the President of the Court should at least satisfy himself that an attempt had been made to ascertain the opinion of the members of the union. The Prime Minister told us that the Government would make it illegal to strike; but I would ask him whether there is one word in the Bill that would have the effect of making it a misdemeanour or a felony for any one to incite others to strike. On behalf of the men who do not belong to unions, I protest against this travesty of justice under which it is proposed to permit one man out of seven to force his opinions upon the other six.

Question—That the words proposed to be inserted be so inserted—put. The Committee divided.

Ayes ... .. 18

Noes ... .. 28

Majority ... .. 10

*Mr. Conroy.*

#### AYES.

Conroy, A. H.  
Crouch, R. A.  
Ewing, T. T.  
Glynn, P. Mc.M.  
Johnson, W. E.  
Kelly, W. H.  
Kennedy, T.  
Lee, H. W.  
Liddell, F.  
Lonsdale, E.

McColl, J. H.  
Quick, Sir J.  
Robinson, A.  
Skene, T.  
Thomson, D.  
Wilson, J. G.

#### Tellers.

Fuller, G. W.  
McCay, J. W.

#### NOES.

Bamford, F. W.  
Batchelor, E. L.  
Bonython, Sir J. L.  
Carpenter, W. H.  
Chapman, A.  
Culpin, M.  
Edwards, G. B.  
Fisher, A.  
Frazer, C. E.  
Hughes, W. M.  
Hutchison, J.  
Isaacs, I. A.  
Lync, Sir W. J.  
Mahon, H.  
Maloney, W. R. N.

Mauger, S.  
O'Malley, K.  
Page, J.  
Ronald, J. B.  
Spence, W. G.  
Storror, D.  
Thomas, J.  
Thomson, D. A.  
Tudor, F. G.  
Watson, J. C.  
Webster, W.

#### Tellers.

McDonald, C.  
Wilks, W. H.

#### PAIRS.

Knox, W.  
Phillips, P.  
McWilliams, W. J.  
Fysh, Sir P. O.  
Reid, G. H.  
Forrest, Sir J.  
Smith, S.  
Smith, B.  
McLean, A.  
Edwards, R.  
Gibb, J.

Cook, J. N. H. H.  
Watkins, D.  
Brown, T.  
Wilkinson, J.  
Kingston, C. C.  
Deakin, A.  
Groom, L. E.  
Poynton, A.  
Higgins, H. B.  
Fowler, J. M.  
Turner, Sir G.

Question so resolved in the negative.

Amendment negatived.

Mr. DUGALD THOMSON (North Sydney).—I move—

That paragraph c be omitted.

I submit this amendment because I hold that in the previous paragraphs all the provision has been made which should justly be made in the direction of securing to a minority power to refer matters to the Court.

Mr. WATSON.—I trust that the Committee will not depart from the Bill in its original form. The matter has been fully discussed, and therefore I would suggest that it would be well to take a vote immediately.

Mr. CONROY (Werriwa).—Surely the Prime Minister is prepared to agree to the amendment submitted. The Committee have already decided that reference can be made to the Court if the Registrar certifies that the consent of the organization interested has been obtained, either in manner prescribed by its rules, or by a general meeting of its members. Under paragraph c I would point out that any trades union

by appointing a committee of management, a majority of whom are favorable to submitting to the Court, the provisions of the two previous sub-clauses can be entirely evaded. Matters of such importance should not be lightly brushed aside, seeing that under the Bill six employes out of seven will be denied consideration. There is too much of a disposition on the part of certain honorable members to regard non-unionists as being no better than dogs. I protest against the provision as it now stands. If this provision be left there is the danger that the officials will not consult the members of the organization; and such dreadful power may lead to outrageous blackmailing on the part of committees of management. That has been the result in America, and human nature is human nature the world over.

Question—That the words proposed to be left out stand part of the clause—put. The Committee divided.

Ayes ...	...	...	...	25
Noes ...	...	...	...	19

Majority ...	...	...	...	6
--------------	-----	-----	-----	---

AYES.

Bamford, F. W.  
Batchelor, E. L.  
Carpenter, W. H.  
Culpin, M.  
Fisher, A.  
Frazer, C. E.  
Hutchison, J.  
Isaacs, I. A.  
Lynch, Sir W. J.  
Mahon, H.  
Maloney, W. R. N.  
Mauger, S.  
McDonald, C.

O'Malley, K.  
Page, J.  
Ronald, J. B.  
Spence, W. G.  
Storrer, D.  
Thomas, J.  
Thomson, D. A.  
Tudor, F. G.  
Watson, J. C.  
Webster, W.  
Tellers:  
Chapman, A.  
Wilks, W. H.

NOES.

Bonython, Sir J. L.  
Conroy, A. H.  
Crouch, R. A.  
Edwards, G. B.  
Ewing, T. T.  
Fuller, G. W.  
Glynn, P. Mc.M.  
Johnson, W. E.  
Kelly, W. H.  
Kennedy, T.

Lee, H. W.  
Liddell, F.  
Lonsdale, E.  
McColl, J. H.  
Quick, Sir J.  
Skene, T.  
Wilson, J. G.  
Tellers:  
McCay, J. W.  
Robinson, A.

PAIRS.

Cook, J. N. H. H.  
Watkins, D.  
Brown, T.  
Kingston, C. C.  
Groom, L. E.  
Poynton, A.  
Higgins, H. B.  
Fowler, J. M.  
Hughes, W. M.  
Deakin, A.  
Wilkinson, J.  
Turner, Sir G.

Knox, W.  
Phillips, P.  
McWilliams, W. J.  
Reid, G. H.  
Smith, S.  
Smith, B.  
McLean, A.  
Edwards, R.  
Thomson, D.  
Forrest, Sir J.  
Fysh, Sir P. O.  
Gibb, J.

Question so resolved in the affirmative.

Amendment negatived.

Clause agreed to.

Progress reported.

ASSENT TO BILLS.

Assent to the following Bills reported:

Supplementary Appropriation Bill 1903-4.  
Supplementary Appropriation (Works and Buildings) Bill 1903-4.  
Acts Interpretation Bill.

ADJOURNMENT.

SEAT OF GOVERNMENT BILL.

Motion (by Mr. WATSON) proposed—

That the House do now adjourn.

Mr. CHAPMAN (Eden-Monaro).—Will the Prime Minister kindly inform the House when the Seat of Government Bill will be taken, and whether he intends to introduce that measure before we have concluded the consideration of the Conciliation and Arbitration Bill. A few days ago the Prime Minister promised that he would give a week's notice of the introduction of the Seat of Government Bill, and I had been hoping that that notice would be given to-night.

Mr. THOMAS.—Let us deal with the Conciliation and Arbitration Bill first.

Mr. CHAPMAN.—I have no wish to urge that the Seat of Government Bill should interrupt the consideration of the Conciliation and Arbitration Bill, because both measures are necessary measures and are very important. But I am going on the assumption that the Arbitration Bill is to a large extent through in this House. The back of the debate is evidently broken. Some warning might well be given as to when the Seat of Government Bill will be dealt with. But there are rumours afloat that it is contemplated to introduce another site besides those which the Senate have considered.

Mr. WATSON.—Not rumours circulated by the Government, at any rate.

Mr. CHAPMAN.—I want to have an assurance to that effect. We know pretty well what are the sites to be determined upon, and fresh ones should not be brought forward now.

Mr. THOMAS.—Why discuss that matter before the Bill comes along?

Mr. CHAPMAN.—Because it is just as well that we should know whether the Government propose to deal with the sites that have already been reported upon, or



whether any new sites are to be sprung upon us at the eleventh hour. It is also said that another measure is to be pushed forward before we deal with the Seat of Government Bill. I allude to the High Commissioner Bill. I take it that it would not be wise to proceed with any other measure, and if that is to be done, we ought to have some intimation of it. If there is nothing in these rumours, it would be well for the Prime Minister to contradict them. I do not say that they are true. I shall be glad to have an assurance that no other sites are to be discussed.

Mr. THOMAS.—Why not?

Mr. CHAPMAN.—If the honorable member is anxious that other sites shall be introduced, and that we shall have the debate all over again, and let the Senate start afresh, we ought to know that; but I take it that the Government do not propose anything of the kind. The question requires very little debate. But it does require a good attendance of honorable members. We have already discussed it at length, and honorable members have made up their minds. There is a majority in favour of one site or another. I hope that we shall be able to arrive at a final decision that will represent the views of the majority.

Mr. CONROY (Werriwa).—I also trust that the Seat of Government Bill will be proceeded with as soon as possible. In fact, in my opinion, it ought to have been dealt with sooner, because it is a measure which may have to be sent back to the Senate if there is a disagreement between the two Houses. I presume it will not take this House very long to deal with it. If we know that it is to be proceeded with in a week's time, all honorable members can be present. I presume that the debate will not occupy quite so long as the previous debate did. On the previous occasion, I believe that the Bill was brought forward in the afternoon, and the debate finished at 11.30 o'clock in the evening. Then we were discussing many sites. On the present occasion we shall have to discuss only one or two. There is no doubt about it, that the fact that this question has not been proceeded with, has caused a considerable amount of heartburning in New South Wales.

Mr. WATSON.—The honorable member cannot blame the present Government.

Mr. CONROY.—I should blame them if they were not prepared to proceed immediately with the measure.

Mr. BATCHELOR.—It was made the first Government Bill in the Senate.

Mr. CONROY.—But was it left with the Senate with no idea of proceeding further with it?

Mr. WATSON.—It is before this House now.

Mr. CONROY.—The question we are discussing is as to when it shall come before this House to be dealt with. If we have an assurance from the Prime Minister that it will be dealt with in a week's time, that will not be unreasonable. Otherwise it might be brought forward at once. If many honorable members from New South Wales were of my opinion, they would not allow any other business to be brought forward in this House until the Seat of Government Bill had been dealt with. Indeed, I think that it would result in an absolute saving of time to bring it forward at once. I know that a great amount of feeling exists in New South Wales on the subject. In fact, I venture to say that if much more dissatisfaction is caused in reference to the Federal union, there will not be any Federal union to continue. I will guarantee that if the incoming Premier of New South Wales were to put it to the vote in New South Wales, by an overwhelming majority the people would refuse to stay in the union. I am sorry to have to say that, because I believe in Federation. I regret that the feeling in New South Wales is so strong; and anything we can do to assuage it, and show that this House is determined to carry out the contract, we ought to do. It will result in very much lessening the present irritation. Personally, I have never believed that the Capital will be of any material advantage to New South Wales, and I confess that I cannot regard the question in the same light as some people do.

Mr. SPENCE.—Then why worry about it?

Mr. CONROY.—Because I cannot help recognising the importance that is attached to the matter by the majority of the people of New South Wales. It is immaterial what I happen to think on the question while that feeling exists; and so long as the Seat of Government Bill is delayed, a large amount of irritation will exist, which, in my opinion, would otherwise die down. The Bill has now been passed by the Senate, and there is no reason why it should not come before us. The reason why I ask for the Bill to be brought forward immediately is that if this House does not agree to the

proposals of the Senate, it may have to go back to that House, and the measure may be dodging between the two Houses for some time. There is, therefore, all the more reason for pushing on with it at once. Honorable members from New South Wales will agree with me that the settlement of the question will do much to allay the feeling that exists in that State.

Sir WILLIAM LYNE.—They would rather not have the question settled than see the Capital fixed at Bombala.

Mr. CONROY.—The people of New South Wales will realize if we settle the question that that State is not being unfairly treated in this matter.

Mr. KELLY (Wentworth).—I also should like to have an assurance from the Prime Minister before the House adjourns, that the Seat of Government Bill will be brought before the House in a very short time. I agree with the Prime Minister that his Government cannot be held responsible for the delay that has occurred. But there is certainly a great deal of irritation in New South Wales. It was a burning question at the last election, and if the people see any sign whatever of delay in now bringing it to a head, I believe that the discontent will become far more bitter. Without indulging in any extravagant language, I am sure that the Prime Minister of the Commonwealth will deeply regret that there should be such a feeling existing in New South Wales as there is at present.

Mr. FRAZER.—Has the feeling been worse since the Bill was dealt with in the Senate?

Mr. KELLY.—I do not think that it has been allayed by fixing the large area which is demanded by the Government. But that is not the question. For the time being I would like to get an assurance from the Prime Minister that the Seat of Government Bill will be proceeded with here as soon as possible.

Mr. MAUGER (Melbourne Ports). — I desire to get an assurance from the Prime Minister that the Conciliation and Arbitration Bill will be put through the House before the other measure is dealt with. It seems to me that if my honorable friends on the other side are in earnest, they will help us to facilitate the transaction of business, and get a clean sheet, so that we may be in a position to deal with the business which they have so much at heart. I protest against the Conciliation and Arbitration

Bill being put aside for the sake of taking up the Seat of Government Bill.

Mr. McDONALD (Kennedy).—I desire to ask the Prime Minister whether, after what has been stated by the leader of the Opposition in the State Parliament of New South Wales, and the treacherous statements he has made concerning the dealing with the Seat of Government Bill by this Parliament, he is prepared to drop the Bill until such time as the people of New South Wales can agree as to what they really want?

Mr. WILKS (Dalley).—The honorable member for Melbourne Ports requires an assurance that the Government will not drop the Conciliation and Arbitration Bill in favour of the Seat of Government Bill, but let me tell him that this Parliament has dropped New South Wales for nearly four years over this question of the Federal Capital site. For nearly four years the settlement of the question has been delayed by various Ministries, and a delay of one day will not affect the Conciliation and Arbitration Bill, which honorable members are so anxious about. Unquestionably the selection of the Federal Capital site is a burning question in New South Wales, not because of its importance to the State, but because it is a part of the compact which was made with the State. They desire the compact to be respected, and they are under the impression that by the delay in one Chamber or the other the Commonwealth has not been playing the game either properly or squarely. I do not think that the people in the metropolitan area of New South Wales are very much concerned about a particular site, so long as it is suitable for the purpose; but they are certainly concerned about the speedy determination of the question. I hope that the Prime Minister will not delay the settlement of the matter, but will give an assurance that it will be dealt with at the speediest possible moment.

Sir WILLIAM LYNE (Hume).—The utterances of honorable members on the other side of the House remind me of some utterances which we heard in the last Parliament, and in which, for political purposes, they attempted to blame the then Government for the delay. If any one was to blame for any delay in regard to the selection of the Federal Capital site, it was not the then Government, but those who delivered repeated and lengthy speeches from the opposition benches.

Mr. WILKS.—But the honorable gentleman did not bring forward a proposal until the end of the first Parliament.

Sir WILLIAM LYNE.—If honorable members will ascertain how long it has taken in other countries to decide an important question of this character, they will recognise that it would have been an unprecedented thing for the Capital site to be chosen during the term of the first Parliament. In every other country a number of years elapsed before this important question was decided, especially where there was a great diversity of opinion.

Mr. WILKS.—Does the honorable gentleman wish to put off its settlement for three or four Parliaments?

Sir WILLIAM LYNE.—I shall not permit the honorable member to put words into my mouth. I do not wish to put off the settlement of the question, and the honorable member knows that any accusation of that kind made against me in a previous Parliament was absolutely untrue. It was honorable members opposite who caused the delay, and not the last Ministry. Backed up by their morning organs in Sydney, they fanned the flame which had been ignited here deliberately. By political speeches, and for political purposes, they created a feeling of irritation in New South Wales in consequence of an imagined delay. I venture to say that New South Wales is not very anxious to have the Capital established in some of the places which are at present proposed. I think that a very large number of its people at the present time would say—"Let the Capital be either in Melbourne or in Sydney, rather than in the place which is proposed by the Senate." I think it is necessary and right for the Government to carry the Seat of Government Bill through the House in a calm manner, and at the earliest reasonable date. But there is a vast difference between taking that course and putting aside an important, if not the most important, Bill that will be submitted this session. As a Minister, I have always tried to get one Bill out of the way before proceeding with another Bill, and not to mix up the consideration of half-a-dozen Bills at one time.

Mr. WILKS.—The honorable gentleman did not have any weight with his own Cabinet, because they were always mixing up the Bills.

Sir WILLIAM LYNE.—I feel that there should be no delay. I hope that the High Commissioner Bill is not going to intercept the consideration of that measure.

Mr. WILKS.—It would not be wise to do it.

Sir WILLIAM LYNE.—Mr. Wise might want it.

Mr. WILKS.—That is what I wished to elicit.

Sir WILLIAM LYNE.—I do not think that there is any great hurry for passing the High Commissioner Bill, and I hope that, when the Conciliation and Arbitration Bill has been put through the House, the Seat of Government Bill will be proceeded with. As regards any other sites being considered. I am anxious that a portion of a site—not a new site—that was included in the last Bill should be considered.

Mr. WILKS.—I see what it is now.

Sir WILLIAM LYNE.—Honorable members will recollect that there was a section of land embodied by description in the Bill which was passed through the Chamber last year as part and parcel of one site which has not been seen. I asked the late Minister of Home Affairs to see it when he was in the neighbourhood, but it was not seen by him, nor was it seen by the then Prime Minister. I have been trying to get that particular part of that area seen, and I wish it to be seen by some, if not all, the members of the House. I presume, from what I heard this evening, that that is what is referred to mainly. If any honorable members will be kind enough to accompany me, I shall take them there at my own cost, if the Government will not pay the expense.

Mr. MCCAY.—What place is it?

Sir WILLIAM LYNE.—The Upper Murray. No more legitimate request could be made, but there seems to have been with some honorable members a determined antipathy to visit that part of the site. I am not going to submit to the matter remaining in that condition. If a better site were represented to be in existence than any of those which have been seen, it is a paltry thing to say that, because it has not been considered up to the present time, it must not be looked at. This question once settled will be settled for all time, so that it is too important to allow any particular site to be put aside by a wave of the hand. I do not advocate the inspection of any new site, but I advocate, and I am determined to have, the inspection of a site agreed to in this chamber.

Mr. CONROY.—Would the honorable member support the inspection of the Yass site?

Sir WILLIAM LYNE.—No; I think that Yass is not in it.

Mr. LONSDALE (New England).—I do not see why Armidale should not be inspected again if the whole matter is to be reopened. The site lies mid-way between Brisbane and Sydney.

Mr. G. B. EDWARDS.—I rise to order. I am aware that upon the motion for the adjournment of the House a very wide discussion is permitted, but are we not now anticipating the discussion of a Bill shortly to be brought before the House?

Mr. SPEAKER.—The questions which have been discussed are when the Bill referred to should be brought on, whether additional sites should be considered, and other similar questions. I have not heard, and I would not allow, any discussion of the Bill itself, or of any matter arising out of its provisions.

Mr. LONSDALE.—I do not blame the Ministry for the present position of the matter, nor would I ask them to drop the Arbitration Bill in order to take up the Seat of Government Bill. I think that the Arbitration Bill should first be got out of the way.

Mr. WILKS.—The honorable member would like to see it out of the way altogether.

Mr. LONSDALE.—Yes; but that, I think, is possible only by getting it through Committee. Then we can deal with the Seat of Government Bill. I think that it would, perhaps, be better to confine our consideration to the sites which have already been so often inspected. That the Capital should be in that State is a compact made with the people of New South Wales, a large number of whom believe that the people of Victoria will do all they can to prevent its fulfilment. I do not say that that opinion is justified, but the sooner the matter is dealt with the sooner it will be got rid of. The late Ministry say that they are not to blame for the delay that has occurred, but if they are not, I do not know who is. I hope that the Prime Minister will see that the Seat of Government Bill is brought in as soon as the Arbitration Bill has been dealt with.

Mr. WEBSTER (Gwydir).—I hope that the Prime Minister will not interpose the consideration of the Seat of Government Bill until the Arbitration Bill has been dealt with. Although I have not absolutely made up my mind with regard to any particular site, I think that if it is necessary to re-inspect any portion of a site considered by the last Parliament, an opportunity should be given

to inspect it. It will be in the interests of a speedy decision of the whole question that objections should not be raised to the inspection of any portion of any of the three sites which were, last session, considered to have a chance.

Mr. FULLER (Illawarra).—I do not blame the Ministry in connexion with this matter, because I think that the Prime Minister, and those associated with him, have shown the sincerity of their desire to settle it by the action which they have already taken. I believe that no one is more earnest in his desire to have it settled than the Prime Minister. But, as a representative of New South Wales, I cannot sit quiet while accusations are thrown at me and my fellow-representatives by the honorable member for Hume, who, as Minister of Home Affairs in the Barton Administration, was really responsible for the delay which occurred. For him to say that the representatives of New South Wales who sit on the opposition benches are responsible, is absolutely ridiculous.

Sir WILLIAM LYNE.—It is perfectly true.

Mr. FULLER.—Time after time we urged the Government then in power to secure the settlement of the question in the interests of Federation, but the honorable member was one who particularly desired that it should not be settled.

Sir WILLIAM LYNE.—That is not correct. The honorable member has no right to make such a statement. I was as anxious as any one to have it settled. I ask that he shall withdraw what he has said.

Mr. SPEAKER.—I do not consider the remark one to which I can take exception for its own sake. But, no doubt, if the honorable member for Hume considers it a reflection upon himself, the honorable and learned member for Illawarra will withdraw it.

Mr. FULLER.—I withdraw it if the honorable member for Hume objects to it, though I do not think it can be more objectionable to him than were his accusations to us. We did our best during the whole of last Parliament to urge the late Government to have the matter settled. But although it is three and a half years since the Federation was inaugurated, it is still unsettled. I may have gone beyond the bounds of courtesy in saying that he was not anxious for a settlement; but it is well known that he was in the awkward position of having to support two sites in his own constituency. He had two horses running,

and he got his friends in Albury to back the Albury site, and his friends in Tumut to back the Tumut site, while he himself voted for both. I resent what he has said about the action of the New South Wales representatives sitting in opposition, because his Government was solely responsible for the delay, and he was placed in the awkward position of having to try to please the people of two places in his electorate.

Sir WILLIAM LYNE.—At any rate, I did not shirk my responsibility.

Mr. DUGALD THOMSON (North Sydney).—Like others who are very ready to attack, the honorable member for Hume is exceedingly tender when he receives a thrust in return. So far from his statement that members of the Opposition delayed the settlement of the Capital sites question being correct, he should remember that when a similar statement was made last Parliament, it was found by measuring the columns of *Hansard* that the debates to which reference was made were contributed to as largely by the then Ministerial supporters as by the members of the Opposition. Further than that, his new proposal that another site should be examined is a reflection upon the Ministry of which he was a member, and upon himself as Minister of Home Affairs, because he never brought that site before Parliament.

Sir WILLIAM LYNE.—It was put in the Bill by Parliament. The honorable member's statement is not correct, and he knows it.

Mr. DUGALD THOMSON.—I shall not trouble to ask the honorable member to withdraw that remark, because I do not attach the slightest importance to his contradictions. That site was not included among those which were to be inspected, but was introduced by means of an amendment proposed by a Victorian representative.

Sir WILLIAM LYNE.—Hear, hear.

Mr. DUGALD THOMSON.—That was after the inspection had taken place.

Sir WILLIAM LYNE.—No, it was not.

Mr. DUGALD THOMSON.—The honorable member is wrong again. The amendment was moved when the discussion took place in the House, after the first inspection had been made.

Sir WILLIAM LYNE.—No inspection had taken place up to that time.

Mr. DUGALD THOMSON.—If the honorable member shows me that I am wrong, I shall publicly withdraw my statement. The fact that the site was not in-

cluded among those to be inspected in the first instance, was a reflection upon the Government, in which the honorable member for Hume held a portfolio. I do not blame the Government for the delay which has taken place, because we could not expect them to bring forward the Seat of Government Bill any sooner. It was the first measure dealt with in the Senate, and we have the Prime Minister's assurance that it shall be proceeded with immediately after the Bill now before us has been disposed of. I am not asking that it shall be interposed before the Arbitration Bill has been passed, but as the consideration of that measure will probably be completed by us within a week's time, and as the Prime Minister has promised to give us a week's notice before the Seat of Government Bill is dealt with, we should soon hear something about it. Certainly no other Bill should be interposed. I do not wish to say anything that would awaken the susceptibilities of the representatives of other States, but I would impress upon the Government that it is important to New South Wales and to the House that the matter should be settled. Any undue delay will certainly induce irritation, which would be a matter of regret to all honorable members who desire to see the Federal compact fairly and honestly carried out, and the work of the Parliament conducted as it should be.

Mr. WATSON (Bland—Treasurer).—I am glad that some honorable members recognise that no fault is to be found with the Government in respect of their treatment of this question. All the members of the Ministry are anxious that the Capital site question shall be pushed forward, not merely from the stand-point of New South Wales, but from that of all Australia. We believe that it is a national question; that we should, in the first place, keep faith with the people of New South Wales with regard to the terms of the Constitution, and, in the second place, remove the Parliament as soon as may be from any centre where Inter-State jealousies may be aroused, to the place which will be the home of the Federal Parliament for all time. I cannot trace the origin of the report alluded to by the honorable member for Eden-Monaro, with respect to another Bill being interposed before the Seat of Government Bill is dealt with. I have heard of no such suggestion, and have given utterance to no sentiment that would lead to such an impression. Whether or not the honorable member has

put forward his statement as a feeler I do not know. I am afraid that he is rather prone to that kind of thing. I can say definitely, as I have said before, that the next Bill to be considered after the Arbitration Bill has been dealt with, will be the measure relating to the Capital sites. As to the statement of the honorable and learned member for Werriwa, that only one day was occupied by the last Parliament in discussing the Seat of Government Bill, I can assure him that four days were thus spent. That would represent the sittings of the House for at least a week. Therefore, I hardly feel justified in consenting to the suggestion that the measure should be interposed during the discussion of the Arbitration Bill. It must be remembered that the Government came into office in connexion with the Arbitration Bill, and that we announced when putting our programme forward that that measure would first be dealt with by us, whilst the Senate were engaged upon the Seat of Government Bill. Therefore, I think that we are justified in asking the House to push forward the consideration of the Arbitration Bill, and in pointing out that the surest way to secure the early consideration of the Seat of Government Bill will be to assist the Government to a reasonable degree in disposing of the measure now before us.

Mr. MCWILLIAMS.—Then we should not have the Government amendments in time.

Mr. WATSON.—In connexion with that, I reserve to the Government the right to go on with the Seat of Government Bill if there is any necessity for a recommittal of the Arbitration Bill. Generally speaking, however, we intend to push on with the Arbitration Bill first, and to take the other measure next in order. That has been the attitude of the Government right through, and there is no intention to deviate from it in the slightest degree. As it is rather late, I shall take an opportunity to reply through the press to some obviously incorrect statements by the leader of the State Opposition in New South Wales with reference to the proposals of the Government regarding the area of the Capital site. I trust that the anxiety exhibited by honorable members of the Opposition this evening to push forward the Seat of Government Bill, will lead them to use all the influence they possess to prevent the passing of that measure being delayed by the discussion of abstract questions, which, according to the newspapers, are likely to be brought

forward during the next week or so. If that anxiety is real, honorable members should assist us to push on with the actual business, and so allow of an early settlement of the Capital sites question.

Mr. CONROY.—Cannot the Prime Minister fix a date for the consideration of the Seat of Government Bill?

Mr. WATSON.—I cannot fix a date, for the reason that we have not arrived at such a stage with the other measure as would allow of that being done. I see no reason to anticipate that we shall finish the Arbitration Bill during this week. Probably we shall not conclude next week. If we could dispose of it during the current week I should be all the more pleased; but two or three matters of principle, regarding which there is a legitimate difference of opinion, have still to be discussed, and we cannot expect honorable members to forego their right to debate.

Sir WILLIAM LYNE.—Will the Prime Minister give us a week's notice if he possibly can?

Mr. WATSON.—Yes. That would be a proper thing, and I have already promised to do it. It is the intention of the Government to push on with the Bill at the first opportunity, and that opportunity will be presented when the Arbitration Bill is out of the way.

Question resolved in the affirmative.

House adjourned at 11.20 p.m.

## House of Representatives.

Wednesday, 15 June, 1904.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

### ELECTORAL ACT ADMINISTRATION COMMITTEE.

Motion (by Mr. MCLEAN) agreed to—

That the time for bringing up the report of the Select Committee on Electoral Act Administration be extended to Tuesday, 19th July proximo.

### LEAVE OF ABSENCE.

Motion (by Mr. SYDNEY SMITH) agreed to—

That leave of absence for one month be granted to the honorable member for Parramatta, on account of illness.

## TELEPHONIC COMMUNICATION.

Mr. JOHNSON.—I wish to ask the Postmaster-General, without notice, if he has considered the question of providing greater facilities for telephonic communication between Sydney and the populous suburban areas lying immediately beyond the present radius within which city and suburban rates are charged. He will remember that I asked him a question on this subject on the 19th May last. If any reports have been received, will he lay them upon the table of the House?

Mr. MAHON.—I have obtained a report from the departmental officers as to the advisability of extending the privilege of city and suburban rates for telephonic communication beyond the existing radius. The report is that the present radius includes all existing exchanges, or those likely to be established, which can in any sense be regarded as suburban, and that there is no reason for further extending the distance for free junction lines.

## EMPLOYMENT OF JAPANESE.

Mr. BAMFORD.—I wish to know from the Minister of External Affairs if he is aware that it is asserted that many of the Japanese who are indented ostensibly as divers and tenders by certain companies engaged in the pearl-fishing industry of Torres Straits, are really ship's carpenters and sail-makers, and are employed as such by the companies referred to. Will he make inquiries as to the truth or otherwise of the assertion, and if it be proved to be true, will he take the necessary steps to prevent what is a contravention of paragraph a of section 3 of the Immigration Restriction Act?

Mr. HUGHES.—I am not aware of the facts in this case, but I shall cause inquiries to be made, and if the honorable member will give notice of his question, I shall endeavour to answer it to-morrow.

## SUBLETTING OF MAIL CONTRACTS.

Mr. POYNTON.—I wish to know from the Postmaster-General if he will place upon the table of the House the whole of the papers in connexion with the alleged subletting of mail contracts, and especially those dealing with the case of Vines and Levison, to which reference has been made on more than one occasion.

Mr. MAHON.—I am willing to allow the papers to be placed upon the Library table, so that honorable members may

peruse them, but, as they are rather bulky, and it would cost a considerable sum to have them copied, I prefer not to lay them upon the table of the House. If the arrangement I suggest will suit the honorable member it can be carried out at once.

## REVENUE FROM CABLEGRAMS.

Sir JOHN FORREST asked the Postmaster-General, *upon notice*—

1. Whether the existing order, that all cablegrams not specially marked "*via Eastern*" are to be sent by the Pacific Cable, affects adversely the revenues of South Australia, Western Australia, and Tasmania, and benefits the revenues of New South Wales, Victoria, and Queensland?

2. If so, to what extent in each case from date of order to 30th April last?

3. Whether the South Australian revenue loses on every message sent by Pacific Cable an amount ranging from 1½d. to 3½d. per word?

Mr. MAHON.—Replies will be given as soon as the necessary information, which has been asked for by telegraph, can be obtained.

## CASE OF NORWEGIAN SAILORS.

Mr. HUME COOK asked the Minister of External Affairs, *upon notice*—

Whether he is prepared to make a statement to the House respecting the case of the Norwegian sailors who, it is alleged, were induced to leave their ship by threats of violence or other pressure from trades unionists in New South Wales?

Mr. HUGHES.—I have here a lengthy memorandum upon the subject, which, I think, furnishes the information for which the honorable member asks. It is as follows:—

On the 4th May a letter was received from the secretary of the Federated Seamen's Union of Australasia to the effect that the *Inger*, a Norwegian steamer, had left Melbourne on the previous day, leaving thirteen of her crew stranded ashore in Sydney without means of any sort, even their clothing having been taken away.

Mr. Cameron referred me to paragraph b of section 3 of the Immigration Restriction Act. He said that the crew had asked for the rates ruling in the Commonwealth, but were refused, although their vessel was chartered by the Pacific Island Company to trade to Ocean Islands and back, in which trade Australian rates had been paid with one or two exceptions. That communication was referred to the Collector of Customs, Sydney, for report. It was ascertained that as there were no coloured members of the crew, no action was taken under paragraph b of section 3 of the Act to hold a muster. The officer further reported having informed the Norwegian Consul, who made a statement to the effect that he had been requested by the master to visit the ship, as a portion of the crew refused to work. Mr. Paus had done so, and had ascertained that the men wanted to be signed off, and on again at increased wages. The Consul interviewed two of the men, who

stated that they had been advised by the Seamen's Union not to go at the wages they were receiving, but to insist upon coastal rates, and that if they did so the union would stick to them.

The Consul pointed out to the men that they were breaking the law, that no complaint had been laid before him officially by them, and stating that, in his opinion, they were receiving very good pay, and were not engaged in the coasting trade.

The officer stated that he ascertained from the charterers that when the vessel was leaving the wharf, at about 6 p.m., the men deserted the ship, the captain took the vessel into the stream, picked up a sufficient crew, and sailed.

On the 7th May, the secretary of the Seamen's Union was informed that, as the practice of the Government hitherto had been to construe the Act so that it did not operate against white sailors, the Minister felt that he should not take such a serious departure as would be involved by applying the Act to these seamen without previous consultation with his colleagues. At the same time, any further particulars obtainable were asked for. In acknowledging that communication on the 10th May, the secretary of the union stated that the *Inger* had arrived in Sydney under charter to the Pacific Island Company, carrying on business for the express purpose of trading on the Australian coast and to the Pacific Islands. The crew, having ascertained the rate of wages payable in the Commonwealth, asked for an increase, which was declined. The master then put thirteen of the crew on the wharf, and proceeded to sea. On his (the secretary's) advice, the men, who were unable to speak English, were removed to the Sailors' Home, where they are staying, and are entirely dependent on charity. The captain dumped the men on to the wharf, and steamed away in their presence, notwithstanding the appeals of the men left behind.

On the 25th May the Collector of Customs, Sydney, was asked to make inquiries as to the condition of the men, and to report whether they were still at the Seamen's Home, and if so, whether they were destitute; also as to whether they had any prospects of employment, and whether they were regarded as likely to become a charge on the public. If the men were still at the Seamen's Home, and had no prospect of employment, the Norwegian Consul was to be informed, and asked whether he would make arrangements for their being sent back to Norway.

The Collector of Customs telegraphed on the following day that the men were still at the Sailors' Home, that they had no money, nor any clothes, other than those they were wearing. They did not appear to have sought employment, as they believed that they would be able to rejoin their vessel on her return. No payment was being made to the Sailors' Home for their keep, but the Superintendent states that they were taken there by the Secretary of the Seamen's Union, whom he holds responsible for their maintenance. The men were described as clean, strong, and healthy-looking, but most of them speak English more or less imperfectly. It was difficult to express any opinion as to their prospects of employment. It was doubtful whether they are the class of men likely to become a charge on the public. The Norwegian Consul had been seen, and he had stated that the men left their ship under very exceptional circumstances, and that he does not propose taking

any action in regard to them, except with the knowledge and direction of his Government. All the circumstances had been reported to Norway, and he was awaiting instructions.

On the 27th May the Pacific Island Company was advised that the circumstances in connexion with the case had been brought under the notice of this Department, and were asked to furnish particulars of the articles on which the men were engaged, and to state whether there was any understanding that they should receive increased wages when the vessel sailed from Sydney. On the same day the Norwegian Consul was communicated with, and asked what he proposed to do in regard to the men.

On the 30th May the Pacific Island Company acknowledged my letter, and stated that the *Inger* was under charter to Messrs. Crosbie and Co., of Melbourne, and not to the Company, though Messrs. Crosbie and Co. were arranging to carry a cargo of phosphate for them. It was understood that the men left behind were induced to break their contract, and leave the vessel, by members of the Sydney Seamen's Union. The men had signed on the articles to serve for a period of two years, and there was no understanding or agreement for any increase of wages. The demand for an increase of wages was made on the suggestion of the union, on the ground that the vessel was to trade on the Australian coast, but the company pointed out, as the vessel was to have sailed, and actually did sail, from Sydney to Ocean Island, and will return direct from the island to Melbourne, there could be no question of trading on the Australian coast.

The Norwegian Consul replied on the 31st May, stating that a number of the men had explained to him that it was at the instigation and on the advice of the representatives or delegates of the Seamen's Union that they had left their vessel, and that the delegates had promised to look after them and make the necessary arrangements for them. It was understood that, in accordance with the promise referred to, the union had arranged for board and lodging for the men at the Sailors' Home; thus, it would appear that the men were really not suffering any distress. The majority had since made a similar explanation, stating that their only reason for leaving the vessel was because the delegates from the union not only encouraged them to do so, but even made threats of personal violence in connexion with the matter.

A letter was written to the Secretary of the union, on the 2nd June, inquiring—

1. Whether it is a fact that the men were incited to break their contract by the Seamen's Union;

2. Whether delegates from the Seamen's Union not only encouraged the men to leave the vessel, but even made threats of personal violence in connexion with the matter; and

3. Whether delegates from the Seamen's Union promised to look after the men, and make the necessary arrangements for them.

A reply was received from the secretary of the union on the 6th June, stating that no inducement was held out by the representatives of the union for the men to leave their ship. On the contrary, some of the crew called at his office, and were advised by him to go on board, and under no circumstances to come ashore. The statement that personal violence was threatened is incorrect, as, so



far as can be gathered, no threats of any sort were made. He was not aware of any promise having been made by any one; but when the vessel had left the wharf and the men were left stranded, he personally had them sent to the Sailors' Home as indigent seamen, until such time as he could communicate with the Department of External Affairs.

#### FEDERAL EXPORT COMMISSION.

Mr. GROOM (for Mr. ISAACS) asked the Prime Minister, *upon notice*—

Whether, in view of the Australian importance of the questions now being inquired into by the Victorian Royal Butter Commission and cognate questions, he will take steps—

1. To constitute that Commission, or some other body, a Royal Commission under Federal law?
2. To provide that its scope and, if necessary, its composition shall be sufficiently extensive to deal with all Australian produce exported through the instrumentality of agents?
3. To guard and protect the interests of Australian producers who have to export and dispose of their produce by means of agents either in other States of Australia or abroad?

Mr. WATSON.—The answers to the honorable and learned member's questions are as follow—

1. I have been asked by the Premier of Victoria to constitute the Victorian Commission a Royal Commission under the Federal law, in order to overcome difficulties that have presented themselves as to insistence on the production of documents, some of which are in New South Wales, and have agreed to do so on the understanding that Victoria will continue to bear the expense of the Commission.
2. As to enlarging its scope and composition, I do not feel prepared to do that at the present time, as I think it would be better to wait until we see the outcome of the present Commission's inquiries.
3. I quite appreciate the importance of the inquiry as affecting the interests of Australian butter producers generally, and am prepared to take further action should the necessity subsequently be shown.

#### WOOLLOONGABBA POST OFFICE.

Mr. R. EDWARDS asked the Minister of Home Affairs, *upon notice*—

1. Why has he withdrawn the tenders for the construction of a new Post and Telegraph Office at Woolloongabba, Queensland?
2. Was he aware that a site for this post-office was purchased by the late Government, and that the sum of £3,500 was voted by Parliament for its construction in 1902 and 1903?
3. Will the Minister inform the House if the Government intend to place a similar amount on the Estimates for the coming financial year, so that the House may be afforded another opportunity of deciding whether this work shall be carried out or not?

Mr. BATCHELOR.—The answers to the honorable member's questions are as follow:—

1. In view of a report that the present premises, with slight alteration, are sufficient to afford ample accommodation for some time to come.
2. Yes.
3. As at present advised, no.

#### CONCILIATION AND ARBITRATION BILL.

*In Committee* (Consideration resumed from 14th June, *vide* page 2305):

Clause 32 agreed to.

Clause 33—

If an agreement between the parties is arrived at, a memorandum of its terms shall be made in writing and certified by the President, and the memorandum when so certified shall be filed in the office of the Registrar, and unless otherwise ordered and subject as may be directed by the Court shall have the same effect as, and shall be deemed to be, an award. . . .

Mr. GLYNN (Angas).—Under this clause, if the parties to a dispute come to an agreement among themselves, it is declared that the agreement shall have the effect of an award. In other words, the common rule may be made to apply, and parties who are not concerned in the original dispute may be bound by the agreement.

Mr. WATSON.—I do not think so.

Mr. GLYNN.—There is no limitation of the effect of the agreement.

Mr. WATSON.—An award does not involve the application of the common rule unless the Court so directs. An agreement could not contain any provision for the application of the common rule.

Mr. GLYNN.—That may be so; but under the terms of the Bill an agreement arrived at between the parties to a dispute is to have the same effect as an award. A dispute might be brought about through collusion between an employer and his employés, and, after an agreement had been arrived at, the Court might extend its application to every person engaged in the industry. Surely this would be giving too wide an effect to a mere agreement between the parties to a dispute. No provision is made by which parties other than those immediately concerned in the dispute may be heard by the Court with regard to the terms of the agreement. I know that the Prime Minister has stated that some qualifying conditions in regard to the application of the common rule are to be introduced, but at present there is nothing in the Bill that would have the effect of limiting the application of an agreement. I

would suggest that the clause should be amended in order to limit the application of the agreement to the parties immediately concerned.

Mr. WATSON.—That is the position now.

Mr. GLYNN.—Then there would be no harm in making the provision more explicit. I move—

That after the word "shall," line 7, the following words be inserted, "as between the parties to the dispute," and that the word "shall," second occurring, line 7, be omitted.

Mr. WATSON.—I would point out that the dispute referred to in this case is not such a one as would come within the cognisance of the Court after the parties had failed to arrive at an agreement.

Mr. GLYNN.—But there are two classes of agreement under the Bill. There are industrial agreements which are not preceded by a dispute, and agreements which are arrived at during the course of a dispute. In the latter case the parties to a dispute would be able to settle the terms of the award, and to prescribe the conditions of employment for all persons engaged in the industry. An employer might, in order to gain an advantage over a competitor, precipitate a dispute, and arrive at an agreement which would ultimately result in the application of the common rule. If we do not wish the provision to have such a wide effect, it is for us to limit its application.

Mr. WATSON.—I think the amendment is quite unnecessary.

Mr. GLYNN.—It will only have the effect of making the provision more explicit. It should be our desire to avoid possible litigation, and as the Prime Minister appears disposed to take a reasonable view, I would urge him to accept the amendment.

Mr. WATSON (Bland—Treasurer).—In relation to the agreements referred to in the clause, I do not think it would be wise to accept the amendment. The case contemplated here is one in which the President has inquired into a dispute, and the parties have come to an agreement at a stage earlier than they would have done if they had depended upon the decision of the Court. In such case, the Court might very properly consider whether parties other than those engaged in the dispute should not be brought under the terms of the agreement. After the agreement had been made an award, it might be considered desirable to give notice to other parties to appear to show cause why the terms of the award should not be extended to them under the

provisions of clause 46. I think that it would be well for the honorable and learned member to afford me an opportunity to consult the Attorney-General.

Mr. GLYNN.—The amendment might be inserted, and the clause afterwards recommitted, if necessary.

Mr. WATSON.—I shall consent to the amendment on that understanding.

Amendments agreed to.

Clause, as amended, agreed to.

Clause 34—

In the hearing and determination of every industrial dispute the Court shall act according to equity, good conscience, and the substantial merits of the case, without regard to technicalities or legal forms, and shall not be bound by any rules of evidence, but may inform its mind on any matter in such manner as it thinks just.

Mr. CONROY (Werriwa).—I should like to know what is meant by the provision that the Court shall act according to equity, good conscience, and the substantial merits of the case. I was under the impression that every Court was guided by these principles in arriving at its decisions. What is the use of inserting a provision directing the Court to follow the principles which it might naturally be expected to observe?

Mr. WATSON.—The clause is an indication to the Court that it is not necessarily to be bound by legal forms.

Mr. GROOM.—And that it is also to dispense with the rules of evidence.

Mr. CONROY.—If we are to have a law, it should be certain in its effects. There is nothing so bad as uncertainty. If a particular rule required amendment, the Court would have the power to make the necessary change. Provisions of this kind have led to more difficulties than they have ever prevented. The intention has, no doubt, been good, but the results have been almost wholly bad—so bad that all good draftsmen absolutely decline to insert such provisions. I appeal to the Prime Minister to say whether he thinks this clause is necessary.

Mr. WATSON.—I do.

Mr. CONROY.—It is infinitely better for the people to have a bad but certain law, than a good but uncertain enactment. If the law is bad, and the public are certain with regard to the decisions under it, they will, as far as possible, avoid appealing to it.

Mr. HUGHES.—This Court will not be bound by its own decisions. I suppose that the honorable and learned member is aware of that?

Mr. CONROY.—Evidently it is expected to give judgments of an extraordinary and conflicting nature. Therefore it is not a Court in which we can have very much confidence.

Mr. HUGHES.—The House of Lords is not bound by its own decisions.

Mr. CONROY.—But the House of Lords consistently endeavours to make the law as settled as possible. Whenever that body does effect an alteration in the law, it does so only after the most serious consideration has been devoted to the matter.

Mr. KNOX (Kooyong).—I trust that the honorable and learned member for Werriwa will not press his objection. To my mind, no reasonable opposition can be urged against the inclusion in this Bill of a provision declaring that industrial disputes shall be decided upon their substantial merits, and without regard to legal technicalities.

Mr. McWILLIAMS (Franklin).—I desire to congratulate the Government upon the insertion of this clause, and I should like to see a similar provision operative in regard to all our litigation. In my capacity as a journalist I have frequently had occasion to observe the absurd way in which our States Courts have rejected important evidence by reason of some legal technicality, instead of deciding the cases upon their just merits. I hold that the tribunal which it is proposed to establish should decide all industrial disputes which come within its cognisance as between man and man. I claim, therefore, that the provision should be retained.

Clause agreed to.

Clause 35—

Any organization interested in the matter of an industrial dispute of which the Court has cognisance, shall be entitled to be represented before the Court on the hearing and determination of the dispute, and if so represented shall be deemed a party to the dispute.

Mr. WATSON.—I move—

That the words "interested in the matter of an industrial dispute of which the Court has cognisance, shall be entitled to be," lines 1 to 3, be left out; and that the words "the dispute, and if so represented," line 5, be left out, with a view to insert in lieu thereof the words "an industrial dispute."

I would point out to honorable members that in clause 72 machinery is provided by means of which any organization is entitled to secure representation before the Court. There is no necessity to repeat in this clause the words "interested in the matter of an industrial dispute." Consequently we propose to omit them with a view to providing

that organizations which are represented before the Court on the determination of any dispute shall be deemed parties to such dispute.

Mr. BAMFORD (Herbert).—The Prime Minister has omitted to explain who is to represent the industrial organizations to which he has referred. The Bill, I understand, contains a provision which prohibits the employment of counsel.

Mr. WATSON.—We propose to insert a new clause dealing with that matter to follow clause 35.

Amendments agreed to.

Clause, as amended, agreed to.

Clause 36—

The award shall be framed in such a manner as to best express the decision of the Court, and to avoid unnecessary technicality, and shall continue in force, subject to any variation, until a new award has been made; or, if so decided by the Court, for any term not exceeding five years from the making thereof.

Mr. WATSON.—I desire to alter the form of this clause, with a view to making its provisions clear. The amendment which I shall submit is largely one of draftsmanship. I move—

That after the word "shall," line 3, the words "subject to any variation ordered by the Court," be inserted.

Mr. GROOM (Darling Downs).—I should like to ascertain from the Prime Minister the exact effect of this proposal. Is the idea underlying it a desire to preserve to the Court the right to vary an award from time to time?

Mr. WATSON.—I shall give a case in point if the honorable and learned member will permit me.

Mr. GROOM.—The words "subject to any variation ordered by the Court" might mean some technical alteration. They might also involve a matter of some substance.

Mr. WATSON.—Quite so.

Mr. GROOM.—I do not think it is desirable that there should be excessive litigation after an award has been made. The object of this measure is to permit of investigation of disputes, and our hope is that, after an investigation has been made, there will be a settlement of the difficulty for a certain fixed period. At the same time, I recognise that new conditions of trade might arise from time to time, necessitating periodic alterations being made, in the interests of both employers and employes. I do not wish to draw a hard and fast line, but I should like the Prime Minister to explain what would be the exact effect of this amendment?

Mr. WATSON.—The suggestion made by the honorable and learned member for Darling Downs as to the possibility of variations of trade conditions, constitutes the reason why, in our opinion, the Court should retain power to vary its awards. In many trades, conditions have been revolutionized by the introduction of new machinery. For example, it was only recently that a lasting machine was introduced in the boot trade. If, at the time of its introduction, an award had been in existence in regard to the whole of the boot manufacturers, they might have been compelled to pay some of the men working these machines outrageously high wages as compared with what would be reasonable in view of the quantity of work to be turned out. Nearly all the work done in the boot trade is paid according to a log, in which the piece-work rates are fixed. The introduction of improved machinery might give rise to altered conditions in many industries, and I do not think that it would be wise to compel the Court to maintain an award, when experience had shown that after a very short time it was susceptible of alteration.

Mr. EWING.—Under this provision we should have only tentative awards.

Mr. WATSON.—To the extent indicated; but the Court would not vary an award arrived at after careful investigation, without good cause. It would be some such change as I have indicated that would necessitate an alteration.

Mr. DEAKIN (Ballarat).—I would point out to the Committee that there is a safeguard. The power to vary awards is conferred on the Court by paragraph *o* of clause 46, and at the end of clause 47 honorable members will find the condition of its exercise. It is provided that—

no order or award shall be varied, and no submission shall be re-opened except on the application of an organization or person affected or aggrieved by the order or award.

This clause has only a preliminary reference.

Mr. McCAY.—The provision just quoted is no limitation.

Mr. DEAKIN.—Let me deal first of all with the question of drafting. If the Prime Minister omitted the words in a previous clause with reference to any organization "interested in the matter," because provision was subsequently made in reference to it, he ought, as a matter of drafting, to omit the words in clause 36, "subject to any variation," because the

power to make a variation is given thereafter. That is, however, a matter of indifference to me. The bare power to vary an award is given in paragraph *o* of clause 46, and in the next clause we have the provision which, in the opinion of the honorable and learned member for Corinella, is really no limitation. In general the Court has authority to exercise any of its powers on its own motion, but here is a limitation in regard to the variation of awards. The Court must be moved in these cases by some organization or person "affected or aggrieved."

Mr. McCAY.—If they are affected.

Mr. DEAKIN.—If they are affected or aggrieved. The limitations are certainly not numerous or severe, but in this matter the Court cannot act on its own motion. Action must be taken by a person affected or aggrieved.

Mr. GROOM.—This would give the right to a party affected by a common rule.

Mr. DEAKIN.—It would do so.

Mr. McCAY (Corinella).—I confess that I cannot follow the contention of the honorable and learned member for Ballarat that this power is limited. So far as I understand the provision, the power is limited in this way: that no one except those who originally might have been affected by the award may ask to have it varied. That is not a limitation in substance, although it may be in form. There is the limitation that perhaps the Court itself cannot exercise this power, but that is just such a limitation as I would not impose if I had to make a selection.

Mr. WATSON.—The honorable and learned member will see that the Court has power to act under paragraph *o* of clause 46.

AN HONORABLE MEMBER.—Would the Court know of the altered conditions unless some one took action?

Mr. McCAY.—The theory of this Bill is that the Court is omniscient.

Mr. WATSON.—We have to assume that to give it an independent power

Mr. McCAY.—Quite so.

Mr. McWILLIAMS.—Unless application were made, the Court would not be aware of the varying conditions.

Mr. McCAY.—It is assumed that it will be cognisant of so many other matters that it might possibly become aware of these variations without application being made to it. Clause 47 provides that no order or

award shall be made "except on the application" of an organization or person affected. I presume that means a compliance with formalities, or, in other words, that the Court will not become informed of the necessity for a variation of an award in the informal way in which it will be able to inform itself in regard to every other matter.

Mr. EWING.—Any one affected by the award might take action.

Mr. McCAY.—Any one that the award might possibly reach. As the result of this provision there would be no finality, not even in regard to its smallest detail, associated with any award.

Mr. EWING.—Does the honorable and learned member see any way out of the difficulty?

Mr. McCAY.—That is another matter. I am not responsible for the drafting of the Bill. I consider that the limitation should be somewhat more stringent than the alleged limitation which now exists in the Bill.

Mr. DEAKIN.—The honorable and learned member will have ample opportunity to frame one before we reach clause 47.

Mr. McCAY.—I do not accept responsibility for drafting, except in regard to a Bill which is in my charge. In my opinion, this provision will open the way for persons to continually raise certain questions, and leave disputes practically unsettled. It certainly could be made most fertile in the continuance of disputes by any party who was not satisfied with a decision of the Court. It is a kind of general commission to an unsuccessful litigant to continue litigation. That would not be a desirable state of affairs in connexion with even an Arbitration Court.

Mr. McWILLIAMS (Franklin).—I recognise that, as the result of the introduction of improved machinery in any trade affected by a decision of the Court, an award which to-day would be quite proper and just, might be two or three years hence positively absurd. The whole of the conditions of the trade might be altered by the introduction of machinery, or by increased competition, or the introduction of some other new element; but I think that an award should not be varied unless the circumstances attending the making of it had also altered. If an award were made, it should not be possible for any one to apply three, six, or twelve months afterwards to have it varied.

Mr. WATSON.—We are aiming, as far as possible, at the fixity of conditions. That is one of the purposes of the Bill.

Mr. McWILLIAMS.—I think that before application to vary an award could be made, the onus of proving that the conditions of the trade affected had changed since the making of the award, should be thrown on the applicants. That would be a sufficient safeguard. I agree with the honorable and learned member for Corirella that if it is to be possible for applications to be made at any time to vary an order, there will be no fixity of award, and that this Bill, instead of aiding the settlement of trade differences, will give rise to continuous disputes.

Mr. KELLY (Wentworth).—I should like to know exactly why the period of five years is mentioned. Looking to the amendment in the form of sub-clause 2 I find that it states that—

After the expiration of the period so specified, the award shall, unless the Court otherwise orders, continue in force until a new award has been made.

In view of that, I take it that there is no necessity for an express period to be named.

Mr. WATSON.—We do not wish to have too long a period fixed, and we, therefore, say "not exceeding five years." The term of five years is, of course, purely arbitrary, but as it is used here discretion is left to the Court. The intention is that there shall be a periodic inquiry at reasonably short intervals. We consider five years a reasonable term, but under the amendment, as proposed, the Court will have power to fix a shorter period. I do not think it would be wise to allow the Court to fix, for instance, a period of ten, fifteen, or twenty years.

Mr. KELLY (Wentworth).—I agree with the Prime Minister as to the necessity of preventing very long periods being fixed, but I suggest, in view of the proposed sub-clause, that it would be better to cut down the proposed period.

Mr. WATSON.—The Court can fix a shorter period.

Mr. DEAKIN.—Five years is given as a maximum period. The Court may make the period less if they wish.

Amendment agreed to.

Amendments (by Mr. WATSON) agreed to—

That after the word "force," line 4, the following words be inserted, "for a period to be specified in the award not exceeding five years from the date of the award."

2. After the expiration of the period so specified, the award shall, unless the Court otherwise orders, continue in force until a new award has been made."

That the words "until a new award has been made; or if so decided by the Court, for any term not exceeding five years from the making thereof," lines 4 to 7, be left out.

Mr. CROUCH (Corio).—I think that it is necessary that we should conclude with the words "from the date of the award or such variation." However much parties may desire a variation of an award, it is hardly likely that they will go to the Court to secure it six months or three months from the end of the term during which it will apply. I think that we should provide that the Court, upon considering a variation, should have the same power to extend the time during which the varied award shall apply as they have to provide a time during which the original award shall apply.

Mr. WATSON.—I believe that sub-clause 2, just carried at my instance, meets the difficulty raised by the honorable and learned member; but I shall look into the matter, and, if necessary, will recommit the clause.

Clause, as amended, agreed to.

Clause 37—

The award of the Court shall be binding on—

- (a) all parties to the industrial dispute who are represented before the Court;
- (b) all parties who have been summoned to appear before the Court as parties to the dispute, whether they have appeared in answer to the summons or not, unless the Court is of opinion that they were improperly summoned before it as parties;
- (c) all organizations and persons on whom the award is declared by the Court to be binding; and
- (d) all members of organizations bound by the award.

Amendment (by Mr. WATSON) agreed to—

That after the word "who," line 2, the words "appear or," be inserted.

Mr. WATSON.—I propose now to move that after the word "binding," line 13, we should insert the words "as a common rule."

Mr. GLYNN (Angas).—I have an amendment to propose before that. This clause raises the whole question of the common rule.

Mr. DEAKIN.—We will take the Prime Minister's amendment first.

Mr. WATSON.—Without my amendment it does not raise the question.

Mr. GLYNN.—I have no wish to interfere with what I consider to be the necessary structure of the Bill. I wish to make a departure in principle, but I do not desire at the same time to sacrifice other parts of

the measure which may be essential to its proper working. I think that in this clause the retention of the words "organizations and persons" may be necessary. If honorable members will look at the paragraphs they will find that an award is declared to be binding, under paragraph *a*, upon all parties represented; then, under paragraph *b*, upon all parties who have an opportunity of being represented, and do not turn up. That is right enough; but we find that under paragraph *c* an award is to be binding upon—

all organizations and persons on whom it is declared by the Court to be binding.

Mr. WATSON.—The Court, or some authority, must say which of the parties represented are to be bound by an award, even though it is not made a common rule.

Mr. GLYNN.—I am aware of that; but I think that in paragraph *c* it is proposed to go beyond reasonable limits. In declaring that all organizations are to be bound we go further than is necessary, because we bind all organizations, whether they are parties to the dispute or not, no matter in what part of Australia they are, and no matter how far from the centre of dispute, and also all persons, no matter how alien to the dispute. I wish to amend paragraph *c* so that it shall apply to all organizations who ought to be bound by an award, and to parties to the dispute.

Mr. DEAKIN.—Then the honorable and learned member does not propose to move the amendment of which he has given notice?

Mr. GLYNN.—I do not desire to interfere with the clause any more than is necessary to affirm my principle. I can see that the Government will ask for the retention of some words necessary to bind organizations, the members of which, we all admit, should be bound, and should come within the scope of the award. In lieu, therefore, of my proposal to strike out the whole of paragraph *c*, I propose to move that after the word "organizations" the words "in respect to which," and then after the word "persons" to insert the words "in respect to whom the industrial dispute has arisen." The paragraph would then read—

(c) all organizations in respect to which, and persons in respect to whom the industrial dispute has arisen.

If I move first of all the insertion of the words "in respect to which" after the word "organizations," that amendment can be taken as a test. I know it is very difficult, on the spur of the

moment, to draft an amendment which will cover exactly what one desires to affirm. I wish to affirm the principle first, and if necessary, afterwards, the clause may be put into any shape which the Government may think necessary to carry out the principle.

Mr. HIGGINS.—The honorable and learned member desires that the award shall affect the original parties only?

Mr. GLYNN.—Yes; I desire that the award shall affect the organization, and all persons in the employment—as well as the members of the organization whether employers or employes, all other persons in respect to whom the dispute has actually arisen.

Mr. HIGGINS.—Looking for the moment at the other side, the honorable and learned member desires to prevent any award ever applying to people other than the original parties?

Mr. GLYNN.—Yes; that would be the effect of my proposed amendment; but I would not use the word “parties.” I wish to limit the application of the award to the members of the organization and to persons in the same employment as the members of the organization. So that if a dispute arose, for instance, at Broken Hill, and an award were made, it should be binding upon the organization at Broken Hill, and upon all employes in the same mine.

Mr. GROOM.—Employes throughout Australia?

Mr. GLYNN.—No, I do not desire that. This Bill gives the Court power to bind every one in the same industry. As was shown by several honorable members yesterday—the good sense of whose remarks I recognise by limiting the amendment I had intended to move—a very wide field is covered by the word “industry,” and people would under the clause be bound throughout Australia, if engaged in the same industry.

Mr. GROOM.—The award must extend to two States.

Mr. GLYNN.—No doubt, that is the very basis of the whole Bill. That shows the limitation of the Bill itself, and it shows that our jurisdiction by this Bill is limited. Surely we are not going to allow the Court to bind persons engaged in a particular industry throughout the length and breadth of Australia although they may have no connexion whatever with the particular manufactory in which a dispute has arisen. It is a very big question if a dispute arising in New South Wales is to result in the

fixing of an award applicable to a particular industry throughout Australia. It is a tremendous thing to say that in that dispute the Court should decide what are to be uniform rates of wages and hours of labour throughout Australia. But that is what the Bill provides, subject to an amendment of which the Government has given notice, to the effect that persons outside the dispute—not outside the organization affected—are not to be bound unless they have been summoned to appear.

Mr. WATSON.—What I suggested was that we should give those whom it was proposed to bring under the common rule ample notice.

Mr. GLYNN.—That is the same thing as I have stated.

Mr. WATSON.—But I prefer to have my express language used.

Mr. GLYNN.—I do not care a fig about the language, so long as I get the result. The position is this: The Government wish to impose a limitation upon the application of the common rule, so as not to compel a person to be bound by it unless he has been notified. We find that in New South Wales there is a congestion of business in the Arbitration Court. Recent references made by some of the Judges indicate that the Courts are congested. Mr. Justice Cohen said that the Court was about fifteen months in arrears with its work. If the limitation proposed by the Government is put in, opportunities will be given to outsiders to come in, and we shall multiply by seven or eight the number of disputes that will come before the Court. It will be much fairer at the beginning to confine the operations of the Court as regards wages to the employers or manufacturers in respect of whom the dispute has arisen. The case of the Sugar Refining Company has already been mentioned. I believe that the facts are as I have given them—that about 3,000 persons would have been bound by an award obtained on the initiative of about 100 persons. To make a decision of that sort a common rule, operative so as to bring about uniform wages and hours of employment throughout Australia, would be a great mistake. It would be almost guaranteeing the failure, through its excessive character, of this measure from its very inception. I would ask honorable members who are inclined to take a moderate view of this matter, to come to a fair compromise at the beginning. We shall see how this Bill operates in regard to particular employments, and if it proves fairly successful, we

can extend its scope. Already the honorable member for Melbourne Ports has given notice of a motion in favour of an amendment of the Constitution, so as to extend the powers of the Commonwealth with respect to industrial legislation. We may, therefore, by other means, if the people of Australia recognise that it should be done, bring about uniform rates of wages and hours of labour throughout Australia.

Mr. CARPENTER.—Not uniform rates of wages throughout Australia.

Mr. GLYNN.—Uniform legislation really means everything of that kind. Factory legislation in Victoria prescribes the rates for piece work, and rates of wages by the week and by the day, and also the number of hours to be worked. In an application of legislation of that kind to the Federation, the same results may follow. I am not attempting to forejudge upon that point. It may be the correct method of applying the principle which is contained in this Bill, to make the conditions of employment uniform throughout Australia. But before we do that we should get the authority of the electors of Australia on the point, expressed in a constitutional way, by the Federal Parliament passing the necessary amendment of the Constitution, and permitting the people to speak through their constitutional methods—through the States as States, and through the people of the Commonwealth as a people. That is the prescribed method of amending the Constitution. But before that is done we really should not by what seems to be a subterfuge, endeavour to bring about uniform rates of wages, and conditions of employment throughout the length and breadth of Australia, or delegate that power to a tribunal which we establish. Because that is what it amounts to. We are not framing a law under which we as a Parliament prescribe the conditions and limitations of uniform employment throughout Australia, but we are asking the Court to take an authority which we may possess. That is worse than would be the exercise of parliamentary power to bring about a uniform law; because we could impose some limitation on the uniform conditions. But when we leave it to a Court, we leave it to the *ipsi dixit* of a Judge with two laymen to determine under what conditions the uniform legislation is to be applied. What I ask honorable members to do is to proceed on safe and moderate lines, and to confine within reasonable limits the scope of the

common rule. Then, if it is necessary afterwards to extend it, we can do so.

Mr. WATSON.—I understand the honorable and learned member to be speaking against the common rule altogether.

Mr. GLYNN.—I have no objection to it with some limitations. There may be something to be said for a partial common rule. There may, of course, be difficulties in confining particular rates of wages to particular factories. That is an inconvenience that has been experienced in New Zealand, where they have sought to get over it by means of a provision applying the common rule to districts. Here we are not only going to apply it to districts or to a State; we are going to allow the Court to apply it right through the length and breadth of the Continent. Surely that is an authority that we should not delegate to a tribunal, however great may be our anticipation of the judgment and the wisdom which it will exercise.

Mr. JOHNSON.—The honorable and learned member believes that we should prescribe the area within which the common rule should apply?

Mr. GLYNN.—Yes. I do not wish to thrash the matter out at this stage. I have said enough to indicate the principle for which I am arguing. In order to test it I move—

That after the word "organizations," line 11, the words "in respect to which" be inserted.

Mr. WATSON.—What amendment does the honorable and learned member propose to move afterwards?

Mr. GLYNN.—I propose to insert after the word "persons," the words "in respect to whom the industrial dispute has arisen."

Mr. WATSON. — The honorable and learned member for Angas, in answer to a question by myself, intimated that he has no objection to a common rule within certain prescribed limits. But the proposal which the honorable and learned member intends shall follow the amendment immediately before the Chair, would prevent any common rule being operative, seeing that it restricts the power of the Court, in the making of an award, to the organizations or persons in respect of whom the industrial dispute arises.

Mr. GLYNN.—The present amendment is a preliminary to an extension beyond the organizations.

Mr. WATSON.—I do not see that there is any extension. The honorable and learned member practically says that the



only persons to whom the award can apply are the original parties to the dispute. This measure will be practically valueless without a common rule. That has been the experience under similar legislation in New Zealand, New South Wales, and Western Australia. Wherever a compulsory Arbitration Act has been in operation it has been found impracticable without a common rule; and, further, I contend that not to provide for a common rule would be absolutely unfair to many classes of employers. A number of employes, who are dissatisfied with the wages paid by a certain employer, may take a case before the Court and obtain an award in their favour, while the employes of another employer, who insists on lower wages, longer hours, and generally worse conditions, may, for a thousand diverse reasons, be satisfied with their lot. Under such circumstances, a fair employer is unable to compete with an employer who pays, it may be, sweating wages.

Mr. EWING.—Or it means another case for the Court.

Mr. WATSON.—Or it means another case, with all the attendant consequences. New Zealand, for the purposes of the Conciliation and Arbitration Act, is divided into four industrial districts. In one case the New Zealand Court arrived at a decision which was perfectly satisfactory to employers in three parts of the Colony; all fair employers were willing to conform to the award. But the employes in the fourth industrial district were content to receive a lower rate of wages, and the Court found itself impotent. The unfair competition was allowed to go, until the Act was amended, without let or hindrance, because the employes in this particular district were satisfied with conditions that were unfair in respect of competitive work in the market. From the point of view of the employer alone it is desirable that, after making allowance for climatic differences, general cost of living, and conditions of that character, the Court should, as far as practicable, subject all competitors to exactly the same conditions.

An HONORABLE MEMBER.—The same conditions may not prevail in different States.

Mr. WATSON.—I have just said that the Court must have power to make all allowance for altered or differing conditions.

Mr. CONROY.—But a person not brought before the Court may not know of the award.

Mr. WATSON.—I was going to inform honorable members last evening—some weeks ago I intimated through the press—that the Government were taking steps to insure that before a common rule could be extended notice must be published, and opportunity given to every person likely to be made a party, to make objection and lay his case before the Court.

Mr. DUGALD THOMSON.—If that intimation was given to the press some weeks ago, does the Prime Minister not think that honorable members should have had the proposed amendment before them?

Mr. WATSON.—I thought the honorable member was here last night when I explained why the proposed amendment had not been placed on the business-paper. The explanation is that the Government had not at that period drafted the amendment, and, further, that it did not seem to them to be more than a detail, seeing that the Attorney-General had some doubt whether the present provision in the Bill was not sufficient to insure that proper notice was published.

Mr. DUGALD THOMSON.—But the Prime Minister is taking credit for making the intimation some weeks ago.

Mr. WATSON.—As it happens, I did make the intimation to the public press then.

Mr. CONROY.—But if the amendment had not been formulated, how could there be an intimation?

Mr. WATSON.—That may appeal to the subtle legal mind of the honorable and learned member, but I do not think it matters very much. What I said was that I then indicated that the Government were prepared, if necessary, to provide that no person should be brought under a common rule without having an opportunity to lodge an objection.

Mr. DEAKIN.—No person?

Mr. WATSON.—No person or organization.

Mr. DUGALD THOMSON.—Is the suggested amendment available now?

Mr. WATSON.—I can give the Committee the terms of the proposed amendment, which is intended to follow sub-clause *f*, of clause 46. It is rather lengthy, but I shall have it printed this afternoon.

Mr. DEAKIN.—In view of that proposal, it is a pity to have a debate on the question at the present stage.

Mr. WATSON.—I am very sorry that the honorable and learned member for Angas has caused the debate at this particular stage. Personally, I should have preferred to wait until we reached paragraph *f* or paragraph *o* of clause 46, when we could have discussed the substantive question of the common rule.

Mr. GLYNN.—We can test the question now.

Mr. WATSON.—That is so; but I have had this amendment prepared so that it may be circulated before we reach the point at which the question will arise. It is proposed to add to paragraph *f* of clause 46 the following words:—

Provided that before any common rule is so declared, the President shall, by notification in the *Gazette*, specifying the industry and the industrial matter in relation to which it is proposed to declare a common rule, make known that all persons and organizations interested and desirous of being heard may, on or before a day named, appear or be represented before the Court; and the Court shall, in manner prescribed, hear all such persons and organizations so appearing or represented.

AN HONORABLE MEMBER.—There will be a nice job getting witnesses from Western Australia!

Mr. WATSON.—The Court will probably make arrangements, before extending a common rule to Western Australia or other distant parts, to visit the places if necessary.

Mr. GROOM.—Or have evidence taken on commission.

Mr. WATSON.—There are various ways of meeting the circumstances. In relation to the general tenor of the argument of the honorable and learned member for Angas, honorable members will see that, by sub-clause *f* of clause 46, the Court has power—

to declare by any award, that any practice, regulation, rule, custom, term of agreement, condition of employment, or dealing whatsoever in relation to any industrial matter shall be a common rule of any industry affected by the award.

But that provision is safeguarded, as desired by the honorable member for Wentworth and others. Sub-clause *g*, of the same clause, provides that the Court shall have power—

to direct within what limits of area—

that will meet the case of Western Australia and other parts of the Commonwealth—

if any, and subject to what conditions and exceptions, the common rule so declared shall be

binding upon the persons engaged in the industry whether as employers or employes, and whether members of an organization or not, and to fix penalties for any breach or non-observance of the common rule so declared, and to specify the organizations or persons to whom they shall be paid.

The effect of that paragraph, which is a complement to paragraph *f*, is to give the Court absolute freedom to vary its award, in order to suit local conditions. If, for instance, it is an award which should become a common rule generally, the Court will take into consideration all the local conditions, and make such alterations as may appear to be necessary. Surely, with that provision, we cannot contemplate that it would be likely for a moment to insist upon the same conditions on the Coolgardie goldfields as in the ordinary settled parts of New South Wales and Victoria.

Mr. HUGHES.—They are not the same now.

Mr. WATSON.—No, nor would they be made the same.

Mr. HUGHES.—They could not be made the same.

Mr. WATSON.—Exactly. No Court would attempt to make the conditions the same. We must assume that the Court will exercise ordinary common sense in the administration of the Act. It does not seem, therefore, that any danger of that sort is likely to be run. The main point I desire to direct attention to is that wherever compulsory arbitration has been tried, it has been found imperative, in order to protect the fair employer, to insure that his unfair competitor must come under the operation of a common rule, even if the employes of the latter are acquiescing in the form of competition which is being engaged in.

Mr. McWILLIAMS.—There has never been such an extended area before.

Mr. WATSON.—I admit that. Perhaps we should make more certain, as has been done in some of the States laws, that the Court shall have proper opportunities of suiting the award to the local conditions in each case, and that is where it seems to me the argument as to the greater area really comes in. I feel that we are doing that when we require the Court to give notice to the other party before an award is made a common rule, so that he shall have an opportunity of coming in and proving his case, perhaps to the full extent of not being included in the common rule. In that regard we are taking precautions which, so

far, have not been taken in any State law. In New South Wales the Court, by rule, has practically done this; because, I understand from my honorable and learned colleague, the Minister of External Affairs, that the Court has decided that it will not extend the award to a common rule unless the parties have been notified that it is proposed that they should be brought under its operation. On the contrary, we propose to provide in the law itself, that notice shall be given, and so avoid any possibility of the Court overlooking that which, in our view, appears to be imperative from the stand-point of equity.

Mr. McCAY.—The provisions as to the common rule in the New Zealand Act are much more limited than these.

Mr. WATSON.—Yes, because they were, until lately, confined to industrial districts. The present movement is certainly towards abolishing the distinctions which are laid down by the division of the Colony into industrial districts. It has been found that it hampers very largely the effective work which can be accomplished by the Court. I do not feel that we are bound to follow exactly the particular lines of their legislation, especially in a Federal law.

Mr. CARPENTER.—We have industrial districts in Western Australia.

Mr. WATSON.—I was not aware of that. I trust that the Committee will not emasculate the Bill by carrying this amendment, because, to confine, as the honorable member for Angas proposes, the operation of an award to those who were parties to the dispute when it arose, seems to me, to begin with, to involve a greater amount of litigation than might take place under the common rule provisions. That alone, I am afraid, might lead to an enormous congestion of the business of the Court, if any disputes came up.

Mr. GLYNN.—Of course, this Bill is really intended to settle Inter-State disputes.

Mr. WATSON.—Assuming that that is so, the fact that the disputes are of such large importance points more to the necessity of having a common rule, just to prevent their recurrence.

Mr. GLYNN.—The scope of the States Acts is different; there are Factories Acts, as well as Arbitration Acts.

Mr. WATSON.—In New South Wales the Factories Act, valuable as it is, is of quite a different character from the Arbitration Act. Therefore, it is not correct

to say that the Arbitration Act of that State partakes of the character of a Factories Act.

Mr. GLYNN.—But in effect they are the same.

Mr. WATSON.—It is true that they both take cognisance of the question of hours of employment; but as the honorable and learned member knows, working hours have frequently been the cause of strikes, and therefore are a proper subject for an Arbitration Court to deal with.

Mr. DEAKIN (Ballarat).—I regret that this discussion should be precipitated at this particular point, because, when we come to clause 46, we shall have under review, one after another, all the powers with which it is proposed to endow the Court, and all the limitations that are to be imposed on those powers. It would therefore have been a more convenient method if we had dealt with this proposal, which is of great importance, at that stage. I think that the last interjections of the honorable and learned member for Angas are very pertinent. The application of the common rule in this measure is likely to be very different from the application of the common rule provision in any State Act. Because, if honorable members have in view the possibility of a dispute extending from Victoria to New South Wales, and of the Court proceeding to make an award which will also bind Queensland and Western Australia, I think they are looking forward to something which practically is extremely unlikely to occur. It must be a very remarkable calling which is pursued under conditions so precisely similar, and it must also be a calling in which there seems strong reason for universal intervention.

Mr. WATSON.—But there might be cases in New South Wales and Victoria—the two States originally dealt with—where men would be outside the award.

Mr. DEAKIN.—There are really two aspects, it appears to me, in which the common rule requires to be considered. One is when a dispute has overflowed from Victoria to New South Wales, or *vice versa*. The Court can choose to deal, as the honorable and learned member for Angas proposes, with only those immediately concerned in the dispute, or it can deal with them and all others in similar circumstances in these two States; or, it may perhaps go further still, and deal with those in similar circumstances in other States. I would point out that, first of all, the common rule in a Federal measure can have an Australian meaning.

It appears to me that we are very unlikely to see an Australian common rule. It will need to be a very exceptional industry, carried on under very special circumstances.

Mr. SPENCE.—There are three big unions.

Mr. DEAKIN.—Which are they?

Mr. SPENCE.—There are the seamen.

Mr. DEAKIN.—The seamen are not really in any State, but are on the sea, which surrounds all the States, and I regard them as being out of the question.

Mr. SPENCE.—There are also the shearers.

Mr. DEAKIN.—The shearers may, if shearing conditions under the circumstances of the interior of Queensland and Western Australia and Victoria happen to be sufficiently the same.

Mr. SPENCE.—But they do not need to be the same.

Mr. DEAKIN.—I am not sufficiently informed on the subject. But may I ask why the honorable member wishes to make the same provision if they are not the same?

Mr. SPENCE.—I shall explain presently.

Mr. DEAKIN.—I should like to call attention to the fact that the proposal for a common rule merely expands a power which existed in the Bill after the award, and makes it a condition precedent. If a dispute overflows from one State to another, it is taken before the Court, and an award is made. If the Government's amendment had not been introduced, the Court could have announced its intention to make that award a common rule in the States affected, or in other States, if it thought fit. Then, following the Bill as it was before the Government's amendment was proposed, we found, in the paragraph of clause 46 to which I previously alluded, a power in the Court to vary its orders and awards, and to re-open any question. It would have been possible for any person aggrieved by a common rule, whatever its extent was, to go before the Court, and under the latter part of clause 47 ask that the common rule be altered, and the Court could have granted the request. What the Prime Minister is proposing is that instead of the Court first making a common rule, and then allowing the persons affected to come up and ask that the award should be varied, it must give notice in the *Gazette*, and fix a time after which a common rule shall come into force. That appears to me a step in the right

direction. I do not know whether it goes quite so far as the Prime Minister may see his way to go when he takes into account the fact that the common rule may be sought to be applied over an immense area. The *Commonwealth Government Gazette* is not a publication so fondly looked for in every household, and widely read, that notices in it cannot escape the attention of interested parties in remote States.

Mr. WATSON.—Notices published in the *Gazette* will be copied into the various newspapers. The difficulty is to secure actual citation over such an immense area.

Mr. DEAKIN.—I admit it. No doubt the Government are willing to accept any reasonable proposal to get over the difficulty; but the honorable and learned member for Angas appears to me more liberal in his argument than in the terms of his amendment. He proposes first to bind organizations, and next to bind persons. Reading his amendment in the light of his remarks, I take it that he wishes the Committee to limit the exercise of the common rule power to organizations before the Court, and to non-unionists engaged in the same kind of employment as those organizations.

Mr. WATSON.—The amendment comes a long way short of indicating the honorable and learned member's meaning:

Mr. DEAKIN.—I think so. If we are to commence the discussion of the common rule, we are about to deal with a very vital matter, to which I have tried to contribute two preliminary considerations.

Mr. EWING (Richmond).—The application of a common rule is no new thing. At common law it is precedent which governs, and which forms the common rule until altered or over-ruled. The Prime Minister's contention that the Court cannot deal with every dispute similar to one which has been adjudicated upon occurring in an industry, and that, therefore, we must have a common rule, is, of course, the correct one. But although we have a very pure brand of democracy in the representation of Western Australia in this Chamber, those members are willing to concede that, in regard to the application of the Navigation Bill, there are conditions to be taken into consideration. They say—"We believe in applying the provisions of that measure to shipping after it reaches Adelaide; but until the railway from Port Augusta to Kalgoorlie is made it should not apply to shipping between Western Australia and that port." They wish for a common rule with variations. So, under

this measure, we must have a common rule which will take into consideration the circumstances of every individual case. The question has already been thrashed out in New South Wales and New Zealand, and I should like to read what has been written upon it by a very real democrat in every sense of the term, Mr. W. P. Reeves. I do not say that he is quite as rabid as some of my honorable friends, though, since the decease of the last Government, many of them have bucked off their brands a great part of their democratic trappings, so that one cannot be sure that their democracy is now of the same brand as that which they possessed when sitting on the other side of the chamber. I wish to cite a passage from page 159 of Mr. Reeves' *State Experiments in New Zealand and Australia*. Speaking of the New Zealand Act he says:—

Perhaps the Act's most interesting feature is the "common rule." This is an effort to improve upon the tentative New Zealand method of extending the regulative scope of their Court decisions, so that, instead of merely binding specific employers, they are made rules virtually dealing with whole industries. The New Zealand plan has been to proceed through district after district, citing all the employers in the industry under review in each; then, after an award has been given, any one subsequently entering the trade had to be cited too, unless he was prepared to comply with the award voluntarily.

I do not think that the Prime Minister made that point as clear as it might have been made, though it was evident that he understood it. Before making a common rule in New Zealand, the surroundings and conditions of every district are taken into consideration. This Bill, however, does not contemplate the creation of districts, and the word "district" does not appear in it. The environment of a Chinaman at Port Darwin is not the same as that of a Cingalese in Melbourne. The difficulty in applying a common rule to diverse conditions, which is perplexing us, has struck the New Zealanders, and they endeavour to remove it by the exercise of extreme care and caution, and consistent and persistent investigation. I take it that we are all agreed that a common rule made in Melbourne should not necessarily apply to Perth or Coolgardie. Speaking of the New South Wales legislation, Mr. Reeves says, on page 160—

On paper the New South Wales method looks to be a short cut to the goal which in New Zealand has to be reached more slowly and tediously. In practice we must wait to see to what extent the Court in New South Wales has to fix

Mr. Ewing.

limitations, allow exceptions, and deal with pretests of individuals and localities. In any case Mr. Wise's common rule is an experiment to be watched. If successful, it may tempt the New Zealanders to simplify a portion of their law.

I take it for granted that every man who believes in arbitration sees the need for a common rule. But none of us wish for common rules which will mar, and perhaps destroy, the usefulness of the measure, because of the dissimilar conditions to which they are applied. Our difficulty is to harmonize dissimilar conditions. The speech of the Prime Minister made it clear that he wishes to be reasonable, and therefore I appeal to him to see that his legislation is made so. The Bill provides that there shall be a common rule.

Mr. WATSON.—If the Court so determines.

Mr. EWING.—Let the honorable gentleman go further, and make it absolutely imperative that before imposing a common rule the Court shall consider the surroundings of the individuals and organizations concerned. I intend to ask him to consider the propriety of inserting some such provision as this—

No award shall be binding unless it takes into consideration the local conditions of each person and each organization.

No one wishes to destroy the Bill. Some of us may not approve of many of its provisions, but every sane man in the community wishes our laws to be reasonable. Sir Henry Maine has written that every law on the statute-book which is not used or is not reasonable helps to destroy the fibre of the whole body of legislation. Mr. Bryce, too, in his *American Commonwealth*, speaks of law as being the life-blood of the democracy.

Mr. WATSON.—Law often drains its life-blood.

Mr. EWING.—The value of law to a democracy is the value of protection to the weak. Under law progressive reform becomes possible; without law it is impossible. Therefore, I appeal to the Ministry not to place upon the statute-book a law which appears unjust to any, or which would allow a common rule to be imposed without taking into full consideration the condition of every man bound to obey it.

Mr. SPENCE (Darling).—I hope that the Committee will reject the amendment of the honorable and learned member for Angas. He has indicated that he wishes to set a limit to the powers of the Court.

It would be unwise to limit the powers of the Court. The intention of the Bill is that disputes which the parties fail to settle between themselves shall be referred to the Court, and the honorable and learned member for Angas does not seem to appreciate the logical conclusion to which he would be driven if the principle which he advocates were fully applied. We must, in the very nature of things, place absolute trust in the Court. The working classes risk very much more than do the employers by placing their reliance solely in the Court, because if there is any class bias on the part of the Court it is not likely to operate against the latter. As the question of the common rule has been referred to, I would point out that no such difficulties as those mentioned need be apprehended. It is not contemplated that the terms of an award shall be extended beyond the area to which it can be appropriately applied. The references which have been made to New Zealand in this connexion are scarcely applicable. That Colony has been divided into districts, which are very much in the nature of natural divisions. Owing to the special conditions of settlement there, and the fact that the only means of communication between many of the districts is by water, no parallel cases are to be found in Australia. The Honorable B. R. Wise, when he introduced the Arbitration Bill in New South Wales, proposed to divide that State into districts, but he was afterwards persuaded to abandon the idea. No difficulty has been experienced in applying the awards of the Court to the State as a whole, because the terms in each case can be modified to suit varying local conditions. Speaking of the industry with which I am most familiar, I may point out that the employers and the employes in the pastoral industry have been able to clear the ground of technical difficulties, and to arrive at an agreement in regard to a number of details relating to shearing work. The pastoral industry is the largest, and the organizations connected with it are the most powerful, in the Commonwealth. Yet really only one issue is awaiting the decision of the Arbitration Court, and that is the question of the piece-work rates to be paid to shearers, and the wages to be given to other employes engaged in attending upon them. When this matter comes before the Court, evidence will have to be given by both sides

as to the price which should be paid in the different States. This price will vary according to custom and local conditions. In Victoria the practice followed is to pay shearers so much per hundred, and supply them with rations, whereas in New South Wales a certain rate per hundred is paid, and the men find themselves. There is no quarrel between the workers and their employers upon that point. The only question to be decided is as to what would be a sufficient rate to enable the shearers to earn what is called a fair wage. After the Court has heard the evidence, it will give its award, which will probably partake of a fourfold character. Certain terms will have to be applied to New South Wales and Queensland. One form of award will probably suffice to cover both those States, and will not be objected to by either side. Another award will embrace the whole of Victoria, except, perhaps, a small tract of country near the river Murray. In regard to South Australia, two awards would have to be given, one applying to the northern districts and the other to the south-eastern districts. The application of the common rule will be restricted by the terms of these differing awards, and there is not likely to be any difficulty in imposing conditions which will be reasonable and fair to both sides. There is a strong objection to requiring the Court to settle too many details, and honorable members apparently overlook the fact that they may push their arguments too far. In the pastoral industry we have disposed of a number of details by mutual agreement. The Court could not be expected to enter into all these small matters, but the agreement arrived at between the parties regarding them could be embodied in the award. Only the more serious matters need be brought before the Court. We have to bear in mind that we are providing first for conciliation, and afterwards for arbitration. The Judge will, in effect, say to the parties, "Try and settle between yourselves as many matters as possible, and then ask us to arbitrate with regard to the issues upon which you cannot arrive at an agreement. Submit your evidence to us, and we shall make an award in which we shall embody the terms upon which you have arrived at an understanding by mutual consent." Then provision would be made for penalties for breaches of the award. I do not see the necessity for limiting the powers of the Court. The Judges of our

ordinary Courts of Justice are not limited as to their powers, except as to the nature and extent of the penalty to be inflicted. We rely upon them to administer justice according to the evidence, and we should repose the same trust in the Arbitration Court. It would be foolish for us, as a Parliament, to attempt to restrict the powers of the Court in the way now proposed. As I have already pointed out, the organization with which I am connected has arrived at a mutual agreement with some sections of the employers upon a number of matters. The Victorian pastoralists, for instance, have come to terms as to wages and almost every other condition. Some of the pastoralists of New South Wales and Queensland have declined to meet us and discuss terms, but when they find that we can appeal to the Court, they may be disposed to arrive at some voluntary settlement. Honorable members need not fear that the Court will be called upon to deal with small disputes. Its authority will be exercised for the most part, if not wholly, in regard to disputes in which large Inter-State organizations are involved. In connexion with these large organizations, the checks against disputes are more effective than those which exist in connexion with the smaller unions. Every writer who has studied the internal management of labour organizations, agrees that the larger the organization the less chance there is of trouble arising. The Court will experience by far the greatest difficulty in dealing with the large manufacturing industries, in which machinery is so largely employed, and in which the equipment is being constantly changed. I believe in people settling their own differences as far as possible. I have been characterized as a firebrand, but that is only because I cannot help giving expression to my indignation whenever I can see that an injustice is being done. Every right-thinking person naturally experiences a feeling of indignation when he sees a section of the community subjected to injustice. I frankly admit that the best conditions under which an industry can be conducted are those which are laid down as the result of consultation between the parties who are chiefly concerned. I am satisfied that under the operation of this Bill many voluntary settlements of industrial disputes will be effected. I trust that the clause will be retained in its present form.

Mr. KNOX (Kooyong). — It is refreshing to note that honorable mem-

bers upon the other side of the House exhibit a proper appreciation of the responsibility which now rests upon them, as was evidenced by the utterances of the previous speaker. Regarding the amendment, I have always held that in a Federal measure of arbitration the application of the doctrine of the common rule is likely to be productive of very grave evils. This Bill is especially intended to apply to those great industrial organizations, the Shearers' Union and the Seamen's Union, and I have no objection whatever to absolutely declaring in it that the common rule shall apply to them. But to make it applicable to all industries, as is proposed by the Government, very pointedly serves to remind one of the great difference that exists between legislation of this character as applied to a State and as applied to the Commonwealth. That difference honorable members should keep steadily before them. The Prime Minister recognises that after an award has been made by the Court, the common rule cannot be applied to all those engaged in the particular industry affected until they have had an opportunity of showing cause why it should not be so extended. But surely he must realize that an enormous amount of labour will be involved in giving the necessary notice, and that the possibility is always present that it will never reach many of those for whom it is intended. I fully realize that it may be a desirable principle to introduce into State legislation of this character. It has been so introduced in New Zealand, where the State has been divided into areas to which the common rule is applicable. In other States where kindred legislation is operative, the principle is applicable only to certain districts—not to the whole of their territory. If we attempt to make an award of the Court extend to the whole of Australia we shall be undertaking a work the magnitude of which has not been fully appreciated. In this connexion, I might instance the mining industry. I ask those who have an intimate knowledge of that industry whether it is possible to impose the same conditions as affecting work or wages to newly-developed territory—such as is to be found in Western Australia and Queensland—that are applicable to older countries. I hold that the advocates of this Bill will damage the prospect of its successful operation if they insist upon the retention of the clause in its present form. I do not ignore the fact

that the Court is likely to act justly. I do not suppose that any Judge will do anything that is outrageously unreasonable. He will be actuated only by a desire to do simple justice. Nevertheless, I claim that, by retaining this provision, we are opening up the possibility of extending a dispute over the whole of the Commonwealth. I ask the Government not to make the common rule applicable to all industries throughout Australia until we have had some experience of the working of the Act. It will be a serious blot upon this measure if it unnecessarily disturbs industry. I trust, therefore, that the Government will agree to the amendment proposed.

Mr. POYNTON (Grey).—I think it will be generally admitted that the President of the proposed Court will be a man possessed of sound common sense, who, in determining awards, will carefully consider the area to which they should be made applicable.

Mr. HUME COOK.—That discretionary power is vested in him under this clause.

Mr. POYNTON.—The honorable member for Kooyong desires to make the common rule apply only to certain industrial organizations.

Mr. KNOX.—Yes.

Mr. POYNTON.—I do not desire that at all. I have every confidence that the President of the Court, in determining an award, will not apply it to districts where the conditions obtaining are entirely dissimilar.

Mr. LONSDALE.—It has been done in New South Wales.

Mr. POYNTON.—I am not aware of that. I feel sure that different treatment would be meted out to the same branches of industry at, say, Broken Hill and Ballarat. If we attempt to limit the scope of the Bill we shall land ourselves in a difficulty. At present it is impossible for any one to say what industries will come under it, and, in these circumstances, I think that it would be in a sense presumptuous for us to provide that the Bill should not apply to certain undertakings. There are industries other than those mentioned to which a common rule should apply if for no other reason than that an employer in one locality should be placed on an equitable footing with an employer in another. Employers in one State are sometimes placed at a disadvantage, as compared with those engaged in the same industry

in another State. In the absence of a uniform law, employers often remove their industries from one State to another, in order to avoid the effects of humane legislation. Two cases of the kind have been brought under my own notice. The result of this want of uniformity is that a State which, through its legislation, has declared that the workers shall be fairly dealt with is penalized by the default of another State.

Mr. CONROY.—One State loses a number of its citizens, but the work is carried on in another State.

Mr. POYNTON.—The honorable and learned member believes that one State should not be placed at a disadvantage with another by reason of any artificial barrier, and I am sure he will recognise that if a law is allowed to operate in only one particular locality injustice will be done. Certain persons who were engaged in the manufacture of cigars in Melbourne, where they were compelled to pay their employés a minimum wage, removed their factories to Adelaide, where they were able to secure the service of girls at a ridiculously low wage; and others engaged in the manufacture of jam have also, for the same reason, removed their factories from Melbourne to Tasmania.

Mr. CONROY.—And given work to persons in another State.

Mr. POYNTON.—We do not desire that increased employment shall be found in any State by the continuance of conditions that may perhaps lead to the shortening of the lives of the workers. This legislation is necessary, because of the existence of a class of employers that will take advantage of the necessities of the workers. It will place humane employers on a fair footing with those who, in the absence of laws of this class, are constantly taking advantage of an over-supplied labour market, and availing themselves of the services of persons who, with starvation probably facing them, have to accept any wage that is offered. I trust that the Committee will accept the Government proposal.

Sir JOHN QUICK (Bendigo).—I must confess that when I first heard of the principle of the common rule, I was somewhat startled at the invasion which it involved of the ordinary, common principle of justice—well recognised, at any rate, in the administration of justice, as between private individuals—that no person shall be bound by any decision at law except he be a party



to it. It is the common rule to hear the other side before binding it by the decision of the Court. At the same time I admit that cases might arise in which legislation of this description would be ineffective, unless some uniformity of system could be established. A mere decision between A and B, as to what wages A should pay B, whilst binding those parties, might be valueless, unless it acted as a precedent to guide and regulate others. Even in cases in which it is intended to bind others who are not originally parties to a dispute, it is only fair that those other persons or organizations should have notice, and an opportunity, to come in and take part in the discussion. I, therefore, think that, on the whole, the passing of the amendment outlined by the Prime Minister would remove many doubts which I and others have felt in regard to this subject, and that it should be considered when the proper stage is reached. I do not think that the amendment submitted by the honorable and learned member for Angas ought to be entertained. It would restrict to too great an extent the powers and the jurisdiction of the Court. It would, in fact, exclude the possibility of establishing something like uniformity of practice in certain organizations and trades. It would altogether exclude that possibility, and perhaps destroy a useful power. The proper stage at which to consider the Prime Minister's proposal will be reached when we are called upon to consider paragraph *f* of clause 46—when we are dealing with the common rule itself. When the Prime Minister submits his amendment, we shall be able to deal with the matter as a whole. I am very glad that the Minister in charge of the Bill has seen his way clear to put forward an amendment which will give those who are not parties to a dispute—persons in some other part of the country, or connected with some remote part of the trade in question—the opportunity to come in and take part in the discussion. If that opportunity be afforded, no one will be able to complain that he has been bound by a decision given behind his back. If the Government proposal be carried out the decisions of the Arbitration Court, like those of every other Court, will be binding only to the extent to which parties have had an opportunity to be heard.

Mr. CONROY (Werriwa).—The proposal made by the honorable and learned member for Angas is that the award of the

Court shall apply to every organization and person in respect of whom the dispute has arisen, and on whom the Court has declared that it shall be binding. What could be more reasonable? We are simply proposing to tell the Court to whom its powers may extend. If we go any further, it seems to me that we shall be attempting, in effect, to give a legislative power to the Court which the Parliament itself does not possess. If the amendment moved by the honorable and learned member for Angas be rejected, the clause will give the Court power to frame practically a Factories Act for each of the States. That might be a very dangerous power, and should be very carefully exercised. It is true that it would be limited by the constitutional provision on which this measure is founded, and I am rather inclined to believe that the High Court would say, "The power which the Arbitration Court possesses is that of making an award which must apply to at least two States. The Court cannot differentiate between one State and another." It seems to me that the High Court would probably hold that the Arbitration Court had no authority to frame a rate of wages that might have a purely local effect.

Sir JOHN QUICK.—Its award must certainly be applicable to at least two States.

Mr. CONROY.—Does not the honorable and learned member think that if we gave the Court power to make any award of purely local application in any one of the States we should arrogate to ourselves the right to frame a local measure which, under the Constitution, we do not possess?

Sir JOHN QUICK.—Clearly so.

Mr. CONROY.—In these circumstances the amendment is clearly needed. If we have not this power we ought to make it clear that we do not even assume to possess it—that we do not seek to grant to the Court a power which we as a legislative body cannot confer. I am rather surprised at the remarks which have fallen from the honorable and learned member for Bendigo, in view of the answer which he has just given to my question. Had his attention been directed, in the first instance, to this point, I do not think that he would have intimated his intention to vote against the amendment. When the honorable member for Grey spoke of the desirableness of having equal conditions in all the States it seemed to me that he was pointing out that a Factories Act might be disadvantageous to Melbourne—that persons might

seek to escape it by removing their industry to a State in which like legislation did not exist. His argument appeared to be based on the principle that, if there are disadvantages in one State, like disadvantages should be created in another. It reminds one of the fable of the fox who lost his tail. Because the Victorian State Legislature has passed a law imposing certain conditions of employment, the honorable member thinks that we should pass a law compelling the people of South Australia to work under like conditions.

Mr. POYNTON.—The sweater will always get away, if possible, from the rigour of the law.

Mr. CONROY.—The factories to which the honorable member refers could not have been removed to another State without tending, in some small degree, at all events, to raise the rate of wages there.

Mr. POYNTON.—Why?

Mr. CONROY.—Because no one would accept employment in them at a lower rate of wage than he could obtain in the trade in which he was previously employed. If a new avenue of employment is opened up, it is perfectly clear that the workers must gain some advantage from it—that it possibly offers work to persons who before could not obtain it. The amendment is very reasonable. If we seek to give the Court power to make, in effect, local laws, we shall exceed our authority, and in these circumstances the Prime Minister should have accepted the proposal made by the honorable and learned member for Angas. This Bill is not designed to deal with a State *per se*; and as we are dealing with the States as a united body, and only with disputes which extend beyond the limits of any one State, how can we possibly give our Court the power to deal with matters affecting a local industry. It is a power that this Parliament itself does not possess. The authority which we confer on the Arbitration Court to interfere with or regulate an industry can be no wider than the authority we ourselves possess. It is admitted that we could not make a law regulating industry in a State, and, therefore, I submit we cannot give an Arbitration Court power to do it. In the circumstances, we should make our Bill as clear as possible, in order that we may not be continually furnishing food for lawyers. As a lawyer myself, I am often surprised at the reckless way in which clauses are sometimes passed in this House. One

honorable member will argue that a clause will have a certain effect, and another will contend that it will have an opposite effect, and yet honorable members allow it to pass in that form. If there is one thing on which we should insist, it is that whether a clause will have a good or a bad effect it should be perfectly clear what effect it will have.

Mr. POYNTON.—Does the honorable and learned member think it possible to get the lawyers in this Committee to agree upon any particular point?

Mr. CONROY.—In hundreds of cases all the lawyers in the Committee may be absolutely agreed as to the effect which a certain clause will have, but when we find laymen and lawyers on either side unable to agree as to the interpretation which will be put upon the use of certain words in a clause, it is perfectly clear that if we pass such a clause we shall be making laws which will lead to disputes. It appears to me that the honorable and learned member for Bendigo, after the admissions he has made, should see his way to vote for the amendment.

Mr. HUTCHISON (Hindmarsh). — I believe that honorable members have to some extent overlooked the effect of the amendment. If it receives the support of the majority of the members of the Committee, the effect will be that in the case of the shearing industry, for example, should a dispute arise in a number of sheds, the parties interested in each case must come separately before the Court to have the dispute settled. That alone should show how absurd such a provision would be, and how expensive it must become. In considering the question of the common rule, honorable members have overlooked the fact that in another part of the Bill it is clearly shown how the common rule will operate. If they will turn to paragraph g of clause 46, they will find that the Court is given power to direct within what limits or area, if any, a common rule shall apply. The Court in its wisdom may confine an award to the parties interested in a particular case. It may apply it within a very circumscribed area, or, if it considers it desirable, throughout the Commonwealth. Then it must not be forgotten that if in the wisdom of the Court an award should apply throughout the Commonwealth, there is power under the Bill for persons aggrieved to seek a variation of the award. Honorable members who contend that because of the different conditions under which similar

industries are carried on in different States, the application of a common rule may do injury, may well be satisfied that as we have seen the point it is not likely to escape the notice of the Arbitration Court. If some honorable members had only made themselves familiar with the provisions of this Bill, we should not have wasted so much time this afternoon.

Mr. LONSDALE (New England).—I favour the amendment, because, at any rate, it makes it clear that the Court can apply no award outside those who have appeared before it, and whose case has been heard. We should not pass a law which will permit any Court to impose an award upon persons whose case has not been heard. To do such a thing is against all principles of British justice, and against the recognised precept that in all judicial proceedings we should hear both sides. In connexion with matters of this kind, where the investigations will be most intricate, such a power as I have described should not be permitted to any Court. I do not believe it is possible for any Judge to be more sympathetic to the working classes than is the Judge who presides over the Arbitration Court in New South Wales. If he leans at all, and I think he does, it is in the direction of the working classes. If we look at what he has done we shall realize that he has endeavoured to act in the very best interests of working men. I do not blame him for that, although, in my opinion, his judgment has at times been in opposition to the fundamental principle of British justice. The difficulty is that men in the country districts are refused permission to attend the Arbitration Court, by reason of the fact that country organizations are not registered, and honorable members must be aware that it is impossible for persons to attend the Court individually, because that would, in many instances, be extremely expensive. I say that it is outrageous that any Court should have the power to fix an award upon persons when no opportunity has been afforded them to put their view of a case. I invite honorable members to consider such a case as this. A man in a country district has established himself in a small business, and he has not sufficient work to keep one man regularly employed. He has a son who is beyond the school age, and for whom he can get no other employment. The son assists him in his business. A common rule is fixed by the Arbitration Court covering

the industry in which this man is engaged, and under it he is informed that, unless he sends his boy out of the business, he will be had up before the Court and punished. Yet he has not been heard in the dispute, and the circumstances under which he carries on the industry never come within the knowledge of the Court. Is there any member of this Committee who thinks that that kind of thing should be tolerated? No matter how much we may believe in helping men, surely we should not help them in such a way as to injure persons in small businesses. I repeat that if the Government would limit the application of the Arbitration Bill to large centres of population, there would not be so much objection to it. But if we allow those employed in large centres of population to practically dictate terms to the people living in smaller centres, we shall injure the small men, who are the very persons we desire to help. I hope honorable members will exercise their intelligence in that direction, and recognise that the effect of this kind of legislation is to injure the men who wish to make a start for themselves upon a small scale. I am against the application of a common rule, even in one State. No Judge in the world, though he should be the best man we could get, can grasp the different conditions existing in the same industry as carried on in the midst of a dense population, and in a sparsely populated district. Take another case, where a common rule was applied: the case of the boot trade. Under a common rule it has been ordered that men engaged in this trade must be paid overtime after certain hours. In the country districts men are carrying on small boot-making establishments, and employing a small number of hands. Business may ordinarily be very slack, but at times orders come in with a rush. The only way in which they can be filled is by the men working overtime. Hitherto men so situated have always done that work at the ordinary rate of pay, but the application of the common rule means that they must be paid an increased wage for any overtime work. The effect of that is to handicap the country manufacturer as against the city manufacturer. If the city manufacturer gets a rush of orders he has no need to ask his men to work overtime. He is not required to bear the extra cost of manufacturing under such conditions. All he has to do is to insert an advertisement in a

newspaper, and the next morning forty or fifty men will be at his factory ready to carry out the work. That indicates the way in which this kind of legislation injures the country districts. I should not have fought this Bill as I have done if it were proposed to limit its operation to large centres of population. Such legislation might not do a great deal of injury if applied in dense populations, although even then I believe it would do some injury. But it is quite unreasonable to apply it to country districts, and at the same time to provide for a common rule which will not fairly meet differing conditions. If it is difficult to apply a common rule in one State, to differentiate between the conditions of industry in large and small centres of population in that State, how much more difficult will it be to apply such a rule to the varying conditions of industry all over this great continent? No matter how conscientious the Judge of an Arbitration Court may be, it is impossible for him to fix conditions which will apply equally throughout Australia. I do not think that the High Court would uphold an award by an Arbitration Court applying a common rule throughout the States. If, under the award of an Arbitration Court, an industry could be carried on at lower wages in one State than in another, the State that was injured by the award could at once move the High Court to prevent that kind of thing being done. I am not lawyer enough to say whether it could or could not, but I think it could. Some reference has been made to a statement by the honorable member for Kooyong, that injustice might be done under the Bill, and what I say is that if it were at first limited to shearers, seamen, and railway men—as the Committee has decided to include railway men—

Mr. WILSON.—Miners?

Mr. LONSDALE.—No; I should not include miners. I should not greatly object if it were proposed to limit the operation of this Bill to shearers, seamen, and railway men, as the Committee has determined to include the latter. Surely it would be better for us to legislate, step by step, than to try at once to cover every industry in all the States. The spirit and intention of the men behind this Bill is, no doubt, to make this a political machine if possible. There can be no doubt that that was the spirit and intention of the amendment which was withdrawn yesterday. The

attempt is made to make this a Federal machine for the purpose of controlling the States. If the Government would consent to limit the operation of the Bill to the three or four industries to which I have referred, and to which it might fairly be applied for a start, many of the objections to it would be met. The proposal in the Bill is against the principles of justice. If, under this measure, we give power to an Arbitration Court to make an award against a man whose case has never been heard, who has never been before the Court, and who has nothing whatever to do with the dispute which has led to the award, that will be against the principles of justice. Ministers have already recognised that fact, and if they are honest in their intention to introduce the amendment which has been spoken about, they should accept the amendment submitted by the honorable and learned member for Angas, which will effect what they profess a desire to do. I have no wish in this connexion but to help the masses and to prevent this legislation doing more injury than can be avoided. The honorable member for Corangamite referred to the mining industry. But I say that it would be impossible for any Arbitration Court to properly control that industry. I know that had such legislation as this existed in the past it would have destroyed the mining industry in many places. There are places where it pays well. There are other places where the capitalist has lost money, and has been paying wages whilst getting nothing in return. If any interference is made in a case of that kind, instead of benefiting the miners, the effect would be exactly the reverse. It would shut up the mines. If the Court reduced the wages of the men, they would at once say that they did not want to have an Arbitration Court whose decisions had that effect. If those honorable members who advocate the establishment of an Arbitration Court would tell their constituents that there is a possibility of their wages being reduced, those men would at once say that they did not desire to have it established. To tell the workmen that they will be certain to obtain better conditions by means of an Arbitration Court is simply nonsense. Wages have been reduced by the Court in New South Wales, and if justice be done, there will necessarily be times when working men will obtain worse conditions. For the reasons I have indicated, I shall vote for the amendment proposed by the honorable and learned member for Angas.

Mr. FOWLER (Perth).—When the honorable member for Richmond was speaking, in looking round for some case by which he could emphasize his arguments, he lighted with his usual nimbleness on Western Australia. He was very anxious to accuse the representatives of that State in this House of some little inconsistency, in asking that the exceptional conditions of that State should be recognised by the Government in connexion with this and other measures.

Mr. EWING.—I said not "inconsistency," but "variation."

Mr. FOWLER.—The honorable member accused us of an inconsistent departure from the principle of democracy. I think that in looking round for an illustration of inconsistency, he need not have gone further than the honorable member for Richmond himself. We admire his versatility, and particularly his ability to get up and on any text give us an interesting discourse—of which inconsistency as a rule is the prominent characteristic. I do not object to that in the least degree. I think that the whole of the members of this House would be sorry, indeed, if the honorable member for Richmond became so entirely logical that his inconsistencies disappeared. I, for one, —apart from my characteristic racial love of reason and logic—should be very sorry to see any such change. It would, I think, be damaging to the honorable member. The subject which we are discussing, as contained in the amendment of the honorable and learned member for Angas, is undoubtedly one that causes a good deal of anxiety to the Western Australian representatives. I have listened very carefully to the discussion, and I cannot help coming to the conclusion that the Government in this and in other matters are running a grave danger of riding a very good principle to death. So far as the common rule is concerned, I am anxious to see it applied to the utmost extent, consistent with the varying conditions that exist throughout the Commonwealth. But before I can support the Government in this particular matter, I want to be perfectly certain that any award given under this measure will be one that can be varied in accordance with local conditions. The honorable and learned member for Werriwa raised an important point, which he referred to the honorable and learned member for Bendigo. In order to obtain the opinion of that honorable and learned member, in

a more definite form than he gave it by way of interjection, I spoke to him privately, and put to him a possible case. I asked if he thought that a Court constituted under this Bill could vary its judgments in respect to the local conditions of my own State. He admitted that there was very grave doubt indeed whether such a tribunal would have a power of that kind under the Constitution. If the Court would not have that power, then I, for one, emphatically refuse to follow the lead of the Government on this matter. Unless I have a distinct pledge from them, that they will take measures to insure that the award can be varied, I shall support the amendment of the honorable and learned member for Angas. The conditions in the State of Western Australia vary to a very considerable degree. In the first place, they vary as compared with the conditions prevailing in the other States to a very large extent. Take the mining industry. The wages paid in Western Australia are, in some instances, more than double the wages that prevail in Victoria.

Mr. WILSON.—Justly so, too.

Mr. FOWLER.—Justly so; in fact, the special conditions that exist in Western Australia are not sufficiently recognised even in the wages paid there. In connexion with that matter, I am of opinion that the tendency of any Arbitration Court will be to achieve as much uniformity as possible. I doubt, therefore, whether the very peculiar conditions of Western Australia would have that consideration from the Court to which they are entitled. But that is not the particular matter to which I wish consideration to be directed. It is this: that even within the State of Western Australia, and on one particular gold-field, the conditions vary, so far as the cost of living is concerned, within a distance of, say, twenty miles, as much as 50 per cent. In other words, if a township is on a railway line, the cost of living is much more reasonable than is the case at a mining camp some twenty miles away, where the cost of carrying provisions along a track by waggon increases their price in some instances by 50 per cent. I want to know whether this Court, in considering a dispute, say, in connexion with the mining industry, would be able to differentiate in Western Australia between two such places as I have indicated?

Mr. SPENCE.—Why should it not?

Mr. FOWLER.—I want to know, because I have the opinion of one of the best

constitutional authorities in this House, that the decision of the Court must necessarily apply to the whole State.

Mr. WATSON.—Not at all; we have specially provided against that.

Mr. KELLY.—It must be so under section 92 of the Constitution.

Mr. FOWLER.—Are the Government going to take up such a position as will enable them to save this situation, if they find that they are putting what appear to be unconstitutional clauses into the Bill?

Mr. WATSON.—We have already stated that the Bill contains sufficient provision to insure that each application to extend the common rule shall be considered on its merits, and we are amending the provisions in that regard by an amendment, of which I have given notice to-day.

Mr. FOWLER.—I have no doubt that the Government consider that they occupy good ground in reference to the point. But we have equally good constitutional authority to indicate that there is a likelihood—a very grave likelihood—that the Court cannot vary the conditions, even in a minute degree.

Mr. WATSON.—But they can. If the honorable member looks at paragraph g of clause 46 he will see that every power is given there; and we are modifying that by an addition to paragraph f.

Mr. FOWLER.—The power may be given in the Bill. I want to know whether the power that is so conferred by the Bill does not go beyond the power conferred by the Constitution. It is a very important point indeed, and I am sorry that the Government have not given us very much information on that aspect of the subject. They take it for granted that they are acting within the Constitution. But I have, as I say, authority of considerable weight—

Mr. WATSON.—So have we.

Mr. FOWLER.—Indicating that, possibly, the Government are entirely wrong upon the question.

Mr. WATSON.—There is authority of equal weight on the other side.

Mr. FOWLER.—When a question of that kind arises, I am going to be on the safe side; and, until I am absolutely certain, I am going to take no step that might possibly amount to a disastrous condition of things in my own State. As I have already said, I am afraid that the Government, in some respects, are carrying what appears to me to be, and what I believe to be, a good principle, just a little bit too far.

Mr. WATSON.—We are modifying it.

Mr. FOWLER.—No.

Mr. BATCHELOR.—The honorable member should not say "No," because we are.

Mr. FOWLER.—It may be so.

Mr. BATCHELOR.—It is so; it is not a matter of opinion, but of fact.

Mr. FOWLER.—I want to say this in conclusion—that I am not satisfied that the position taken up by the Government is entirely a sound one; and, until I am so satisfied, I intend to be on the safe side, and, failing the assurance that I have been asking for, shall support the amendment of the honorable and learned member for Angas.

Mr. DUGALD THOMSON (North Sydney).—The discussion on this clause has revealed one of the great defects of this measure, which has been pointed out time after time. It is this—that the Bill seems to have been drafted with the intention of providing, first, a Federal Arbitration Court for cases extending beyond a State; and, secondly, of providing a complete State Arbitration Bill for dealing with every question—not merely overflow disputes—in every State throughout Australia; while in the remaining provisions ingenious methods are inserted to evade the Constitution, and make it possible for the Federal Government to take under its control all the industries of Australia. I agree with the honorable member for Perth—at least, I agree with what his remarks would lead me to think are his conclusions—that we should, so far from centralization, have determined on decentralization as the best principle for controlling the industries of Australia. Local Courts ought to be far better able than a Federal Court to consider local circumstances. And with the honorable member for Perth I believe that there would be very grave danger—whether or not the Constitution demands equality—in placing all control in a central body, which cannot give due weight to local conditions. The amendment of the honorable and learned member for Angas is, in my opinion, a sufficient extension of the powers of the Court, at any rate at the earlier stages of a Federal law of this nature. The amendment gets rid of some of those dangers to which the honorable member for Perth has alluded, dangers which would certainly prove to be serious in the administration of this measure. A central Court cannot give that full consideration which is desirable to all the local circumstances which affect the rates of

wages in different States and different portions of the States; and for that reason I believe it much safer to follow the course suggested by the honorable and learned member for Angas than to adopt the more extensive and more dangerous proposal of the Government. The Prime Minister has said that all the honorable member for Perth suggested is provided for in the Bill.

Mr. WARSON.—I say that power is given to the Court by sub-clause g to meet all varying conditions.

Mr. DUGALD THOMSON.—What I am pointing out is that the system adopted in the Bill is one of centralization; that is, presuming all the industries of the different States can be brought under that system. If those industries cannot be brought under the system, then the suggestion of the honorable and learned member for Angas is a good one.

Mr. WATSON.—But the amendment does not go so far as the honorable and learned member for Angas indicated in his speech. With the amendment the clause could not be applied to other than the individuals immediately concerned as parties in the case.

Mr. DUGALD THOMSON.—I do not mean as to individual members. I do not know that the honorable and learned member intended to go so far.

Mr. WATSON.—The honorable and learned member said so.

Mr. DUGALD THOMSON.—If we are able to deal only with disputes extending beyond the limits of a State, then the proposal by the honorable and learned member for Angas is a good one; and many honorable members have declared that these are the only disputes with which we can deal. If, on the other hand, we are to deal with all disputes that may arise in any industry anywhere in the States, one Court, under this system of centralization, will have to take into consideration a multiplicity of differences in conditions, which would be far better dealt with by local Courts. There has to be considered the differences in attitude towards rates of wages. Some of the higher wages given in parts of Australia are only partly due to different climatic conditions and cost of living; they may be due to a different attitude towards rates of wages in a place which is doing exceedingly well, such as Western Australia, where the mine-owners and others are making large fortunes. There higher wages are, for instance, given than in Queensland, where,

in some parts, the conditions are not so good. Undoubtedly a Court that has to do with all Australia will not take into consideration this varying attitude together with the other climatic and social conditions. There should be decentralization, so that the body dealing with an industry may be in close touch with the conditions and attitude of employers in a particular State, and keep in view the degree of prosperity those employers are experiencing, so that the wages in that State may be settled on local conditions. For that reason it would have been much wiser to adopt a different system in the drafting of the Bill. The Federal power should have been left to deal with disputes extending beyond the limits of any one State, and the States authorities left to deal with local matters, of which they must have a better knowledge than could any central Court.

Mr. CARPENTER (Fremantle).—It is evident that this amendment is being supported by some who desire in every possible way to limit the scope of the Bill.

Mr. WILSON.—We want to be fair.

Mr. CARPENTER.—I am speaking purely from what fell from honorable members on the Opposition side, whom the honorable member for Corangamite, in his absence, may not have heard. We have in one or two cases had a repetition of the arguments used yesterday, when we were discussing the application of the Bill to certain classes of employes and employers, and I am justified in repeating that this amendment affords some members another opportunity to limit the application of the Bill. The honorable and learned member for Angas admits that the words he proposes to insert do not exactly convey what he wishes to convey. I saw the same objection that the honorable and learned member does to the sub-clause, namely, that the Court is given power to extend an award to any organization or any industry without giving that organization or industry an opportunity to make itself heard in the Court either for or against the proposal. Had the honorable and learned member not proposed some modification, or had we not had some assurance from the Government that the provision would be qualified in some way, I should have taken action myself in the way of submitting an amendment. But the honorable and learned member for Angas has told the Committee that he seeks to give the Court power to apply an award to any organization

that may be affected or may be connected with the industry concerned, and he said yesterday that he saw the impossibility of getting the Court to deal with unorganized labour. However we may debate the question of extending the operation of the measure, yesterday's divisions proved, I think, that the Committee is convinced that the Bill cannot be made to apply to unorganized labour. It must deal with labour organizations. That being admitted, the honorable and learned member for Angas sees the necessity of limiting the provision to that body of workers or employers included in organizations. If the honorable and learned member could so draft his amendment so as to convey his meaning and no more, I should feel inclined to support him. I am quite with those who say that there is no necessity to extend an award to those who have not been consulted. If it can be shown that it is to be applied only to those who can be consulted—that is, any one who belongs to an organization, or who is in a position to give evidence on his own behalf—then we are on safe ground. But, as the honorable and learned member sees, there are hundreds, and, perhaps, thousands of workers connected with some of the larger industries who are not in organizations, and for whom the organizations must act. That is all that the honorable and learned member seeks to do, namely, to give the Court power to extend the award only to those organizations connected with the industry. The question of the common rule has been raised, and, rightly so, because in that is the whole issue.

Mr. CONROY.—A dispute amongst miners at Bendigo or Broken Hill, which resulted in their wages being raised, might, under a common rule, cause a reduction in the wages of every man at Kalgoorlie.

Mr. CARPENTER.—I am coming to the question of variation of awards in different districts. I am against a hard and fast application of the common rule without reference to the conditions under which it may be employed; and I do not think any one here will dispute that principle. As to the remarks of the honorable member for Richmond in reference to Western Australia, it is true, as has been stated by the honorable member for Perth, that there was, and is still, a good deal of anxiety in that State as to this common rule. I believe that the anxiety has arisen from some exaggeration of the supposed evils that might flow from an unwise application of a

rule. Still, the anxiety is there, and has to be removed; and I believe it can be removed if this Committee will give, as I believe it will, due heed to the unusual conditions obtaining in that distant State. It is hard, perhaps, for members to realize how the conditions there vary, not only from those of the Eastern States, but in themselves over the enormous area of the State itself.

Mr. HUGHES.—There is ample power in the Bill to enable the Court to act.

Mr. CARPENTER.—I hope that it will prove to be the case. The fear arose chiefly from the intention to include seamen in the previous Bill. It was proposed by the right honorable member for Adelaide, after he had resigned his Ministerial office, to extend that Bill if it did not already extend to seamen, and to make the application of the common rule absolute.

Mr. GROOM.—To extend it to seamen on foreign ships?

Mr. CARPENTER.—Yes. Honorable members can see at once how a proposal to deal with oversea ships might aim a very serious blow at Western Australia, in that it might destroy one of its means of communication with the eastern States. But I am glad that the Government have sought to modify the clause in a way which I believe will make it more acceptable to that State, and I am sure to the members of the Committee. Under the local Act, owing to the variation I have mentioned, Western Australia has been divided into industrial districts. A common rule applies to only a certain portion of the State, simply because, as between the coastal districts and the gold-fields, the conditions vary so widely that what may be a just rule of pay in one place would not be so in the other. Even before we had an Arbitration Act, the Railway Commissioner of the State recognised the difference in the conditions; and for the same class of work a higher rate is paid on the gold-fields than on the coast. The reason for this differentiation is so self-evident that it has not been questioned by any one.

Mr. HUGHES.—Why should the Court question it? Why should it not also be governed by common-sense?

Mr. CARPENTER.—I believe that it will be so governed if our intention is made quite clear. I believe that the discussion of the question in relation to Western Australia has had a great deal to do with the Government's modification of the clause. They are only asked to do what is fair to



all States. Although I am not quite prepared to accept the amendment which I have just heard read for the first time, still I am glad that the Government has taken a step to meet our views in this regard, and I hope sincerely that before the discussion on clause 46 is reached we shall be able to arrive at an agreement which will remove the fears which now exist in Western Australia. Even if we include in the Bill the proposed power, a doubt has been expressed by the honorable and learned member for Bendigo as to whether the Court could vary an award as between one part of a State and another.

Sir JOHN QUICK.—It would not be a common rule if the award were varied.

Mr. CARPENTER.—That is simply a question of interpretation.

Mr. SPENCE.—There can be a common rule for an area.

Mr. CARPENTER.—A common rule for Australia could not, of course; be a common rule for one State only as against another. So long as it is made clear in the Bill that the Court can make a common rule for a portion of Australia—a limited rule, if you like, but still a common rule in the area—I shall be satisfied. I do not take it that the term necessarily implies a rule which must be common to the whole of Australia.

Mr. FOWLER.—It has to be a Federal rule; but would it be a Federal rule if it were varied in its details?

Mr. CARPENTER.—I think so. If the objection can be raised that the Court cannot exercise that power of variation, cannot a similar objection be taken to the exercise of any of its powers?

Mr. HUGHES.—In New South Wales the Court exercises its discretion.

Mr. FOWLER.—Because it is not limited by the Constitution.

Mr. CARPENTER.—The question here is that certain limitations in the Constitution would prevent the Court from making a rule which was varied as between one State and another. I cannot at present see very much force in the objection, because, as I said, if it applies in one instance, it must also apply in another. Of course we are subject all the time to that one limitation, the dispute extending beyond the boundaries of any one State. The question of the inclusion of seamen has not yet, I understand, been definitely decided.

Mr. HUGHES.—An amendment will be circulated in due course.

Mr. CARPENTER.—The opinion is held that they are not at present included in the Bill, and that a new clause will be proposed in which they will be specifically mentioned.

Mr. HUGHES.—Just so.

Mr. CARPENTER.—I should like the Government to allow us to see the new clause at the earliest possible moment. Probably before the close of this sitting we shall be discussing the question of the common rule, and we are anxious to know what the Government intend to propose in reference to seamen before we are asked to vote on paragraph f of clause 46, which relates to its application. I think that the Prime Minister will see that it would be unfair to ask us to vote in the dark on the common rule and its application to seamen, unless we know exactly on what terms they are to be admitted and what qualifications or modifications the Government propose to make in reference to them. I ask the honorable gentleman to place before us at the earliest moment the new clauses which it is intended to propose.

Mr. WATSON.—That will be done.

Mr. CARPENTER.—I am glad to receive that assurance. The honorable and learned member for Angas has not quite expressed in his amendment what he wishes to do. The Government have given an assurance that what he desires to do has been, or will be, done in another part of the Bill, and, therefore, although I am with the honorable and learned member in wishing to limit the Court in its powers of making its award a common rule, I am not prepared to support his amendment unless what he desires is expressed in a more definite form.

Mr. KELLY (Wentworth).—It seems to me that the honorable member for Fremantle, in discussing the question of the common rule as applied to districts, has overlooked the fact that a *bonâ fide* dispute, originating and having its sole existence in one district in one State, could not be brought before the Federal Court.

Mr. CARPENTER.—I do not imagine that for one moment.

Mr. KELLY.—The honorable member instanced the case of Western Australia in which there are several industrial districts, and I think that one might almost infer from his remarks that a mapping out of the Commonwealth into industrial districts of a similar nature would meet with

his approval. But I submit that it would be impossible for the Federal Court to map out Australia into industrial districts, because its duty would be to adjudicate in the case of a dispute extending beyond the boundaries of any one State, and, of course, if a dispute did not so extend it would not be a *bonâ fide* one for a Commonwealth Court to settle. The proposal of the Government to amend the application of the common rule is certainly a modification of the original provision, and, therefore, it is greatly to be approved, but it does not go quite far enough. What is the proposal? That instead of the Court declaring the common rule absolute, as it would have had to do under the previous Bill, and then allowing the people who objected to its application going to the Court for relief, it is now proposed that the Court shall advertise in the *Government Gazette* the fact that the common rule will be made absolute after a certain time. There will be hundreds of persons in an industry to which the common rule is sought to be applied, who will naturally think that they ought not to be brought within its application, and the Court will be deluged with appeals, so that its business cannot be proceeded with.

Mr. HUGHES.—That has not been the case in New South Wales, where a similar right exists.

Mr. KELLY.—I understand that there has been a number of appeals in that State.

Mr. HUGHES.—I do not know of any but two, and if the honorable member knows of any others, let us hear of them.

Mr. KELLY.—I am not able to speak from personal knowledge, but I know that in that State small disputes usually occupy the attention of the Court. For instance, in the first three months of this year there was not one new dispute of any magnitude heard, but only appeals arising from old disputes.

Mr. HUGHES.—I do not know that.

Mr. KELLY.—I think that the honorable gentleman told us so last night.

Mr. HUGHES.—I did not say that they were not heard; I said that they were not settled.

Mr. KELLY.—What I meant to say was that no new case of any magnitude was settled during the first three or four months of this year, and that the Court was always engaged in re-hearing old troubles. I would suggest to the Prime Minister that his proposal should include a provision for

the notification, not only in the *Gazette*, but at every public building in the Commonwealth, of the fact that the common rule was intended to be applied to an industry. That is a more reasonable way of making the information known to the people.

Mr. HUGHES.—Every hotel would be a good place.

Mr. KELLY.—I do not think that people there would perhaps quite realize what the common rule was. The honorable member for Darling argued that the larger an organization is, the less disposed are its members to strike or to cause trouble. But I would remind him that the most serious disturbance in New South Wales since the creation of the Arbitration Court was caused by, perhaps, the most powerful, and certainly the largest union in the State. We are asked to believe that the Shearers' Union did not strike. It certainly did not work. It formed strike camps, and behaved in a manner which suggested the existence of a strike. It is hardly a fair argument to say that the size of a union precludes its members from striking. Certainly, under this Bill it would not have any such effect, because a minority of the union or any number of men in a union could bring about a strike; it would not be necessary to get a majority of the union. I take it that if the common rule is meant to be applied in its wider aspect, it will be applied in industries in States which have not an Arbitration Court. Obviously that is interfering with the self-governing rights of the States, because each State has its own Government and Parliament, and the fact that three States have not so far adopted this arbitration principle, although it has been an object lesson to them in three other States, suggests that in their opinion it has either not been tried sufficiently long to be adopted by them, or that they do not like it.

Mr. McWILLIAMS.—The Arbitration Bill was defeated in the Tasmanian Assembly by a majority of more than two to one, notwithstanding that the State franchise is the same as the Federal franchise.

Mr. KELLY.—That goes to bear out my contention. In view of the fact that the common rule might, in its application, interfere with the self-governing rights of the States, we should approach the question of its inclusion in this Bill with the greatest caution. Disputes, *bonâ fide* extending beyond the boundaries of a State will be very few, and I do not think it necessary to

ordinary Courts of Justice are not limited as to their powers, except as to the nature and extent of the penalty to be inflicted. We rely upon them to administer justice according to the evidence, and we should repose the same trust in the Arbitration Court. It would be foolish for us, as a Parliament, to attempt to restrict the powers of the Court in the way now proposed. As I have already pointed out, the organization with which I am connected has arrived at a mutual agreement with some sections of the employers upon a number of matters. The Victorian pastoralists, for instance, have come to terms as to wages and almost every other condition. Some of the pastoralists of New South Wales and Queensland have declined to meet us and discuss terms, but when they find that we can appeal to the Court, they may be disposed to arrive at some voluntary settlement. Honorable members need not fear that the Court will be called upon to deal with small disputes. Its authority will be exercised for the most part, if not wholly, in regard to disputes in which large Inter-State organizations are involved. In connexion with these large organizations, the checks against disputes are more effective than those which exist in connexion with the smaller unions. Every writer who has studied the internal management of labour organizations, agrees that the larger the organization the less chance there is of trouble arising. The Court will experience by far the greatest difficulty in dealing with the large manufacturing industries, in which machinery is so largely employed, and in which the equipment is being constantly changed. I believe in people settling their own differences as far as possible. I have been characterized as a fire-brand, but that is only because I cannot help giving expression to my indignation whenever I can see that an injustice is being done. Every right-thinking person naturally experiences a feeling of indignation when he sees a section of the community subjected to injustice. I frankly admit that the best conditions under which an industry can be conducted are those which are laid down as the result of consultation between the parties who are chiefly concerned. I am satisfied that under the operation of this Bill many voluntary settlements of industrial disputes will be effected. I trust that the clause will be retained in its present form.

Mr. KNOX (Kooyong). — It is refreshing to note that honorable mem-

bers upon the other side of the House exhibit a proper appreciation of the responsibility which now rests upon them, as was evidenced by the utterances of the previous speaker. Regarding the amendment, I have always held that in a Federal measure of arbitration the application of the doctrine of the common rule is likely to be productive of very grave evils. This Bill is especially intended to apply to those great industrial organizations, the Shearers' Union and the Seamen's Union, and I have no objection whatever to absolutely declaring in it that the common rule shall apply to them. But to make it applicable to all industries, as is proposed by the Government, very pointedly serves to remind one of the great difference that exists between legislation of this character as applied to a State and as applied to the Commonwealth. That difference honorable members should keep steadily before them. The Prime Minister recognises that after an award has been made by the Court, the common rule cannot be applied to all those engaged in the particular industry affected until they have had an opportunity of showing cause why it should not be so extended. But surely he must realize that an enormous amount of labour will be involved in giving the necessary notice, and that the possibility is always present that it will never reach many of those for whom it is intended. I fully realize that it may be a desirable principle to introduce into State legislation of this character. It has been so introduced in New Zealand, where the State has been divided into areas to which the common rule is applicable. In other States where kindred legislation is operative, the principle is applicable only to certain districts—not to the whole of their territory. If we attempt to make an award of the Court extend to the whole of Australia we shall be undertaking a work the magnitude of which has not been fully appreciated. In this connexion, I might instance the mining industry. I ask those who have an intimate knowledge of that industry whether it is possible to impose the same conditions as affecting work or wages to newly-developed territory—such as is to be found in Western Australia and Queensland—that are applicable to older countries. I hold that the advocates of this Bill will damage the prospect of its successful operation if they insist upon the retention of the clause in its present form. I do not ignore the fact

that the Court is likely to act justly. I do not suppose that any Judge will do anything that is outrageously unreasonable. He will be actuated only by a desire to do simple justice. Nevertheless, I claim that, by retaining this provision, we are opening up the possibility of extending a dispute over the whole of the Commonwealth. I ask the Government not to make the common rule applicable to all industries throughout Australia until we have had some experience of the working of the Act. It will be a serious blot upon this measure if it unnecessarily disturbs industry. I trust, therefore, that the Government will agree to the amendment proposed.

Mr. POYNTON (Grey).—I think it will be generally admitted that the President of the proposed Court will be a man possessed of sound common sense, who, in determining awards, will carefully consider the area to which they should be made applicable.

Mr. HUME COOK.—That discretionary power is vested in him under this clause.

Mr. POYNTON.—The honorable member for Kooyong desires to make the common rule apply only to certain industrial organizations.

Mr. KNOX.—Yes.

Mr. POYNTON.—I do not desire that at all. I have every confidence that the President of the Court, in determining an award, will not apply it to districts where the conditions obtaining are entirely dissimilar.

Mr. LONSDALE.—It has been done in New South Wales.

Mr. POYNTON.—I am not aware of that. I feel sure that different treatment would be meted out to the same branches of industry at, say, Broken Hill and Ballarat. If we attempt to limit the scope of the Bill we shall land ourselves in a difficulty. At present it is impossible for any one to say what industries will come under it, and, in these circumstances, I think that it would be in a sense presumptuous for us to provide that the Bill should not apply to certain undertakings. There are industries other than those mentioned to which a common rule should apply if for no other reason than that an employer in one locality should be placed on an equitable footing with an employer in another. Employers in one State are sometimes placed at a disadvantage, as compared with those engaged in the same industry

in another State. In the absence of a uniform law, employers often remove their industries from one State to another, in order to avoid the effects of humane legislation. Two cases of the kind have been brought under my own notice. The result of this want of uniformity is that a State which, through its legislation, has declared that the workers shall be fairly dealt with is penalized by the default of another State.

Mr. CONROY.—One State loses a number of its citizens, but the work is carried on in another State.

Mr. POYNTON.—The honorable and learned member believes that one State should not be placed at a disadvantage with another by reason of any artificial barrier, and I am sure he will recognise that if a law is allowed to operate in only one particular locality injustice will be done. Certain persons who were engaged in the manufacture of cigars in Melbourne, where they were compelled to pay their employes a minimum wage, removed their factories to Adelaide, where they were able to secure the service of girls at a ridiculously low wage; and others engaged in the manufacture of jam have also, for the same reason, removed their factories from Melbourne to Tasmania.

Mr. CONROY.—And given work to persons in another State.

Mr. POYNTON.—We do not desire that increased employment shall be found in any State by the continuance of conditions that may perhaps lead to the shortening of the lives of the workers. This legislation is necessary, because of the existence of a class of employers that will take advantage of the necessities of the workers. It will place humane employers on a fair footing with those who, in the absence of laws of this class, are constantly taking advantage of an over-supplied labour market, and availing themselves of the services of persons who, with starvation probably facing them, have to accept any wage that is offered. I trust that the Committee will accept the Government proposal.

Sir JOHN QUICK (Bendigo).—I must confess that when I first heard of the principle of the common rule, I was somewhat startled at the invasion which it involved of the ordinary, common principle of justice—well recognised, at any rate, in the administration of justice, as between private individuals—that no person shall be bound by any decision at law except he be a party

to it. It is the common rule to hear the other side before binding it by the decision of the Court. At the same time I admit that cases might arise in which legislation of this description would be ineffective, unless some uniformity of system could be established. A mere decision between A and B, as to what wages A should pay B, whilst binding those parties, might be valueless, unless it acted as a precedent to guide and regulate others. Even in cases in which it is intended to bind others who are not originally parties to a dispute, it is only fair that those other persons or organizations should have notice, and an opportunity, to come in and take part in the discussion. I, therefore, think that, on the whole, the passing of the amendment outlined by the Prime Minister would remove many doubts which I and others have felt in regard to this subject, and that it should be considered when the proper stage is reached. I do not think that the amendment submitted by the honorable and learned member for Angas ought to be entertained. It would restrict to too great an extent the powers and the jurisdiction of the Court. It would, in fact, exclude the possibility of establishing something like uniformity of practice in certain organizations and trades. It would altogether exclude that possibility, and perhaps destroy a useful power. The proper stage at which to consider the Prime Minister's proposal will be reached when we are called upon to consider paragraph *f* of clause 46—when we are dealing with the common rule itself. When the Prime Minister submits his amendment, we shall be able to deal with the matter as a whole. I am very glad that the Minister in charge of the Bill has seen his way clear to put forward an amendment which will give those who are not parties to a dispute—persons in some other part of the country, or connected with some remote part of the trade in question—the opportunity to come in and take part in the discussion. If that opportunity be afforded, no one will be able to complain that he has been bound by a decision given behind his back. If the Government proposal be carried out the decisions of the Arbitration Court, like those of every other Court, will be binding only to the extent to which parties have had an opportunity to be heard.

Mr. CONROY (Werriwa).—The proposal made by the honorable and learned member for Angas is that the award of the

Court shall apply to every organization and person in respect of whom the dispute has arisen, and on whom the Court has declared that it shall be binding. What could be more reasonable? We are simply proposing to tell the Court to whom its powers may extend. If we go any further, it seems to me that we shall be attempting, in effect, to give a legislative power to the Court which the Parliament itself does not possess. If the amendment moved by the honorable and learned member for Angas be rejected, the clause will give the Court power to frame practically a Factories Act for each of the States. That might be a very dangerous power, and should be very carefully exercised. It is true that it would be limited by the constitutional provision on which this measure is founded, and I am rather inclined to believe that the High Court would say, "The power which the Arbitration Court possesses is that of making an award which must apply to at least two States. The Court cannot differentiate between one State and another." It seems to me that the High Court would probably hold that the Arbitration Court had no authority to frame a rate of wages that might have a purely local effect.

Sir JOHN QUICK.—Its award must certainly be applicable to at least two States.

Mr. CONROY.—Does not the honorable and learned member think that if we gave the Court power to make any award of purely local application in any one of the States we should arrogate to ourselves the right to frame a local measure which, under the Constitution, we do not possess?

Sir JOHN QUICK.—Clearly so.

Mr. CONROY.—In these circumstances the amendment is clearly needed. If we have not this power we ought to make it clear that we do not even assume to possess it—that we do not seek to grant to the Court a power which we as a legislative body cannot confer. I am rather surprised at the remarks which have fallen from the honorable and learned member for Bendigo, in view of the answer which he has just given to my question. Had his attention been directed, in the first instance, to this point, I do not think that he would have intimated his intention to vote against the amendment. When the honorable member for Grey spoke of the desirableness of having equal conditions in all the States it seemed to me that he was pointing out that a Factories Act might be disadvantageous to Melbourne—that persons might

seek to escape it by removing their industry to a State in which like legislation did not exist. His argument appeared to be based on the principle that, if there are disadvantages in one State, like disadvantages should be created in another. It reminds one of the fable of the fox who lost his tail. Because the Victorian State Legislature has passed a law imposing certain conditions of employment, the honorable member thinks that we should pass a law compelling the people of South Australia to work under like conditions.

Mr. POYNTON.—The sweater will always get away, if possible, from the rigour of the law.

Mr. CONROY.—The factories to which the honorable member refers could not have been removed to another State without tending, in some small degree, at all events, to raise the rate of wages there.

Mr. POYNTON.—Why?

Mr. CONROY.—Because no one would accept employment in them at a lower rate of wage than he could obtain in the trade in which he was previously employed. If a new avenue of employment is opened up, it is perfectly clear that the workers must gain some advantage from it—that it possibly offers work to persons who before could not obtain it. The amendment is very reasonable. If we seek to give the Court power to make, in effect, local laws, we shall exceed our authority, and in these circumstances the Prime Minister should have accepted the proposal made by the honorable and learned member for Angas. This Bill is not designed to deal with a State *per se*; and as we are dealing with the States as a united body, and only with disputes which extend beyond the limits of any one State, how can we possibly give our Court the power to deal with matters affecting a local industry. It is a power that this Parliament itself does not possess. The authority which we confer on the Arbitration Court to interfere with or regulate an industry can be no wider than the authority we ourselves possess. It is admitted that we could not make a law regulating industry in a State, and, therefore, I submit we cannot give an Arbitration Court power to do it. In the circumstances, we should make our Bill as clear as possible, in order that we may not be continually furnishing food for lawyers. As a lawyer myself, I am often surprised at the reckless way in which clauses are sometimes passed in this House. One

honorable member will argue that a clause will have a certain effect, and another will contend that it will have an opposite effect, and yet honorable members allow it to pass in that form. If there is one thing on which we should insist, it is that whether a clause will have a good or a bad effect it should be perfectly clear what effect it will have.

Mr. POYNTON.—Does the honorable and learned member think it possible to get the lawyers in this Committee to agree upon any particular point?

Mr. CONROY.—In hundreds of cases all the lawyers in the Committee may be absolutely agreed as to the effect which a certain clause will have, but when we find laymen and lawyers on either side unable to agree as to the interpretation which will be put upon the use of certain words in a clause, it is perfectly clear that if we pass such a clause we shall be making laws which will lead to disputes. It appears to me that the honorable and learned member for Bendigo, after the admissions he has made, should see his way to vote for the amendment.

Mr. HUTCHISON (Hindmarsh). — I believe that honorable members have to some extent overlooked the effect of the amendment. If it receives the support of the majority of the members of the Committee, the effect will be that in the case of the shearing industry, for example, should a dispute arise in a number of sheds, the parties interested in each case must come separately before the Court to have the dispute settled. That alone should show how absurd such a provision would be, and how expensive it must become. In considering the question of the common rule, honorable members have overlooked the fact that in another part of the Bill it is clearly shown how the common rule will operate. If they will turn to paragraph g of clause 46, they will find that the Court is given power to direct within what limits or area, if any, a common rule shall apply. The Court in its wisdom may confine an award to the parties interested in a particular case. It may apply it within a very circumscribed area, or, if it considers it desirable, throughout the Commonwealth. Then it must not be forgotten that if in the wisdom of the Court an award should apply throughout the Commonwealth, there is power under the Bill for persons aggrieved to seek a variation of the award. Honorable members who contend that because of the different conditions under which sim-

industries are carried on in different States, the application of a common rule may do injury, may well be satisfied that as we have seen the point it is not likely to escape the notice of the Arbitration Court. If some honorable members had only made themselves familiar with the provisions of this Bill, we should not have wasted so much time this afternoon.

Mr. LONSDALE (New England).—I favour the amendment, because, at any rate, it makes it clear that the Court can apply no award outside those who have appeared before it, and whose case has been heard. We should not pass a law which will permit any Court to impose an award upon persons whose case has not been heard. To do such a thing is against all principles of British justice, and against the recognised precept that in all judicial proceedings we should hear both sides. In connexion with matters of this kind, where the investigations will be most intricate, such a power as I have described should not be permitted to any Court. I do not believe it is possible for any Judge to be more sympathetic to the working classes than is the Judge who presides over the Arbitration Court in New South Wales. If he leans at all, and I think he does, it is in the direction of the working classes. If we look at what he has done we shall realize that he has endeavoured to act in the very best interests of working men. I do not blame him for that, although, in my opinion, his judgment has at times been in opposition to the fundamental principle of British justice. The difficulty is that men in the country districts are refused permission to attend the Arbitration Court, by reason of the fact that country organizations are not registered, and honorable members must be aware that it is impossible for persons to attend the Court individually, because that would, in many instances, be extremely expensive. I say that it is outrageous that any Court should have the power to fix an award upon persons when no opportunity has been afforded them to put their view of a case. I invite honorable members to consider such a case as this. A man in a country district has established himself in a small business, and he has not sufficient work to keep one man regularly employed. He has a son who is beyond the school age, and for whom he can get no other employment. The son assists him in his business. A common rule is fixed by the Arbitration Court covering

the industry in which this man is engaged, and under it he is informed that, unless he sends his boy out of the business, he will be had up before the Court and punished. Yet he has not been heard in the dispute, and the circumstances under which he carries on the industry never come within the knowledge of the Court. Is there any member of this Committee who thinks that that kind of thing should be tolerated? No matter how much we may believe in helping men, surely we should not help them in such a way as to injure persons in small businesses. I repeat that if the Government would limit the application of the Arbitration Bill to large centres of population, there would not be so much objection to it. But if we allow those employed in large centres of population to practically dictate terms to the people living in smaller centres, we shall injure the small men, who are the very persons we desire to help. I hope honorable members will exercise their intelligence in that direction, and recognise that the effect of this kind of legislation is to injure the men who wish to make a start for themselves upon a small scale. I am against the application of a common rule, even in one State. No Judge in the world, though he should be the best man we could get, can grasp the different conditions existing in the same industry as carried on in the midst of a dense population, and in a sparsely populated district. Take another case, where a common rule was applied: the case of the boot trade. Under a common rule it has been ordered that men engaged in this trade must be paid overtime after certain hours. In the country districts men are carrying on small boot-making establishments, and employing a small number of hands. Business may ordinarily be very slack, but at times orders come in with a rush. The only way in which they can be filled is by the men working overtime. Hitherto men so situated have always done that work at the ordinary rate of pay, but the application of the common rule means that they must be paid an increased wage for any overtime work. The effect of that is to handicap the country manufacturer as against the city manufacturer. If the city manufacturer gets a rush of orders he has no need to ask his men to work overtime. He is not required to bear the extra cost of manufacturing under such conditions. All he has to do is to insert an advertisement in a

newspaper, and the next morning forty or fifty men will be at his factory ready to carry out the work. That indicates the way in which this kind of legislation injures the country districts. I should not have fought this Bill as I have done if it were proposed to limit its operation to large centres of population. Such legislation might not do a great deal of injury if applied in dense populations, although even then I believe it would do some injury. But it is quite unreasonable to apply it to country districts, and at the same time to provide for a common rule which will not fairly meet differing conditions. If it is difficult to apply a common rule in one State, to differentiate between the conditions of industry in large and small centres of population in that State, how much more difficult will it be to apply such a rule to the varying conditions of industry all over this great continent? No matter how conscientious the Judge of an Arbitration Court may be, it is impossible for him to fix conditions which will apply equally throughout Australia. I do not think that the High Court would uphold an award by an Arbitration Court applying a common rule throughout the States. If, under the award of an Arbitration Court, an industry could be carried on at lower wages in one State than in another, the State that was injured by the award could at once move the High Court to prevent that kind of thing being done. I am not lawyer enough to say whether it could or could not, but I think it could. Some reference has been made to a statement by the honorable member for Kooyong, that injustice might be done under the Bill, and what I say is that if it were at first limited to shearers, seamen, and railway men—as the Committee has decided to include railway men—

Mr. WILSON.—Miners?

Mr. LONSDALE.—No; I should not include miners. I should not greatly object if it were proposed to limit the operation of this Bill to shearers, seamen, and railway men, as the Committee has determined to include the latter. Surely it would be better for us to legislate step by step, than to try at once to cover every industry in all the States. The spirit and intention of the men behind this Bill is, no doubt, to make this a political machine if possible. There can be no doubt that that was the spirit and intention of the amendment which was withdrawn yesterday. The

attempt is made to make this a Federal machine for the purpose of controlling the States. If the Government would consent to limit the operation of the Bill to the three or four industries to which I have referred, and to which it might fairly be applied for a start, many of the objections to it would be met. The proposal in the Bill is against the principles of justice. If, under this measure, we give power to an Arbitration Court to make an award against a man whose case has never been heard, who has never been before the Court, and who has nothing whatever to do with the dispute which has led to the award, that will be against the principles of justice. Ministers have already recognised that fact, and if they are honest in their intention to introduce the amendment which has been spoken about, they should accept the amendment submitted by the honorable and learned member for Angas, which will effect what they profess a desire to do. I have no wish in this connexion but to help the masses and to prevent this legislation doing more injury than can be avoided. The honorable member for Corangamite referred to the mining industry. But I say that it would be impossible for any Arbitration Court to properly control that industry. I know that had such legislation as this existed in the past it would have destroyed the mining industry in many places. There are places where it pays well. There are other places where the capitalist has lost money, and has been paying wages whilst getting nothing in return. If any interference is made in a case of that kind, instead of benefiting the miners, the effect would be exactly the reverse. It would shut up the mines. If the Court reduced the wages of the men, they would at once say that they did not want to have an Arbitration Court whose decisions had that effect. If those honorable members who advocate the establishment of an Arbitration Court would tell their constituents that there is a possibility of their wages being reduced, those men would at once say that they did not desire to have it established. To tell the workmen that they will be certain to obtain better conditions by means of an Arbitration Court is simply nonsense. Wages have been reduced by the Court in New South Wales, and if justice be done, there will necessarily be times when working men will obtain worse conditions. For the reasons I have indicated, I shall vote for the amendment proposed by the honorable and learned member for Angas.



Mr. FOWLER (Perth).—When the honorable member for Richmond was speaking, in looking round for some case by which he could emphasize his arguments, he lighted with his usual nimbleness on Western Australia. He was very anxious to accuse the representatives of that State in this House of some little inconsistency, in asking that the exceptional conditions of that State should be recognised by the Government in connexion with this and other measures.

Mr. EWING.—I said not "inconsistency," but "variation."

Mr. FOWLER.—The honorable member accused us of an inconsistent departure from the principle of democracy. I think that in looking round for an illustration of inconsistency, he need not have gone further than the honorable member for Richmond himself. We admire his versatility, and particularly his ability to get up and on any text give us an interesting discourse—of which inconsistency as a rule is the prominent characteristic. I do not object to that in the least degree. I think that the whole of the members of this House would be sorry, indeed, if the honorable member for Richmond became so entirely logical that his inconsistencies disappeared. I, for one, —apart from my characteristic racial love of reason and logic—should be very sorry to see any such change. It would, I think, be damaging to the honorable member. The subject which we are discussing, as contained in the amendment of the honorable and learned member for Angas, is undoubtedly one that causes a good deal of anxiety to the Western Australian representatives. I have listened very carefully to the discussion, and I cannot help coming to the conclusion that the Government in this and in other matters are running a grave danger of riding a very good principle to death. So far as the common rule is concerned, I am anxious to see it applied to the utmost extent, consistent with the varying conditions that exist throughout the Commonwealth. But before I can support the Government in this particular matter, I want to be perfectly certain that any award given under this measure will be one that can be varied in accordance with local conditions. The honorable and learned member for Werriwa raised an important point, which he referred to the honorable and learned member for Bendigo. In order to obtain the opinion of that honorable and learned member, in

a more definite form than he gave it by way of interjection, I spoke to him privately, and put to him a possible case. I asked if he thought that a Court constituted under this Bill could vary its judgments in respect to the local conditions of my own State. He admitted that there was very grave doubt indeed whether such a tribunal would have a power of that kind under the Constitution. If the Court would not have that power, then I, for one, emphatically refuse to follow the lead of the Government on this matter. Unless I have a distinct pledge from them, that they will take measures to insure that the award can be varied, I shall support the amendment of the honorable and learned member for Angas. The conditions in the State of Western Australia vary to a very considerable degree. In the first place, they vary as compared with the conditions prevailing in the other States to a very large extent. Take the mining industry. The wages paid in Western Australia are, in some instances, more than double the wages that prevail in Victoria.

Mr. WILSON.—Justly so, too.

Mr. FOWLER.—Justly so; in fact, the special conditions that exist in Western Australia are not sufficiently recognised even in the wages paid there. In connexion with that matter, I am of opinion that the tendency of any Arbitration Court will be to achieve as much uniformity as possible. I doubt, therefore, whether the very peculiar conditions of Western Australia would have that consideration from the Court to which they are entitled. But that is not the particular matter to which I wish consideration to be directed. It is this: that even within the State of Western Australia, and on one particular gold-field the conditions vary, so far as the cost of living is concerned, within a distance of, say, twenty miles, as much as 50 per cent. In other words, if a township is on a railway line, the cost of living is much more reasonable than is the case at a mining camp some twenty miles away, where the cost of carrying provisions along a track by waggon increases their price in some instances by 50 per cent. I want to know whether this Court, in considering a dispute, say, in connexion with the mining industry, would be able to differentiate in Western Australia between two such places as I have indicated?

Mr. SPENCE.—Why should it not?

Mr. FOWLER.—I want to know, because I have the opinion of one of the best

constitutional authorities in this House, that the decision of the Court must necessarily apply to the whole State.

Mr. WATSON.—Not at all; we have specially provided against that.

Mr. KELLY.—It must be so under section 92 of the Constitution.

Mr. FOWLER.—Are the Government going to take up such a position as will enable them to save this situation, if they find that they are putting what appear to be unconstitutional clauses into the Bill?

Mr. WATSON.—We have already stated that the Bill contains sufficient provision to insure that each application to extend the common rule shall be considered on its merits, and we are amending the provisions in that regard by an amendment, of which I have given notice to-day.

Mr. FOWLER.—I have no doubt that the Government consider that they occupy good ground in reference to the point. But we have equally good constitutional authority to indicate that there is a likelihood—a very grave likelihood—that the Court cannot vary the conditions, even in a minute degree.

Mr. WATSON.—But they can. If the honorable member looks at paragraph g of clause 46 he will see that every power is given there; and we are modifying that by an addition to paragraph f.

Mr. FOWLER.—The power may be given in the Bill. I want to know whether the power that is so conferred by the Bill does not go beyond the power conferred by the Constitution. It is a very important point indeed, and I am sorry that the Government have not given us very much information on that aspect of the subject. They take it for granted that they are acting within the Constitution. But I have, as I say, authority of considerable weight—

Mr. WATSON.—So have we.

Mr. FOWLER.—Indicating that, possibly, the Government are entirely wrong upon the question.

Mr. WATSON.—There is authority of equal weight on the other side.

Mr. FOWLER.—When a question of that kind arises, I am going to be on the safe side; and, until I am absolutely certain, I am going to take no step that might possibly amount to a disastrous condition of things in my own State. As I have already said, I am afraid that the Government, in some respects, are carrying what appears to me to be, and what I believe to be, a good principle, just a little bit too far.

Mr. WATSON.—We are modifying it.

Mr. FOWLER.—No.

Mr. BATCHELOR.—The honorable member should not say "No," because we are.

Mr. FOWLER.—It may be so.

Mr. BATCHELOR.—It is so; it is not a matter of opinion, but of fact.

Mr. FOWLER.—I want to say this in conclusion—that I am not satisfied that the position taken up by the Government is entirely a sound one; and, until I am so satisfied, I intend to be on the safe side, and, failing the assurance that I have been asking for, shall support the amendment of the honorable and learned member for Angas.

Mr. DUGALD THOMSON (North Sydney).—The discussion on this clause has revealed one of the great defects of this measure, which has been pointed out time after time. It is this—that the Bill seems to have been drafted with the intention of providing, first, a Federal Arbitration Court for cases extending beyond a State; and, secondly, of providing a complete State Arbitration Bill for dealing with every question—not merely overflow disputes—in every State throughout Australia; while in the remaining provisions ingenious methods are inserted to evade the Constitution, and make it possible for the Federal Government to take under its control all the industries of Australia. I agree with the honorable member for Perth—at least, I agree with what his remarks would lead me to think are his conclusions—that we should, so far from centralization, have determined on decentralization as the best principle for controlling the industries of Australia. Local Courts ought to be far better able than a Federal Court to consider local circumstances. And with the honorable member for Perth I believe that there would be very grave danger—whether or not the Constitution demands equality—in placing all control in a central body, which cannot give due weight to local conditions. The amendment of the honorable and learned member for Angas is, in my opinion, a sufficient extension of the powers of the Court, at any rate at the earlier stages of a Federal law of this nature. The amendment gets rid of some of those dangers to which the honorable member for Perth has alluded, dangers which would certainly prove to be serious in the administration of this measure. A central Court cannot give that full consideration which is desirable to all the local circumstances which affect the rates of

wages in different States and different portions of the States; and for that reason I believe it much safer to follow the course suggested by the honorable and learned member for Angas than to adopt the more extensive and more dangerous proposal of the Government. The Prime Minister has said that all the honorable member for Perth suggested is provided for in the Bill.

Mr. WATSON.—I say that power is given to the Court by sub-clause g to meet all varying conditions.

Mr. DUGALD THOMSON.—What I am pointing out is that the system adopted in the Bill is one of centralization; that is, presuming all the industries of the different States can be brought under that system. If those industries cannot be brought under the system, then the suggestion of the honorable and learned member for Angas is a good one.

Mr. WATSON.—But the amendment does not go so far as the honorable and learned member for Angas indicated in his speech. With the amendment the clause could not be applied to other than the individuals immediately concerned as parties in the case.

Mr. DUGALD THOMSON.—I do not mean as to individual members. I do not know that the honorable and learned member intended to go so far.

Mr. WATSON.—The honorable and learned member said so.

Mr. DUGALD THOMSON.—If we are able to deal only with disputes extending beyond the limits of a State, then the proposal by the honorable and learned member for Angas is a good one; and many honorable members have declared that these are the only disputes with which we can deal. If, on the other hand, we are to deal with all disputes that may arise in any industry anywhere in the States, one Court, under this system of centralization, will have to take into consideration a multiplicity of differences in conditions, which would be far better dealt with by local Courts. There has to be considered the differences in attitude towards rates of wages. Some of the higher wages given in parts of Australia are only partly due to different climatic conditions and cost of living; they may be due to a different attitude towards rates of wages in a place which is doing exceedingly well, such as Western Australia, where the mine-owners and others are making large fortunes. There higher wages are, for instance, given than in Queensland, where,

in some parts, the conditions are not so good. Undoubtedly a Court that has to do with all Australia will not take into consideration this varying attitude together with the other climatic and social conditions. There should be decentralization, so that the body dealing with an industry may be in close touch with the conditions and attitude of employers in a particular State, and keep in view the degree of prosperity those employers are experiencing, so that the wages in that State may be settled on local conditions. For that reason it would have been much wiser to adopt a different system in the drafting of the Bill. The Federal power should have been left to deal with disputes extending beyond the limits of any one State, and the States authorities left to deal with local matters, of which they must have a better knowledge than could any central Court.

Mr. CARPENTER (Fremantle).—It is evident that this amendment is being supported by some who desire in every possible way to limit the scope of the Bill.

Mr. WILSON.—We want to be fair.

Mr. CARPENTER.—I am speaking purely from what fell from honorable members on the Opposition side, whom the honorable member for Corangamite, in his absence, may not have heard. We have in one or two cases had a repetition of the arguments used yesterday, when we were discussing the application of the Bill to certain classes of employes and employers, and I am justified in repeating that this amendment affords some members another opportunity to limit the application of the Bill. The honorable and learned member for Angas admits that the words he proposes to insert do not exactly convey what he wishes to convey. I saw the same objection that the honorable and learned member does to the sub-clause, namely, that the Court is given power to extend an award to any organization or any industry without giving that organization or industry an opportunity to make itself heard in the Court either for or against the proposal. Had the honorable and learned member not proposed some modification, or had we not had some assurance from the Government that the provision would be qualified in some way, I should have taken action myself in the way of submitting an amendment. But the honorable and learned member for Angas has told the Committee that he seeks to give the Court power to apply an award to any organization

that may be affected or may be connected with the industry concerned, and he said yesterday that he saw the impossibility of getting the Court to deal with unorganized labour. However we may debate the question of extending the operation of the measure, yesterday's divisions proved, I think, that the Committee is convinced that the Bill cannot be made to apply to unorganized labour. It must deal with labour organizations. That being admitted, the honorable and learned member for Angas sees the necessity of limiting the provision to that body of workers or employers included in organizations. If the honorable and learned member could so draft his amendment so as to convey his meaning and no more, I should feel inclined to support him. I am quite with those who say that there is no necessity to extend an award to those who have not been consulted. If it can be shown that it is to be applied only to those who can be consulted—that is, any one who belongs to an organization, or who is in a position to give evidence on his own behalf—then we are on safe ground. But, as the honorable and learned member sees, there are hundreds, and, perhaps, thousands of workers connected with some of the larger industries who are not in organizations, and for whom the organizations must act. That is all that the honorable and learned member seeks to do, namely, to give the Court power to extend the award only to those organizations connected with the industry. The question of the common rule has been raised, and, rightly so, because in that is the whole issue.

Mr. CONROY.—A dispute amongst miners at Bendigo or Broken Hill, which resulted in their wages being raised, might, under a common rule, cause a reduction in the wages of every man at Kalgoorlie.

Mr. CARPENTER.—I am coming to the question of variation of awards in different districts. I am against a hard and fast application of the common rule without reference to the conditions under which it may be employed; and I do not think any one here will dispute that principle. As to the remarks of the honorable member for Richmond in reference to Western Australia, it is true, as has been stated by the honorable member for Perth, that there was, and is still, a good deal of anxiety in that State as to this common rule. I believe that the anxiety has arisen from some exaggeration of the supposed evils that might flow from an unwise application of a

rule. Still, the anxiety is there, and has to be removed; and I believe it can be removed if this Committee will give, as I believe it will, due heed to the unusual conditions obtaining in that distant State. It is hard, perhaps, for members to realize how the conditions there vary, not only from those of the Eastern States, but in themselves over the enormous area of the State itself.

Mr. HUGHES.—There is ample power in the Bill to enable the Court to act.

Mr. CARPENTER.—I hope that it will prove to be the case. The fear arose chiefly from the intention to include seamen in the previous Bill. It was proposed by the right honorable member for Adelaide, after he had resigned his Ministerial office, to extend that Bill if it did not already extend to seamen, and to make the application of the common rule absolute.

Mr. GROOM.—To extend it to seamen on foreign ships?

Mr. CARPENTER.—Yes. Honorable members can see at once how a proposal to deal with oversea ships might aim a very serious blow at Western Australia, in that it might destroy one of its means of communication with the eastern States. But I am glad that the Government have sought to modify the clause in a way which I believe will make it more acceptable to that State, and I am sure to the members of the Committee. Under the local Act, owing to the variation I have mentioned, Western Australia has been divided into industrial districts. A common rule applies to only a certain portion of the State, simply because, as between the coastal districts and the gold-fields, the conditions vary so widely that what may be a just rule of pay in one place would not be so in the other. Even before we had an Arbitration Act, the Railway Commissioner of the State recognised the difference in the conditions; and for the same class of work a higher rate is paid on the gold-fields than on the coast. The reason for this differentiation is so self-evident that it has not been questioned by any one.

Mr. HUGHES.—Why should the Court question it? Why should it not also be governed by common-sense?

Mr. CARPENTER.—I believe that it will be so governed if our intention is made quite clear. I believe that the discussion of the question in relation to Western Australia has had a great deal to do with the Government's modification of the clause. They are only asked to do what is fair to

all States. Although I am not quite prepared to accept the amendment which I have just heard read for the first time, still I am glad that the Government has taken a step to meet our views in this regard, and I hope sincerely that before the discussion on clause 46 is reached we shall be able to arrive at an agreement which will remove the fears which now exist in Western Australia. Even if we include in the Bill the proposed power, a doubt has been expressed by the honorable and learned member for Bendigo as to whether the Court could vary an award as between one part of a State and another.

Sir JOHN QUICK.—It would not be a common rule if the award were varied.

Mr. CARPENTER.—That is simply a question of interpretation.

Mr. SPENCE.—There can be a common rule for an area.

Mr. CARPENTER.—A common rule for Australia could not, of course; be a common rule for one State only as against another. So long as it is made clear in the Bill that the Court can make a common rule for a portion of Australia—a limited rule, if you like, but still a common rule in the area—I shall be satisfied. I do not take it that the term necessarily implies a rule which must be common to the whole of Australia.

Mr. FOWLER.—It has to be a Federal rule; but would it be a Federal rule if it were varied in its details?

Mr. CARPENTER.—I think so. If the objection can be raised that the Court cannot exercise that power of variation, cannot a similar objection be taken to the exercise of any of its powers?

Mr. HUGHES.—In New South Wales the Court exercises its discretion.

Mr. FOWLER.—Because it is not limited by the Constitution.

Mr. CARPENTER.—The question here is that certain limitations in the Constitution would prevent the Court from making a rule which was varied as between one State and another. I cannot at present see very much force in the objection, because, as I said, if it applies in one instance, it must also apply in another. Of course we are subject all the time to that one limitation, the dispute extending beyond the boundaries of any one State. The question of the inclusion of seamen has not yet, I understand, been definitely decided.

Mr. HUGHES.—An amendment will be circulated in due course.

Mr. CARPENTER.—The opinion is held that they are not at present included in the Bill, and that a new clause will be proposed in which they will be specifically mentioned.

Mr. HUGHES.—Just so.

Mr. CARPENTER.—I should like the Government to allow us to see the new clause at the earliest possible moment. Probably before the close of this sitting we shall be discussing the question of the common rule, and we are anxious to know what the Government intend to propose in reference to seamen before we are asked to vote on paragraph f of clause 46, which relates to its application. I think that the Prime Minister will see that it would be unfair to ask us to vote in the dark on the common rule and its application to seamen, unless we know exactly on what terms they are to be admitted and what qualifications or modifications the Government propose to make in reference to them. I ask the honorable gentleman to place before us at the earliest moment the new clauses which it is intended to propose.

Mr. WATSON.—That will be done.

Mr. CARPENTER.—I am glad to receive that assurance. The honorable and learned member for Angas has not quite expressed in his amendment what he wishes to do. The Government have given an assurance that what he desires to do has been, or will be, done in another part of the Bill, and, therefore, although I am with the honorable and learned member in wishing to limit the Court in its powers of making its award a common rule, I am not prepared to support his amendment unless what he desires is expressed in a more definite form.

Mr. KELLY (Wentworth).—It seems to me that the honorable member for Fremantle, in discussing the question of the common rule as applied to districts, has overlooked the fact that a *bonâ fide* dispute, originating and having its sole existence in one district in one State, could not be brought before the Federal Court.

Mr. CARPENTER.—I do not imagine that for one moment.

Mr. KELLY.—The honorable member instanced the case of Western Australia, in which there are several industrial districts, and I think that one might almost infer from his remarks that a mapping out of the Commonwealth into industrial districts of a similar nature would meet with

his approval. But I submit that it would be impossible for the Federal Court to map out Australia into industrial districts, because its duty would be to adjudicate in the case of a dispute extending beyond the boundaries of any one State, and, of course, if a dispute did not so extend it would not be a *bonâ fide* one for a Commonwealth Court to settle. The proposal of the Government to amend the application of the common rule is certainly a modification of the original provision, and, therefore, it is greatly to be approved, but it does not go quite far enough. What is the proposal? That instead of the Court declaring the common rule absolute, as it would have had to do under the previous Bill, and then allowing the people who objected to its application going to the Court for relief, it is now proposed that the Court shall advertise in the *Government Gazette* the fact that the common rule will be made absolute after a certain time. There will be hundreds of persons in an industry to which the common rule is sought to be applied, who will naturally think that they ought not to be brought within its application, and the Court will be deluged with appeals, so that its business cannot be proceeded with.

Mr. HUGHES.—That has not been the case in New South Wales, where a similar right exists.

Mr. KELLY.—I understand that there has been a number of appeals in that State.

Mr. HUGHES.—I do not know of any but two, and if the honorable member knows of any others, let us hear of them.

Mr. KELLY.—I am not able to speak from personal knowledge, but I know that in that State small disputes usually occupy the attention of the Court. For instance, in the first three months of this year there was not one new dispute of any magnitude heard, but only appeals arising from old disputes.

Mr. HUGHES.—I do not know that.

Mr. KELLY.—I think that the honorable gentleman told us so last night.

Mr. HUGHES.—I did not say that they were not heard; I said that they were not settled.

Mr. KELLY.—What I meant to say was that no new case of any magnitude was settled during the first three or four months of this year, and that the Court was always engaged in re-hearing old troubles. I would suggest to the Prime Minister that his proposal should include a provision for

the notification, not only in the *Gazette*, but at every public building in the Commonwealth, of the fact that the common rule was intended to be applied to an industry. That is a more reasonable way of making the information known to the people.

Mr. HUGHES.—Every hotel would be a good place.

Mr. KELLY.—I do not think that people there would perhaps quite realize what the common rule was. The honorable member for Darling argued that the larger an organization is, the less disposed are its members to strike or to cause trouble. But I would remind him that the most serious disturbance in New South Wales since the creation of the Arbitration Court was caused by, perhaps, the most powerful, and certainly the largest union in the State. We are asked to believe that the Shearers' Union did not strike. It certainly did not work. It formed strike camps, and behaved in a manner which suggested the existence of a strike. It is hardly a fair argument to say that the size of a union precludes its members from striking. Certainly, under this Bill it would not have any such effect, because a minority of the union or any number of men in a union could bring about a strike; it would not be necessary to get a majority of the union. I take it that if the common rule is meant to be applied in its wider aspect, it will be applied in industries in States which have not an Arbitration Court. Obviously that is interfering with the self-governing rights of the States, because each State has its own Government and Parliament, and the fact that three States have not so far adopted this arbitration principle, although it has been an object lesson to them in three other States, suggests that in their opinion it has either not been tried sufficiently long to be adopted by them, or that they do not like it.

Mr. McWILLIAMS.—The Arbitration Bill was defeated in the Tasmanian Assembly by a majority of more than two to one, notwithstanding that the State franchise is the same as the Federal franchise.

Mr. KELLY.—That goes to bear out my contention. In view of the fact that the common rule might, in its application, interfere with the self-governing rights of the States, we should approach the question of its inclusion in this Bill with the greatest caution. Disputes, *bonâ fide* extending beyond the boundaries of a State will be very few, and I do not think it necessary to

apply the common rule to all and sundry. For these reasons I shall support the amendment.

Mr. GROOM (Darling Downs).—I intend to vote against the amendment, the object of which is practically to make an award binding only on the parties before the Court.

Mr. McCAY.—It means more than that.

Mr. GROOM.—If it means more than that, it presumably amounts to about the same thing as the Government proposition. I do not know exactly how far the honorable and learned member for Angas wishes awards to extend.

Mr. McCAY.—To non-union men working in the same establishment as the union men who have gone before the Court.

Mr. GROOM.—I do not think that that is far enough. I prefer the amendment suggested by the Government. The whole question is worthy of careful consideration. In the first place we must remember that, under the Constitution, we have power to make laws for the prevention and settlement of industrial disputes only. Our power to regulate trade and industry is limited, and the giving to the Court of the right to make a common rule has been objected to as equivalent to a delegation of a legislative authority which this Parliament does not possess. It is clear that we have no power to confer upon the Court general powers of legislation. If we look in the powers delegated to us under the Constitution for authority to confer the power upon the Court to make a common rule, we are thrown back on the word "prevention." The honorable and learned member for Angas practically wishes to confine the Bill to the settlement of industrial disputes, leaving out of consideration their prevention. The application of a common rule is to be justified only on the ground that the Court by extending an award can prevent an industrial dispute. I do not know any other authority for the making of a common rule. We can empower the Court to make awards for the prevention of industrial disputes, and consequently to extend their application beyond the parties which come before it. If the Court makes an award, it will have power to extend its application in order to prevent industrial disputes, but it seems to me that it will not be able to go further than that. The point raised by the honorable member for Perth, as to whether we can empower the Court to vary the terms of an award, is a very important one. I think that we have full

power to give the Court jurisdiction to vary its awards. He referred to a dispute extending from Western Australia into South Australia. The Court in dealing with such a dispute would have power to make an award which would apply to both States, and in order to secure equality of treatment it could adapt it to the varying conditions under which it would have to apply. The honorable member spoke of the variation of conditions in Western Australia as extraordinary, but I think that the variation of conditions is even greater in Queensland than in Western Australia, because of the greater extent to which population has settled in the tropical and western parts of the State. The Court, in giving an award, will have full power to consider all circumstances of climate, soil, season, and the like, in order to secure equality of treatment. The only suggestion I have to make is that the Prime Minister should consider the advisability of inserting a provision similar to that in the Electoral Act, which requires the Electoral Commissioners, when dividing the States, to consider geographical situation, means of communication, and various other matters. It would be a safeguard if we put some such instruction into this measure, to make sure that the Court before announcing a common rule shall consider climatic conditions, area, and other circumstances.

Mr. WATSON.—I see no objection to the insertion of some such provision as an indication of our intention.

Mr. DEAKIN.—The honorable member for Richmond has drafted an amendment to that effect.

Mr. GROOM.—I did not know that. I would suggest that the Prime Minister should ask the parliamentary draftsman to consider the matter, so that the mind which drafted the measure as a whole may provide for the fitting in of the amendments we wish to make. Another point raised by the honorable member for Perth was this—Can the Court, after it has given an award, vary its application to different parts of Australia? I think that it will have that power. For instance, an award might be made applying to a mining field remote from a railway, so that the cost of living, by reason of the heavy expense of bringing goods there, was very high. Afterwards the construction of a railway might entirely alter these conditions. In such a case, I think that the

award could be varied, so as to secure that justice should be done under it. It has been suggested that to vary the award so as to make its conditions vary in different States or parts of one State, would be a preference under section 99 of the Constitution. There must be no giving of a preference to one State over another, or to one part of a State over another. The object of varying an award would be, not to give a preference, but to secure equality of conditions.

Mr. McWILLIAMS.—A similar provision in the Navigation Bill would create a great many exemptions.

Mr. GROOM.—If seamen are included in this Bill we shall be able to extend the provision of an award to those on board foreign vessels engaged on the Australian coasting trade, but not without expressly mentioning them. The Attorney-General, no doubt, has the matter under consideration. The Bill, however, empowers the Court to vary an award, and a later clause empowers it to vary an order in any way it thinks fit. As a common rule is included under an award, the Court will have power to vary a common rule. There is nothing in the Constitution to prevent the variation of an award given to settle a dispute extending to two or more States, because such a variation would not amount to the giving of a preference, or to the exercise of a discrimination. The variation is done merely to secure equality of conditions. I view the provision dealing with a common rule with considerable apprehension, and I hope that the Court will exercise this power with the greatest discretion. Otherwise the power to prevent disputes will be converted into a delegation of power to legislate upon industrial matters, which, I think, is not the intention of the Bill, and would be opposed to the Constitution. Our desire is to prevent great national disputes, and to provide an effective means for their settlement and prevention.

Mr. HIGGINS (Northern Melbourne—Attorney-General).—I understand that our power to provide for the application of an award to some areas of a State and not to other areas or to other parts of the Commonwealth has been questioned. Section 99 of the Constitution provides that—

The Commonwealth shall not, by any law or regulation of trade, commerce, or revenue, give preference to one State or any part thereof over another State or any part thereof.

I have not the slightest doubt that that provision in no way endangers the common

rule. It cannot be said that preference is given by the fact that there is one regulation for one part of the Commonwealth and another for another part. For instance, in dealing with the plague or with quarantine, it would be perfectly legitimate to apply one law to a hot climate like that of Port Darwin, and to enact different conditions in the case of a region like Hobart, where the climate is cool. It would be absurd to say that that would amount to a preference within the meaning of the Constitution, although there is no doubt that such regulations would have their effect upon trade and commerce, and even revenue. I have had the advantage since I came to that conclusion of perusing a passage in Quick and Garran's *Annotated Constitution of the Australian Commonwealth*, in which it is shown that in the United States Constitution, there is a provision, upon which that introduced into the Australian Constitution is based, that no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another. Of course, it may be urged that, to provide a wharf at one port and not at another port, would be giving a preference. But that would reduce the provisions of the Constitution to an absurdity, and it has been held, therefore, by the authority quoted by the learned authors of the work referred to, that—

The mere improvement of a particular harbor, the clearing of the navigation of a river which involves the altering of its channel, the erection of a bridge which obstructs navigation, all these, while they may incidentally benefit one port more than another, are not preferences within the meaning of the prohibition.

Mr. EWING.—That would be an elimination of natural conditions.

Mr. HIGGINS. — Yes. When we speak of preference we mean unequal treatment under equal conditions, or favouring one place over another. The authority previously quoted goes on to say:—

The people, in adopting the Constitution, intended to stop for ever one State requiring exactions from the people of another for its own peculiar benefit; but they never intended to prevent the Federal Government for the good of all the States from undertaking public works in a particular locality.

In discussing this very important subject it will be of some help if we can eliminate at least one difficulty, and there is now no doubt in my mind that we are perfectly free to give the Arbitration Court the power to make distinctions between one area and another in the Commonwealth.



Mr. McCAY (Corinella).—I quite agree with the view just expressed by the Attorney-General as to the power to make a common rule, apparently not common on the face of it, although really common in its essence; that is to say, a rule which, although showing an apparent difference in the mere words and figures, is actually producing, as far as possible, equivalent results. That seems to me to be the true fundamental principle of the common rule. It is not merely possible, but absolutely necessary, to make variations in the application of the rule to different localities, in order to establish a common rule in the true sense of the term. It is just as possible to make variations as to localities as in regard to occupations. The principle involved is exactly the same in each case. The conditions vary, and, therefore, the decision of the Court should vary. I must confess that the whole question as to the extent of our powers with regard to the common rule has caused me a good deal of anxious thought, not because of the section as to preference quoted by the Attorney-General, which does not affect the matter in any way, but because the application of the common rule may have this result: A dispute arises in one State and extends to another. It is brought under the notice of the Arbitration Court in the proper way, and the Court proceeds to deal with that dispute, and then, in pursuance of the powers purporting to be conferred on it by this Bill, declares what are to be the rates of pay or hours of work in the same industry in a third State. I shall presently indicate how the Constitution apparently confers the power to do this, but before doing so I wish to point out that we may be coming into conflict with its provisions. The honorable and learned member for Darling Downs suggested that we might find authority for our common rule in the much-discussed word "prevention." Possibly there is something to be said in connexion with that argument, but the full analysis of that line of reasoning would render it necessary to separate the words "extending beyond the limits of any one State" from the words "industrial disputes." I could not agree to that proposition, unless some impelling force stronger than any that now occurs even to my imagination compelled me to do so.

Mr. WATSON.—If two States were already affected, the dispute would have extended beyond the limits of any one State.

Mr. McCAY.—Yes, no doubt, but I am pointing out that in a case such as I have indicated, the Federation would be enabled not merely to interfere in an industrial dispute in a State, but to control an industry in a State in which no dispute had arisen. That strikes one, at first sight, at any rate, as a somewhat remarkable power for the Federal authorities to exercise; and it is this remarkable result—which inevitably follows if we trace to its ultimate conclusion the establishment of the common rule—which causes me grave anxiety as to whether the application of the common rule is within the competence of the Federal Parliament through its agent the Arbitration Court. I am speaking quite apart from the question of the delegated power of legislation, with which I am not dealing for the moment. On the other hand, it may be said that once the Federal authorities obtain a foothold and find a platform on which to work; that is, once a dispute extends beyond the limits of any one State, there is nothing in the Constitution expressly prohibiting the exercise of their powers to any extent that logical reasoning and inference may suggest.

Mr. DEAKIN.—In the line of the same dispute.

Mr. McCAY.—Exactly. That is to say, once there is a dispute in two States which will enable the Federal authority to deal with an industry, there is nothing to prevent the exercise of control to the full extent of the ultimate ramifications of that industry throughout the Commonwealth. It is quite possible that, in support of that position, it may be argued that in these grants of power—and I think the American decisions are applicable to this at any rate—any necessary power that is not expressed in the grant, and which is required for the full exercise of the power expressed, is to be implied. It may be said that unless the power to apply a common rule is implied in the grant we have not a grant sufficient to enable us to deal thoroughly with the matters as to which express power is given. It may also be urged — although I do not attach very great value to that point—that sub-section xxxix. of section 51, which gives us powers in matters incidental to the powers previously conferred, furnishes an argument in the same direction. I must confess that I am unable to form an opinion one way or the other as to whether the common rule power is really within

our competence. It is so far open to argument that a much wider discussion will be necessary before I shall be able to form a definite conclusion. However, we shall not reach clause 46 for a day or two. It is, therefore, well that a discussion should have arisen at this stage, because I think we can all agree that we have derived food for thought from the various views which have been expressed here this afternoon.

Mr. HIGGINS.—Plenty of food, but indigestible.

Mr. McCAY.—That depends on the strength of the digestion. I always understood that the official digestion was capable of digesting anything, or, at any rate, of making a show of doing so. As regards the actual limitation to be placed on the common rule, I do not think the Government proposal is entirely satisfactory. I do not approve of the exact form of the amendment proposed by the honorable and learned member for Angas, because I do not see how we shall be able to satisfactorily limit the power of the Court by the method which he suggests. It seems to me that it would be difficult to accomplish the desired end in the way proposed without opening the door to a whole army of disputes regarding some matters which ought to be settled in the one award, and, therefore, at present I do not see my way to support the amendment. I would direct the attention of the Attorney-General to the limitation that is imposed, quite apart from the industrial district limit, in the New Zealand Act. I wish, incidentally, to refer to the statement of the Prime Minister, that the trend of New Zealand was in the direction of more absolutism in the matter of the common rule.

Mr. WATSON.—That is perfectly correct; at any rate, I formed that opinion eighteen months ago.

Mr. McCAY.—I was in New Zealand as recently as five months ago, and, although I had many conversations with officials, I was unable to find evidence in support of the Prime Minister's statement.

Mr. WATSON.—I was speaking about the trend of the trades unions.

Mr. McCAY.—The New Zealand Arbitration law was consolidated in 1900, and the Act of that year contains a provision that common rules may practically be established beyond the bounds of one industrial district. The Court is vested with—

Power to extend the award so as to join and bind as party thereto any specified industrial

union, industrial association, or employer in the colony not then bound thereby or party thereto, but connected with or engaged in the same industry as that to which the award applies. Provided that the Court shall not act under this sub-section, except where the award relates to a trade or manufacture, the products of which enter into competition, in any market, with those manufactured in another industrial district—

I would direct attention to these words, because, although they may not, as they stand, offer a solution of the difficulty, they may indicate the best method for us to follow. The clause further provides— and a majority of the employers engaged, and of the unions of workers concerned in the trade or manufacture, are bound by the award.

The Act of 1903 amended that provision by omitting the words "and a majority of the employers engaged and of the unions of workers concerned in the trade or manufacture are bound by that award." Evidently the restriction was found to be undesirable and unnecessary. Under the New Zealand law, however, if my memory serves me accurately, an award can be extended from one industrial district to another. In other words, it can be made the common rule for New Zealand only if the products of a trade or manufacture in one industrial district enter into competition in any market with those manufactured in another industrial district.

Mr. WATSON.—That bears out what I said a few minutes ago, inasmuch as it constitutes some extension of the common rule.

Mr. McCAY.—That is so. But the point with which I am particularly concerned is that the New Zealand law at least suggests a means by which we may arrive at a satisfactory solution of this very difficult problem.

Mr. HIGGINS.—Would not the honorable and learned member trust the Arbitration Court in the matter?

Mr. McCAY.—It is all very well to put a question of that kind. My answer is that we are trusting the Court a very great deal, and for the reason that we cannot help doing so. As I am reminded by the honorable and learned member for Ballarat, when he declared that these long definitions were unnecessary, he was informed that it was just as well to insert in the Bill signposts for the purpose of suggesting to the Court the lines along which we desired to proceed.

Mr. WATSON.—Honorable members opposite would not accept some of those signposts.

Mr. McCAY.—There were more signposts than anything else. As I remarked upon a previous occasion, one of them pointed the road to nowhere. We trust the Arbitration Court only as we trust an Executive to frame regulations, simply because we are unable to do the work ourselves. We have neither the time nor the skill in details necessary to satisfactorily perform it. In my judgment, we ought to declare, as far as we possibly can, the conditions under which the common rule shall be applied. Obviously, it would not be wise to insist that, in regard to gold-mining, there should be a common rule for Kalgoorlie and Ballarat, because there would be so many variations between that rule as it applied to Kalgoorlie, and as it applied to Ballarat, that it would consist entirely of exceptions reciprocally.

Mr. WATSON.—The "common rule" is handy enough as a phrase.

Mr. McCAY.—Perhaps it ought to be called "the single award principle."

Mr. DEAKIN.—"The general rule" would be a better term.

Mr. McCAY.—In any case, the principle is that of obtaining results by a single award. I venture to think that in many cases a general rule would consist wholly of variations, because of the difference between local conditions which obtains. It certainly would have been so had the Government carried their proposal having reference to domestic servants. That would have been an instance of putting a new lock, stock, and barrel, on the old gun. I do not suggest any form of amendment at this stage, because I am not aware of the view which the Government take of this matter. I think, however, that they have heard sufficient this afternoon to cause them to reconsider their own proposal. That proposal might work fairly enough in the case of organizations with funds, but it would operate very unjustly in the case of those who are not organized, and who are without a common fund. It proceeds on the assumption that persons who are not parties to an industrial dispute will be able, effectively, to come before the Court. Obviously, small groups of individuals, who might be scattered over a large area, would not be able to take advantage of such a provision, and I do not believe in an arbitration law being used to coerce people into forming organizations. I think it is desirable to specify the class of cases to which the common

rule shall apply. The method which is adopted in New Zealand suggests something in the nature of a solution of this difficulty. It prevents the application of a general rule to cases in which the conditions are obviously diverse and competition obviously non-existent. I shall be glad to hear if the Government think it is possible to give effect to some such method in the drafting of clause 46. It is just as well that this discussion has arisen at the present stage. It has thrown some light upon the subject, and the afternoon will not have been wasted if we can arrive at a satisfactory solution of an admittedly very difficult question.

Mr. WATSON.—The Government will consider the matter.

Mr. ROBINSON (Wannon).—I listened with considerable attention, and, I trust, with some profit, to the speech made by the honorable and learned member for Corinella, and I agree with him that the points raised are of very great importance, and deserve the very fullest consideration. There is grave doubt as to whether the Constitution gives us power to enact that a Court of Arbitration may declare a common rule that will bind all persons engaged in an industry, whether they be represented before the Court or not. I give expression to my opinions on this matter with some hesitation, because the subject is a most abstruse one; but I am inclined to think that the amendment is certainly within the limits of the Constitution, and is a safe one. As I understand its purport, it is that if, for example, a dispute arose between the owners of, and the workers in, a mine at Broken Hill, and simultaneously a like dispute occurred between the Mount Lyell Company and its miners, the award of the Court in relation to it would be binding on all workmen, unionists or non-unionists, engaged in those two mines. The honorable and learned member for Angas takes exception to the proposition that in such a case the award of the Court should be made applicable to, say, the mine-owners and miners at Rutherglen, Ballarat, Chillagoe, Mount Morgan, Tarcoola, and other places. His contention is sound in equity, and has grave considerations of constitutional law to support it. I do not see any grounds in equity why in such a case the award should be made applicable to the miners not represented before the Court. The Government have informed us that they

propose that industrial organizations of employers and employes, other than those participating in a case before the Court, shall be given an opportunity to be present at any attempt on the part of the Court to fix a common rule. A perusal of the Government amendment which has just been circulated shows, in my opinion, that it would go no distance towards effecting that result. It is proposed that notice shall be given in the *Commonwealth Government Gazette*. That would be of no advantage. I have been a member of this House since 16th December last; but, although I regularly attend the sittings of the House, I have never seen a copy of the *Commonwealth Gazette*; nor have I met an individual outside this Chamber who has. A large number of business men take the *Victorian Government Gazette*, because of the notices which appear in it from time to time; but I have never met a business man who takes the *Commonwealth Gazette*. It, therefore, seems to me that the Government proposition that notice shall be given by means of advertisement in the *Gazette* is a farcical one. Such a notification would not in any way assist persons who might be affected. If the Government amendment were accepted, its effect would be, to use the illustration I have previously given, that a dispute at Mount Lyell and Broken Hill could be settled by the Commonwealth Court of Arbitration; but that, if it were sought to prescribe a common rule, the mine-owners and mining representatives from all other parts of the Commonwealth would be compelled to attend the Court in order to safeguard their interests, and to produce their books, and go through the whole formula of having their case tried, although they might not wish to do so. The Government proposition would increase the work of the Court, without giving any sufficient return.

Mr. WATSON.—What else can the honorable and learned member suggest to effect the object in view?

Mr. ROBINSON.—I think that the amendment moved by the honorable and learned member for Angas is the correct one.

Mr. WATSON.—That would not permit of a common rule.

Mr. ROBINSON.—I have the gravest doubt whether the Constitution gives us power to authorize the Court to prescribe a common rule. Notwithstanding what has been said, if the Court declares that

the wages at Ballarat should be at a certain rate, at Broken Hill another, at Chillagoe another, and in Mount Morgan yet another, such a rule could not be called common or general.

Mr. WATSON.—That is not a constitutional point; it is merely a matter of terms.

Mr. ROBINSON.—It is a question of law whether such a rule could be called common.

Mr. WATSON.—We may call it what we please, as long as we make our meaning clear.

Mr. ROBINSON.—If such a rule were made, we should have the Court going beyond its constitutional powers to interfere with a dispute that had overflowed beyond one State, by fixing the wages, conditions, and hours of employment generally, in industries within the boundaries of any or all of the States, although a dispute might not have arisen in some of them. By this attempt to bring about a common rule we are proposing to allow the Court to interfere in matters which are not in dispute in certain States. The honorable and learned member for Darling Downs holds that the Constitution gives us this power, because it refers to the "prevention" of industrial disputes; but I agree with the view expressed yesterday by a number of the legal members of the House that the word "prevention" is practically *ejusdem generis* with the word "settlement," and that we must take it in conjunction with that word. I think that the use of the word "prevention" does not give us wider power than we should possess if we had simply the right to "settle" industrial disputes. The question is of very great importance, and the proposition to provide for the establishment of a common rule is open to so many constitutional objections that it deserves further consideration. I presume that even if we pass the clause as it stands, a further opportunity to consider the question will be given when we are called upon to deal with clause 46. I am not at present satisfied that the Constitution gives us power to establish a common rule, and I shall require very sound arguments to convince me of the correctness of the contention that the High Court would uphold a Statute that empowered the Arbitration Court, in a dispute which had arisen in two States, to fix the conditions of employment in three or four of the other States in which no dispute had occurred, and from which no dispute had been referred to the Court. Such a proposi<sup>n</sup>

would require much justification before the High Court, and I have not yet heard any arguments dealing seriously with the proposition raised by the honorable and learned member for Corinella, and the honorable and learned member for Bendigo. That being so, it seems to me that the safe course for us to pursue will be to vote for the amendment moved by the honorable and learned member for Angas. Under it an award would be binding upon all persons, whether unionists or non-unionists, interested in the dispute in question; it would enable a dispute arising simultaneously in Broken Hill and Mount Lyell to be effectually settled, and it would also enable the Court to do that which is its duty, and not to interfere with matters which had not been brought before it in the prescribed way.

Mr. ISAACS (Indi).—A very important question has been brought before the Committee in relation to the power of the Federal Parliament to authorize the Court to prescribe a common rule. I recognise at once that if this amendment were carried it would put an end to the common rule. It is not a question of modification; the amendment in effect provides that there shall not be a common rule. Its meaning is simply this: That every employer must fight a separate battle, even with the same organization of employes.

Mr. CONROY.—Surely not.

Mr. ISAACS.—The wording of the amendment, as I have it, is that the award is to bind only the parties to the dispute in question.

Mr. DUGALD THOMSON.—The honorable and learned member for Angas put before the Committee what he sought to achieve, and said that he would accept any alteration of the amendment that would give effect to his object.

Mr. ISAACS.—The moment we accept an alteration, it will become to that extent a common rule. We must have either a common rule, or separate independent litigation in every case. We may make the common rule wider or narrower; we may make it apply to a locality or to a number of employers—to the whole of a State, or to the whole of the Commonwealth—but the moment we go beyond the immediate disputants, to that extent it will become a common rule, and to that extent we shall accede to the principle of having a common rule. The substantial meaning of the amendment now before the Chair is, that the decision of the Court is to bind the

particular disputants in a particular case.

Mr. DUGALD THOMSON.—The particular organization.

Mr. ISAACS.—Not the particular organization.

Mr. DUGALD THOMSON.—That is the intention.

Mr. ISAACS.—I reiterate that that will not be its effect. Are we going to say that the decision of the Court is to be confined to the particular organization of employes, and the particular employer or organization of employers between whom the dispute exists; or, that in all disputes between that organization of employes, and all other employers, the same rule shall apply? If we adopt the latter method, we shall be giving a common rule *pro tanto*. If this amendment were carried, it would be fatal to the common rule, and for reasons which I shall advance presently, would render the Bill unworkable. It would mean that an intolerable burden would be put upon the whole of Australian commercial enterprise—a burden which might not be compensated for by the good result that might otherwise attend the passing of the Bill. But we must face this position: that it would be an abolition of the common rule. Why is it said that there is no power to authorize the Court to declare a common rule? The reason, as advanced by some of my honorable friends, is that we cannot provide in advance for disputes; that we must wait until a particular dispute has arisen, before we can settle it. They say in effect, that we cannot prevent a dispute, because we must wait until it has actually arisen. That means the abolition of "prevention." If we are not to provide in advance for disputes, we must absolutely strike out the word "prevention." Are we reduced to that position? We have the word "prevention" in the Constitution. If, as was said by the honorable and learned member for Wannon, a dispute occurred in an industry, and extended from Victoria to New South Wales, the contention is, or, I should rather say the suggestion—because the honorable and learned member did not express any definite opinion about it, no one can—that it would be unconstitutional for the Court to declare under whatever authority we choose to commit to it a rule which shall bind a similar dispute extending from Victoria to South Australia. If that be so, we had better tear up this Bill, and I shall show honorable members why. If we cannot authorize the

Court to make a common rule to declare what shall be the regulations of industry in relation to a dispute that has not yet arisen, how do we get the power to declare that in future all over Australia there shall be no strikes and no lock-outs? We are providing for future disputes. We have proposed to enact here that if there is a dispute in future in any trade, between employers and employes, the employes shall not strike, and the employers shall not lock-out. Is that constitutional?

Mr. CONROY.—Would the honorable and learned member try them as criminals if they did?

Mr. ISAACS.—That is not the question.

Mr. CONROY.—It might be the only way in which we could secure prevention.

Mr. ISAACS.—That is not a question of constitutional power, but of expediency.

Mr. CONROY.—It is a question of prevention.

Mr. ISAACS. — The honorable and learned member will permit me to say that it has nothing to do with the question at present under discussion. I say that if we cannot legislate indirectly, so to speak, that is by delegation—if we cannot say to a Court, "We delegate to you the power that we do not choose to exercise ourselves of deciding what shall be the hours and conditions generally, of labour and its remuneration, in connexion with disputes in businesses or enterprises affecting Australia as a whole, then we cannot do it ourselves.

Mr. CONROY.—Can we do it directly, without the intervention of this Bill?

Mr. ISAACS.—That I say is not the constitutional question.

Mr. CONROY.—It is part of that very point.

Mr. ISAACS.—I have no hesitation in saying that, in my opinion, we can provide directly, that, for the prevention of industrial disputes extending from one State to another, certain conditions shall prevail.

Mr. CONROY.—Does the honorable and learned member hold that we can do that now?

Mr. ISAACS.—I hold that we can. If we can say that strikes shall not occur, we can do that.

Mr. McWILLIAMS.—Then this will be really a Bill to control the conditions of labour, and not a Bill to settle disputes.

Mr. ISAACS.—My honorable friend has perhaps not heard what I said. We are not now talking about the Bill, but about a clause in the Constitution and about the powers given to us as a Parliament by the

Constitution. We are asking ourselves the question whether there is this power, in order to secure the prevention of disputes, to provide that a Court can declare a common rule—that when a dispute arises which extends between two States we may provide that an Arbitration Court may declare a rule which shall apply all over Australia. I say that if we cannot authorize a Court to do that, we cannot ourselves make a rule that shall apply all over Australia.

Mr. CONROY.—Hear, hear.

Mr. ISAACS.—And, therefore, we cannot provide that there shall be no strikes.

Mr. GLYNN.—We can.

Mr. ISAACS.—If my honorable and learned friends are prepared to contend that this Parliament has not the power to say that in a dispute which extends from one State to another there shall not be a strike, or there shall not be a lock-out, then it would follow, in my opinion, as a logical sequence, that we could not authorize a Court to do anything in the direction in which we are seeking to go.

Mr. GLYNN.—That contention is correct—that part of it.

Mr. CONROY.—Does the honorable and learned member hold that before a dispute has arisen we can lay down lines for its settlement?

Mr. ISAACS.—Have we not done that already? I say that we have assumed the power to do that. If we are right about that, we are right as to the power we are now discussing. If we are wrong about the power we are now discussing, we have been wrong in what we have done already. I am putting the two things on the same basis. I am showing how radical this objection is, and that it goes to the root of the whole Bill. I therefore repeat what I set out with, that if we have not the power to do this, apart from the expediency of it, we may as well tear this Bill up at once.

Mr. CONROY.—We can still settle disputes as between the parties to them.

Mr. WATSON.—Then the Bill would be perfectly useless, as fresh litigation would be required for every dispute.

Mr. ISAACS.—I am addressing myself to the power to go further than the honorable and learned member for Werriwa suggests. I would say that it would be in the highest degree unfortunate, inconvenient, and burdensome, if, in a Bill of this kind, we were to say to every individual employer and employé, and to every

organization of employers, and every organization of employes—"You must fight every inch of the industrial ground." If that were so, an organization of employes in Bendigo would have to fight their position, or fight against the demands of employers; and, in the same way, Bendigo employers would have to fight their position, although a Court had dealt with matters almost exactly similar in Ballarat. Employers and employes in every town in this State, and in every town in Australia, would have to fight a separate battle.

Mr. CONROY.—Can this Arbitration Court award costs?

Mr. ISAACS.—Let us stick to the point.

Mr. CONROY.—If men knew that a clear decision had been given against them in another case they would not apply to the Court the next minute.

Mr. ISAACS.—My honorable and learned friend must be aware that we are not talking about costs. We are talking about inconvenience to trade; about the possibility of business men being called upon at any time to consider, as perhaps the main part of their business, that they may have to enter upon industrial litigation. That is more than costs. I say that we should have no security of equality, not merely between States, but even between towns in the same State, or between organizations in the same city. There would be no uniformity of any kind whatever.

Mr. KELLY.—Would an organization in a State be able to bring its dispute to the Arbitration Court if the dispute did not extend beyond the boundaries of the State?

Mr. ISAACS.—No. What I am saying is this: According to this Bill, there must be a dispute that has already extended from one State to another before it can be brought into operation, and before the jurisdiction of the Court is exercised. But if we once grant that jurisdiction the question is whether we can empower the Court to make a rule which will prevent disputes of a similar kind extending in any part of Australia.

Mr. DUGALD THOMSON.—I think the Court could deal with disputes in a single State, after it had once dealt with the industry concerned in that State.

Mr. ISAACS.—It might be so. But I thought I was asked a question as to the initial jurisdiction. When an award has been made, it is a question of a breach of the award or a breach of the common rule.

Mr. DUGALD THOMSON.—Or a fresh question arising in connexion with matters which had previously been decided.

Mr. ISAACS.—That is another question. I am now dealing with the question of a common rule, and whether there ought to be a common rule. If we are going to make this Bill in any sense a real Arbitration Bill, I do think we must assume a jurisdiction of this kind, right or wrong. Of course I believe we shall be right in assuming it. But, right or wrong, I should be very sorry to see a measure turned out from this Parliament which would simply say to manufacturers, business men, employers generally, and to the workers of Australia, "The decision in one case does not settle another, but you are to be put into a perpetual ferment of litigation and possible litigation." That would undoubtedly be calculated to hamper enterprise, and, instead of helping men to work their business concerns more smoothly, it would prove a serious detriment and obstacle. If that be done, I know one class in the community which will benefit very much, if the Committee determines that lawyers are to interfere at all. But whether lawyers are trusted to appear before the Arbitration Court or not, honorable members may depend upon it that, if this common rule is not allowed, they will be kept very busy giving opinions, and in giving their advice and assistance, perhaps not directly before the Arbitration Court, but in guiding matters outside. I think that the legal members of the Committee can say in all sincerity that none of us desire to see anything of that kind.

Mr. CONROY.—There will be no appeal against a common rule.

Mr. ISAACS.—The honorable and learned member must know there is no appeal on a question of fact, but there may still be an appeal to the High Court on a question of law.

Mr. GLYNN.—It has been taken away under this Bill.

Mr. ISAACS.—In this matter of jurisdiction the Constitution gives the right.

Mr. GLYNN.—The Constitution gives the right of appeal, and we have to vest the appellate jurisdiction in the Court.

Mr. CONROY.—This takes it away.

Mr. GLYNN.—This Bill takes it away on a point of law.

Mr. ISAACS.—I understand that there is no appeal on a question of fact, but there is an appeal on a question of law.

Mr. GLYNN.—“Subject to such exceptions and reservations” are the words in the Constitution.

Mr. ISAACS.—Am I to understand that we have attempted in this Bill to say that there shall be no appeal on a question of law?

Mr. GLYNN.—The honorable and learned member will find it in clause 39. The appellate jurisdiction is a creation of Parliament, and not a creation of the Constitution.

Mr. ISAACS.—The clause to which the honorable and learned member refers me, says—

Subject to the Constitution, no award of the Court shall be challenged, appealed against, reviewed, quashed, or called in question in any other Court on any account whatever.

I do not hold that that is taking away the right of appeal on a question of law.

Sir JOHN QUICK.—That is so.

Mr. ISAACS.—I am glad that the honorable and learned member for Bendigo agrees with me.

Mr. GLYNN.—The honorable and learned member will find that it does.

Sir JOHN QUICK.—If there is excessive jurisdiction.

Mr. CONROY.—That is a very different thing. That is the Court exercising a power which it does not possess.

Mr. ISAACS.—That is exactly what I have said. If that clause requires to be made more clear, I shall be delighted to see that done.

Mr. GLYNN.—I propose to try to amend it.

Mr. ISAACS.—There is another matter which ought not to be omitted from our consideration of this question. It is true that we have over Australia a vast variety of conditions, differences of climate, differences of accessibility, and many other differences mentioned by honorable members who have preceded me. All these things are of the highest importance in determining how far any common rule should be made to apply; whether, indeed, it should be made at all in any particular dispute, and, if made, to what extent it should apply, and with what conditions, qualifications, or modifications. But that there should be the power—and it is only a power—in the Court to make a common rule is, I think, essential, not only for the reasons I have already given, but for one other reason which will commend itself, I have no doubt, to many honorable members. That is that we should endeavour to equalize the conditions of trade all over Australia. We

shall be doing a very great deal to insure true equality of commercial conditions if we allow a common rule to be made. If we do not we shall have decisions given that will vary, necessarily, according to the particular evidence in each particular case, and which will, to a large extent, destroy such equality as exists, and in other cases emphasize inequalities which now exist in business and commercial dealings. As the absence of a common rule will lead to a vast amount of indecision, injurious alike to the working and employing population of Australia, if we provide, as I believe we have the power to do, for the making of a common rule, and so equalize the conditions of work in enterprises all over Australia, we shall have done a great deal of good beyond what has already been contemplated by the measure now before the Committee.

Mr. CONROY (Werriwa). — I should like to remind the honorable and learned member for Indi that if he looks at clause 39 he will see that it provides—

Subject to the Constitution, no award of the Court shall be challenged, appealed against, reviewed, quashed, or called into question in any Court on any account whatever.

It has been said that still the Court would have the power, and the honorable and learned member for Indi has said it would; but I would ask him to look at section 73 of the Constitution, which provides—

The High Court shall have jurisdiction, with such exceptions, and subject to such regulations as the Parliament prescribes, to hear and determine appeals from all judgments, decrees, orders, and sentences—

of any other Federal Court or State Court.

Mr. WATSON.—We have not made an exception in clause 39.

Mr. CONROY.—The High Court has no power—this not being a matter of original jurisdiction—to hear these appeals, unless this Parliament gives the power to it. When we limit the Court in this way—

Mr. ISAACS.—How are we limiting it?

Mr. CONROY.—We expressly limit the power of the High Court in clause 39. Of course, if the Arbitration Court does something which is clearly outside its jurisdiction, I do not say that the High Court could not intervene. But on a mere matter of law, even if the Arbitration Court gave a wrong decision, this Bill prevents the High Court from exercising a power to review.

Mr. WATSON.—What the honorable and learned member for Indi was arguing was



the question of jurisdiction—whether we could, under the Constitution, do what is now proposed.

Mr. ISAACS.—Of course it was.

Mr. CONROY.—In New South Wales, where there is every anxiety on the part of the Supreme Court to restrict the abnormal powers of the Arbitration Court, it has been held that the parliamentary powers granted to that Court do not allow its decisions on matters of law, even though they may be manifestly wrong, to be reviewed.

Mr. ISAACS.—Does not the honorable and learned member know that the Supreme Court of New South Wales has granted an application made against the Arbitration Court?

Mr. CONROY.—Because it did something which was manifestly outside the powers granted to it by Parliament. But if what the Arbitration Court did had been within the powers granted to it the Supreme Court would have had no control over it whatever.

Mr. ISAACS.—That is quite right, too.

Mr. CONROY.—Then the ordinary right of appeal is interfered with. The honorable and learned member must recollect that he has assumed throughout the whole of his argument that the Federal Parliament can lay down laws which are practically local in their application. That is to say, that it can lay down what in effect are merely factory laws or arbitration laws with respect to a particular State, and can determine the conditions under which work shall be done. That, it seems to me, is an extension of power that was never conceived of previously. Unless the honorable and learned member contends that we as a Parliament can make laws affecting the wages to be paid, and the conditions of work in Victoria or New South Wales, I am unable to see how we can by delegation give the Arbitration Court greater power than we ourselves possess. That is the real point at issue between us.

Mr. ISAACS.—That point is not at issue.

Mr. CONROY.—It is the real point which the honorable members who agree with me are insisting on. If the honorable and learned member holds that this Parliament has power to make such laws he is quite logical in seeking to give to the Court the powers proposed under paragraph c.

Mr. ISAACS.—Can we forbid strikes?

Mr. CONROY.—No more than we can forbid a man from committing suicide. It

is true that we can punish; but I have looked through the whole Bill and I cannot find a single clause under which any man who urged that a strike should be brought about could be imprisoned. If we are to carry out the meaning of the word "prevention" we must put into this Bill some provision to deter any agitator from working up a strike. A strike being a method of war, we ought to say that a man who goes on a platform and urges a strike shall be imprisoned. I may say that I do not regard a strike as a serious evil. It is the only effectual protest which a man can make under certain circumstances. I do not like to see taken from a man his liberty to say, if certain work does not suit him, "You can go hang; I will not do it." But if we are to give any meaning to the word prevention, it is perfectly clear that we ought to have in the Bill one or two clauses to prevent men from inciting others to go on strike, or to induce employers to lock out their workmen. Of course we must apply the law equally in both ways.

Mr. WILSON.—Would the honorable and learned member imprison agitators who worked up disputes?

Mr. CONROY.—If this Bill were not to pass I certainly would not imprison any man because he said to another, "Do not take that work; I do not think it is good for you." But the moment we pass a law for the prevention of disputes, that moment I say, "If you are to prevent disputes you must take care that any man who urges another to enter into a dispute, or to do anything that may be likely to bring about a disturbance, shall be heavily fined or imprisoned." In fact, he must be treated as a criminal because he does something to disturb the public peace. The honorable and learned member for Indi asked what was to prevent half-a-dozen disputes from arising. Where are half-a-dozen disputes which can be affected by this Bill likely to arise? Disputes extending beyond the limits of any one State are not so frequent in Australia.

Mr. ROBINSON.—Already one honorable member has said that he is going to work them up.

Mr. CONROY.—If this Bill is to be passed for the purpose of enabling disputes to be worked up, it is a very good reason why we should resist it.

Mr. HUGHES.—The observation of the honorable and learned member for Wannon is a most unwarrantable one.

Mr. WILSON.—We have it in last week's *Hansard*.

Mr. CONROY.—The Minister himself seems to think that strikes would be more frequent under this measure than otherwise. The honorable and learned member for Indi has asked what is to be done in case organizations other than those directly affected by decisions create disputes. If the Court has given a decision in one case, it is not likely that a dispute will arise in another case on all-fours with the previous one, because one side or the other will be perfectly certain that costs must be given against it. Therefore, I do not anticipate a multiplicity of disputes arising in cases which are on all-fours with cases which have been decided. I may remark, in passing, that there is a clause in the Bill to prevent lawyers from appearing before the Court. Yet the Government propose to appoint, as the Judge, one of the very lawyers whom they condemn. They expect to have perfect justice, a wealth of learning, and absolute fairness of mind from a man chosen from the very class they consider not good enough to appear before the Court. By seeking to bind men who are not able to appear before the Court, are we not departing from the sound principle of all administration, and condemning men unheard? Under no circumstances should we seek to bind men until they have had an opportunity of being heard. I should like to give an illustration which I will commend to the honorable member for Fremantle. He pointed out that there were certain divisional limits in Western Australia. We know that there are divisional limits in New Zealand. Let me show what might happen. Suppose that a dispute arose amongst the miners at Broken Hill, and there was another dispute amongst the miners at Bendigo. Suppose there was a decision of the Court, fixing the wages of these miners at £2 5s. a week?

Mr. HUGHES.—What minerals do they mine for at Broken Hill which they also mine for at Bendigo?

Mr. WEBSTER.—There is no analogy whatever.

Mr. CONROY.—The men may be engaged in shafting or timbering, or the number of hours which they are to work underground may be in dispute.

Mr. HUGHES.—Let the honorable member take Bendigo and Mount Morgan, or Bendigo and Kalgoorlie.

Mr. CONROY.—I will take Bendigo, Mitchell's Creek, or Lucknow, in New South Wales. If the current rate of wages at these places, which is about £2 5s. a week, were made a common rule by the Judge of the Arbitration Court, the wages at Kalgoorlie, which are, I believe, about £4, would have to be brought down to the lower sum. Is that just?

Mr. HUGHES.—It is not; neither is it sense.

Mr. CONROY.—Then the power of the Judge ought to be limited, in order to prevent any such result. Parliament itself would not attempt to make such a rule, and a Judge ought not to be allowed to do so.

Mr. HUGHES.—This amendment would not meet with the honorable and learned member's view.

Mr. CONROY.—If in the case of a dispute raised as between Kalgoorlie and Tarcoola, the rate of wages was fixed there at £4 a week, would it be argued that the whole of the miners at Ballarat and Bendigo should be paid at the same rate? We know that the mines at the two latter places would, under such circumstances, be closed, and 30,000 men of Victoria would be thrown out of work.

Mr. HUGHES.—Who would advance such an argument?

Mr. CONROY.—If the power proposed be given to the Judge that may be the result.

Mr. HUGHES.—The Judge cannot make an award without hearing the other persons.

Mr. CONROY.—Unless the amendment be accepted the power of the Judge may have the results I have indicated.

Mr. HUGHES.—It cannot have those results.

Mr. CONROY.—I can cite other illustrations.

Mr. HUGHES.—All the illustrations are the same. The honorable and learned member overlooks the fact that before a common rule can be made the other persons may be heard.

Mr. CONROY.—The coal miners on the south coast of New South Wales are paid for hewing at the rate of 2s. 10d. per ton, and if a dispute were to arise there and extend to the Outtrim mines, in Victoria, with the result that the hewing rate was fixed at 3s. per ton, would it be said that the whole of the miners at Newcastle must have their rate made the same?

Mr. HUGHES.—No. The Arbitration Court of New South Wales was asked to

give an award in the case of the south coast collieries, and did so; but that award did not affect other collieries in the slightest degree.

Mr. CONROY.—But this is a Federal Court, and whatever law is made must be made applicable to all.

Mr. HUGHES.—The Bill does not differentiate.

Mr. CONROY.—If we say that a man shall work in one colliery at a certain rate, and in another colliery at another rate, we are differentiating.

Mr. MCWILLIAMS.—The quality of the coal in a mine may make a difference in the wages.

Mr. CONROY.—It is for the opponents of the amendment to show how the difference in wages under such circumstances may be reconciled. All we are concerned with is to show that unless we accept an amendment of this kind, we are assuming that the Federal Parliament has power to make laws to regulate local industries. If Parliament has the power we can delegate it, and if we have not that power we cannot delegate it.

Mr. HUGHES.—Of course, if we have not the power there is an end of the matter.

Mr. CONROY.—Under the circumstances we ought to be most careful. What objection can there be to limiting the award to the parties in the dispute?

Mr. HUGHES.—That would only mean further trials, and, practically, the re-hearing of the evidence.

Mr. CONROY.—Earlier in the evening I said that some honorable members argued as though more disputes were likely to arise, after the passing of the Act, than have arisen hitherto. I think I am perfectly justified in saying that two or three honorable members, who are in favour of the Bill, said that it would be very easy to work up disputes.

Mr. WEBSTER.—Two or three said that?

Mr. CONROY.—At least two honorable members argued as if that were the case. The honorable and learned member for Indi was one who argued as if more disputes are likely to arise under this measure than without it.

Mr. ISAACS.—I did not say that.

Mr. CONROY.—Only a few minutes ago the honorable and learned member asked whether, when a dispute came before the Court, we were to have half-a-dozen more ready to follow. On the other hand we who support the amendment say

that as disputes do not often arise now, they will not be likely to arise often after the Bill is passed, unless, of course, the Bill foment disputes. When the honorable member for Corangamite asked how it was possible that disputes connected with domestic servants should ever extend beyond the boundaries of any one State, the honorable member for Darling replied that a dispute could very soon be got up. It really seems as though some honorable members regarded the Bill as designed to do that which it is introduced to prevent.

Mr. HUGHES.—The honorable and learned member knows that in the absence of any Bill a dispute can be worked up without difficulty.

Mr. CONROY.—This Bill is for the prevention of disputes, and we ought to take care to include some clauses making it a misdemeanor, if not a felony, to argue in the favour of a strike or lock-out.

Mr. PAGE.—Why does not the honorable and learned member submit an amendment to that effect?

Mr. CONROY.—It is possible that, in order that the principle which I favour may be carried out, I shall, later on, submit an amendment in that direction. I cannot say that I have regarded men who go out on strike as criminals, and, for that, I am, it appears, regarded as rather strange by some honorable members. If it be true that men who go on strike are criminals, we ought to find some punishment for the men who foment strikes. If we did so, I am afraid the professional agitator would soon disappear, and we could then say that a Conciliation and Arbitration Bill had had one very good effect.

Mr. GLYNN (Angas).—The honorable and learned member for Indi puts his points in such an attractive way, and exhibits such undoubted ability on all questions of constitutional interpretation, that I feel I ought to say a few words in reply. I have to differ from the honorable and learned member, and, as the effect of the division may be largely influenced by the correctness, or otherwise, of his views, I must make a short reference to his arguments. The honorable and learned member contends that we really have direct power to prescribe a rule in regard to wages and other conditions of employment right throughout Australia. The honorable and learned member argues that if we have not the power to prescribe a common rule through the medium of a Bill—that is, by the creation of a special tribunal—we

have not the power to do so directly. But it is the existence of that direct power that I have always challenged. I took the point on the second reading that if we could, through the medium of a special tribunal—that is, by means of an award of an Arbitration Court—prescribe a common rule, we could, without delegating the power to a Court, exercise the same power by Act of Parliament; and the existence of that power is what I challenged. What was the power conferred by the Constitution? It was not to supersede the laws of the States in these matters, but to provide a bridge which was not possible under the laws of the States as they stood. This provision of the Constitution is quite unique; every one of the other thirty-nine articles gives us power to promote uniform legislation.

Mr. WATSON.—Not invariably.

Mr. GLYNN.—I think that the Prime Minister will find that the whole of the other thirty-seven or thirty-eight articles give that power.

Mr. WATSON.—No; there are several exceptions.

Mr. GLYNN.—There is one ancillary provision that we may make incidental laws, but the general power is conferred as I have stated. There is exclusive power as regards the Customs.

Mr. WATSON.—As to banking, there is not exclusive power; State banking is specifically excluded.

Mr. GLYNN.—I must beg the Prime Minister's pardon; but that is a matter I shall deal with in a moment. Every one of the articles—I make no distinction except as regards conciliation and arbitration—gives us power to supersede the laws of the States in the interests of uniformity throughout Australia. As regards taxation through the Customs, our power is exclusive, because the moment we legislate the States powers cease. As to all the other powers, the abrogation of the States Statutes is affected either directly or through their inconsistency with the Federal Statutes. What is the meaning of those powers? It is that we may supersede the jurisdiction of the States in the interests of uniformity. But we have not a single right to interfere with local jurisdiction in regard to conciliation and arbitration. The award of a State tribunal cannot go beyond the territorial jurisdiction of a State; and a unique provision has been placed in the Constitution to cover cases which cannot be

dealt with by the States. Before Federation it was impossible to sue in the Court of another State without the consent of that State; but we have created a High Court, and by the provision of the Constitution we destroyed the demarkation that previously existed between the States in regard to Inter-State legal disputes. We have made a bridge to reach such cases as maritime disputes, dealing with wages in an employment which necessarily does not terminate within the limits of a particular State. Men ship at Fremantle for a voyage to Sydney, and the wages are paid for the through voyage; and the Western Australian Court has no power to settle disputes which may arise in relation to those employed on the vessels. Therefore, the Commonwealth steps in with a special provision in the Constitution to cover such cases, and none other. What the honorable and learned member for Indi says is that we not only have the right to settle these disputes through the tribunal created, but by direct legislation to promote uniformity of employment as regards wages, hours, and so forth, right throughout the Continent. Was that ever contemplated?

Mr. ISAACS.—I think my honorable and learned friend is taking my argument further than I intended.

Mr. GLYNN.—What I say is the natural inference from the words of the honorable and learned member, who said that without this power we could have no uniformity of any kind—no equality of commercial conditions. The honorable and learned member added that unless the power which he contends for be exercised, an award will not prove a settlement, but that every inch of the ground will have to be fought over in new disputes.

Mr. ISAACS.—I was then speaking about the award of the Court.

Mr. GLYNN.—But the honorable and learned member took the ground that we can do by direct legislation what we are empowering the Arbitration Court to do by common rule.

Mr. ISAACS.—Not altogether.

Mr. GLYNN.—The honorable and learned member drew no distinction.

Mr. ISAACS.—The honorable and learned member is certainly taking my argument a little further than I intended.

Mr. GLYNN.—John Stuart Mill said that the best test of a principle is an extreme case; and there is not the shadow of a doubt that if a principle will not stand

that test, it is bad. No matter what limitation there is, I say we have no direct power to accomplish what is now attempted by means of a common rule. The position is really, that if we are entitled by a common rule, in anticipation of the possibility of disputes, to promote uniform laws as regards wages throughout Australia, then, why was it that on the 28th June, 1901, the Attorney-General, knowing that we had not that power, asked that the States should be solicited to confer it upon us?

Mr. WATSON.—He was seeking to provide against another set of conditions.

Mr. GLYNN.—I know that there is nothing in the world which is not capable of a verbal distinction, although a substantial one may not exist.

Mr. WATSON.—There is a substantial one here.

Mr. GLYNN.—I ask the Committee to say whether there is. One can juggle out of any position by words.

Mr. WATSON.—And one can juggle anything into a position by words, too.

Mr. GLYNN.—No doubt one can; but equally one can get out of it by words, otherwise I fear that lawyers would not be able to exist. Of course, I am here as a politician, and not as a lawyer, and, perhaps some honorable members will say that that is evident from the tenor of my remarks. However, on the 28th of June, 1901, the Attorney-General moved—

That in the opinion of this House it is expedient for the Parliament of the Commonwealth to acquire (if the State Parliaments see fit to grant it, under section 51, sub-section 37 of the Constitution Act), full power to make laws for Australia as to wages and hours and conditions of labour.

What is the object of the common rule except to promote this uniformity? In his argument the honorable and learned gentleman said—

I desire to affirm, by resolution of the House, that we consider it expedient, if the State Parliaments think fit to grant it, that we should have power to make uniform factory legislation for Australia.

In other words, the object of the common rule is to promote this. We may differentiate between district and district, between State and State, or we may make a rule to apply throughout Australia. We propose to surrender the discretion, which we ought to exercise if we had the power, to a tribunal composed of a Supreme Court Judge, and two experts chosen for each particular case. This means that we shall almost want to

have the omnipotence of Jove in order to come to a correct decision. In New South Wales they find it difficult to differentiate from six months to six months, even as regards employment in mining; they have to vary the conditions with the depth reached. But under this clause an award can be made not only to settle for five years the conditions of employment in a particular mine, but to apply them right throughout the length and breadth of Australia to every mining district, if the dispute can be said to be one within the cognisance of the Federal tribunal.

Mr. HUGHES.—Does the honorable and learned member hold that, under the Constitution, we cannot have other than uniform legislation?

Mr. GLYNN.—I did not catch the question.

Mr. HUGHES.—Under the honorable and learned member's amendment an award may be operative in two different States.

Mr. GLYNN.—In different States.

Mr. HUGHES.—Undoubtedly; two different States at least must be involved; otherwise it cannot be a dispute within the meaning of the Bill.

Mr. GLYNN.—A dispute must have arisen which the Court can take notice of.

Mr. HUGHES.—Then the honorable and learned member must admit that there is power to apply a common rule to all the employes in an industry.

Mr. GLYNN.—The Minister of External Affairs and the honorable and learned member for Indi say that, in anticipation of the possibility of a dispute arising which may extend beyond a State, we can prescribe uniform conditions of employment and hours right throughout Australia.

Mr. HUGHES.—What the honorable and learned member says is that the Court may go as far as is necessary to settle and prevent a dispute.

Mr. GLYNN.—Yes, to settle a dispute by an award.

Mr. HUGHES.—Affecting the disputants?

Mr. GLYNN.—Certainly.

Mr. HUGHES.—Then how can that be uniform?

Mr. GLYNN.—Really, I cannot understand the Minister's metaphysical distinctions. What am I endeavouring to say in my amendment? When an award is to be made by the Court the assumption is that there has been a dispute which has been properly brought before the tribunal. Then I say that having got the jurisdiction

exercised, and having come to the point of making an award, it can be applied to all the employes; the jurisdiction is unchallenged, but the contention of the Government is that we can go beyond that.

Mr. HUGHES.—There is nothing in the Constitution to stop that.

Mr. GLYNN.—According to the honorable and learned member for Indi, in order to prevent the possibility of a dispute in Ballarat extending to another State, although no dispute exists in that city, we can apply uniform conditions of labour and hours throughout Australia. Was that contemplated by the framers of the Constitution? I absolutely deny that it was.

Mr. HUGHES.—Does the honorable and learned member say that that is unconstitutional, and that his amendment is constitutional?

Mr. GLYNN.—I am sorry that we have to differ. I cannot see the distinction which the Minister draws, and if I could I should only be too ready to grant it. The point is that if it had been intended to confer this jurisdiction on the Federal Parliament, then the Constitution, instead of providing for the prevention and settlement of disputes extending beyond the limits of any one State, would have simply provided for conciliation and arbitration, and the moment a Bill like this was brought into the House we could have superseded all the factory and arbitration legislation of the States. But we are assuming a wrong jurisdiction under the limitation put in the Constitution. As regards the banking provision, in section 51, is there any power granted for the supersession of States laws as to State Banking? Absolutely none.

Mr. WATSON.—That is an instance where the Constitution has not given unlimited jurisdiction.

Mr. GLYNN.—There is a reference to State banking extending beyond the limits of one State; but State banking within the limits of that State we cannot touch.

Mr. WATSON.—It is specifically excluded.

Mr. GLYNN.—It is. The distinction I am insisting on is drawn by that very subsection, because, in part, it gives us the right to impose uniform legislation as regards banking right throughout Australia. Another distinction is made as regards State banking, and it is that it shall remain absolutely within the competence of the State Parliament. But

if it extends beyond the limits of the State it becomes somewhat analogous to the provision relating to arbitration. Do honorable members think that the framers of the Constitution ever thought of this legislation being proposed, and, if so, why did the Attorney-General ask that this power should be conferred on the Federal Parliament by the States? Furthermore, the Prime Minister, Sir Edmund Barton, objected to the terms of his motion, and, if I remember aright, it was amended so that we should merely ask the States to consider the expediency of granting us the power.

Mr. WATSON.—The same Prime Minister assented to the language of this Bill, which the honorable and learned member is seeking to alter.

Mr. GLYNN.—Sometimes Ministers do funny things in Cabinet, otherwise we should not be here to criticise their work.

Mr. WATSON.—The honorable and learned member takes an authority when it suits him.

Mr. GLYNN.—According to the Prime Minister, every Bill which is put upon the table by a Minister bears the imprimatur of Jove, and we dare not question it. It comes *ex cathedra* when it comes out of the Cabinet room.

Mr. WATSON.—Oh, no.

Mr. GLYNN.—Do honorable members wish by the application of this common rule to say that in the event of a dispute arising in relation to a carrying trade on land, say, to Hill and Co.'s coaches, on an award being made for the settlement of that dispute, it can be extended to traffic on the rivers, or to steamers between State and State; in other words, that the conditions of employment of seamen may be prescribed through a dispute that arises on land in relation to the drivers of, perhaps, Hill and Co.'s coaches. Under the Bill that may be done, because it relates to the same industry—the Inter-State carrying industry. Again, an award in connexion with a dispute on the States railways may be applied, not only to Inter-State vessels, but also to ocean-going vessels. So that the proposal is ridiculous, and never could have been contemplated. I ask honorable members to keep within the strict letter of the Constitution, not only as evidenced by much reasoning, but as practically interpreted by the motion of the Attorney-General here on the 28th June, 1901.

Question—That the words “in respect to which” proposed to be inserted be so inserted—put. The Committee divided.

Ayes	...	...	...	19
Noes	...	...	...	35
Majority	...	...	...	16

## AYES.

Cameron, D. N.	McColl, J. H.
Edwards, G. B.	McLean, A.
Edwards, R.	McWilliams, W. J.
Gibb, J.	Skene, T.
Glynn, P. McM.	Smith, S.
Johnson, W. E.	Thomson, D.
Kelly, W. H.	Wilson, J. G.
Kennedy, T.	<i>Tellers.</i>
Liddell, F.	Conroy, A. H.
Lonsdale, E.	Robinson, A.

## NOES.

Bamford, F. W.	Lyne, Sir W. J.
Batchelor, E. L.	Mahon, H.
Bonython, Sir J. L.	Maloney, W. R. N.
Carpenter, W. H.	McCay, J. W.
Chanter, J. M.	Page, J.
Chapman, A.	Poynton, A.
Cook, J. H.	Quick, Sir J.
Crouch, R. A.	Ronald, J. B.
Culpin, M.	Spence, W. G.
Deakin, A.	Storrer, D.
Ewing, T. T.	Thomas, J.
Fisher, A.	Thomson, D. A.
Frazer, C. E.	Watson, J. C.
Fuller, G. W.	Webster, W.
Higgins, H. B.	Wilkinson, J.
Hughes, W. M.	<i>Tellers.</i>
Hutchison, J.	McDonald, C.
Isaacs, I. A.	Tudor, F. G.

## PAIRS.

Knox, W.	Mauger, S.
Willis, H.	Watkins, D.
Smith, B.	Brown, T.
Reid, G. H.	Kingston, C. C.
Harper, R.	O'Malley, K.
Fysh, Sir P. O.	Groom, L. E.
Forrest, Sir J.	Fowler, J. M.

Question so resolved in the negative.  
Amendment negatived.

Mr. WATSON.—I move—

That after the word “binding,” line 13, the words “as a common rule” be inserted.

The amendment is largely a matter of drafting, and is in anticipation of power to make a common rule being conferred upon the Court by clause 46. Paragraph *c*, as it stands, might bear an interpretation which would allow the Court to extend the award to persons or organizations, without the limitations in paragraphs *f* and *g* of clause 46. The amendment makes paragraph *c* limited by the conditions set forth in clause 46. Paragraphs *a* and *b*, in our opinion, give sufficient power to the Court, irrespective of the common rule, and

we take power in respect to the common rule under clause 46. I may add that, with the Attorney-General, I shall take into consideration the suggestions which have been made by the honorable member for Richmond, the honorable and learned members for Darling Downs and Corinella, and others, as to the possibility of liberalizing, as some would term it, the proposal I have put forward as to the circumstances under which the application of the common rule may be extended.

Mr. McCAY (Corinella).—As a matter of drafting, I would like the Attorney-General to consider whether it is clear that the power of the Court to first vary the common rule, and then to declare it as varied to be binding, is made sufficiently clear. It is desired to enable the Court to vary its award, to make that varied award a common rule, and then to make the common rule binding.

Mr. HIGGINS (Northern Melbourne—Attorney-General).—I thank the honorable and learned member for his suggestion, and I shall endeavour to make the matter clear, if I find that it is not so already. I might remind the honorable and learned member for Ballarat that, in a speech which I made during the debate upon the introduction of this Bill, I said that this clause was a dangerous one as it stood, because it might be taken to mean that the Court had power to declare an award binding on any organization or person without restriction, and I was assured by him that he meant it to apply only to the case of the common rule. We all think that common rules are to be applied with the utmost care; but, inasmuch as we provide restrictions in a later part of the Bill, we simply say here that the Court, in declaring that an award shall be binding upon any organization or person, can make it so only in the course of a guarded application of the common rule.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 38—

When an award or order of a State Industrial Authority is inconsistent with an award or order lawfully made by the Court, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

Mr. CROUCH (Corio).—The use of the word “inconsistent” may cause a certain amount of difficulty. There may be cases in which the award of the Commonwealth Court will differ from that of a State Court. The Commonwealth Court, for

instance, may be dealing with the question of hours and the State Court with the question of wages, and the fact that the award of the latter is inconsistent with that of the former may cause it to become invalid to the extent of the inconsistency.

Mr. WATSON.—Does the honorable and learned member mean that it would be held to be altogether invalid?

Mr. CROUCH.—I think that it would. The clause was not in the Bill as originally introduced, but the following clause, of which I gave notice, was adopted—

When the Court has made an award in an industrial dispute any award in a State made by a State Industrial Authority, relating to a similar dispute, shall cease to operate.

I think that those words were more effective than the clause we are now considering.

Mr. McCAY.—They go further than this clause.

Mr. CROUCH.—Yes, but they are confined to "similar" disputes. The discussion to-day has shown that it is intended that the awards of the Commonwealth Court may vary in different States. Such an award, affecting the miners at Ballarat and the miners at Coolgardie, might be inconsistent with a State award, though perhaps to a very slight degree, and might thus make it invalid. The State award should cease to operate only to the extent of its inconsistency.

Mr. McCAY.—Surely that is what is meant.

Mr. WATSON.—The clause is almost a transcript of section 109 of the Constitution, which deals with a similar conflict between Federal and State laws.

Mr. CROUCH.—Suppose that the New South Wales Court had ordered that the barbers of that State shall work only forty-eight hours a week, but that their hours shall be from 9 to 6, and the Commonwealth Court made a similar award as to the number of hours to be worked in a week, altering the times at which work should begin and cease, the award of the State Court would be invalid.

Mr. LONSDALE (New England).—In my opinion the clause is useless. If the provisions of the measure are unconstitutional, these awards will have no effect; but if they are constitutional, the clause is mere surplusage, because the Constitution itself provides that the State authority must recognise all laws passed by this Parliament

whose validity is unquestionable. The intention seems to be to apply the Bill to purely State disputes. I do not think that this interference will be effectual if the States dispute the authority of the Court, and appeal to the High Court to determine its constitutionality. To conceive the idea of a Federal dispute among the barbers requires a good imagination.

Mr. ISAACS (Indi).—I should like to direct the attention of the Attorney-General to one matter which seems to me unprovided for. Section 109 of the Constitution provides for conflicts between the law of the Commonwealth and the law of the States, and enacts that, if there be an inconsistency, the law of the Commonwealth shall prevail. This clause provides for a conflict between awards of a State Court and the Commonwealth Court, and states that to the extent of the inconsistency the latter shall prevail. So far as I can see, however, no provision is made for a conflict between an award of the Commonwealth Court and the law of a State. If a State chose to make provision by Act of Parliament in conflict with an award of the Commonwealth Court there would be no means of determining which should prevail.

Mr. HIGGINS (Northern Melbourne—Attorney-General).—This is one of the clauses which we have inherited from our distinguished ancestors in the Government, and it has been allowed to remain in exactly the form in which it first appeared in the Bill. My instructions were to make amendments only where they were absolutely necessary. As to the point mentioned by the honorable and learned member, I can easily conceive that a Victorian Act might provide for certain wages and hours of labour in an industry, and that an award of the Commonwealth Court might fix other wages and hours. The question is, which would prevail? At first sight, I think that provision ought to be made in this particular clause with regard to that matter, and I shall look into the question with the view to drafting an amendment, and also avoiding the insertion of any words that are not absolutely necessary.

Mr. ROBINSON (Wannon).—I desire to say a word or two on behalf of a class of persons who have not received very much consideration under this Bill, and to whose interests less and less regard is being paid as we proceed.

Mr. WATSON.—Does the honorable and learned member refer to the agricultural labourers?



Mr. ROBINSON.—No. We beat the Government very handsomely, so far as they were concerned.

Mr. WATSON.—They are receiving no consideration under the Bill.

Mr. ROBINSON.—I would direct attention to the fact that under the provisions of the Bill this position might arise—In Victoria we have a large number of boot manufacturers who are working under a determination of a Wages Board, constituted under the Victorian Factories Act. On the strength of this determination, as to rates of wages and other conditions, the manufacturers have entered into large contracts, possibly extending over a long period. If an industrial dispute arose, and were brought within the purview of the Federal Arbitration Court, that tribunal, by increasing the working expenses of the employers, could entirely sweep away any margin of profit now allowed to the manufacturers. I do not wish to press this matter, but I would point out that in this proposal, as in others, the interests of the employers are being absolutely disregarded.

Mr. WATSON.—I hope that the Court would take the interests of the employers into consideration.

Mr. LONSDALE (New England).—With regard to the point raised by the honorable and learned member for Indi, I presume that if the Federal Arbitration Court were brought into existence, and had the power to make an award that conflicted with one given by a State Court, the State award would be set aside.

Mr. HIGGINS.—Yes, if the two awards were inconsistent.

Mr. LONSDALE.—I am not a lawyer, but it seems to me that an award by a State Court which might be in conflict with one given by the Commonwealth Court, whether it were good, bad, or indifferent, would be superseded.

Mr. HIGGINS.—Only so far as the awards might be inconsistent.

Mr. LONSDALE.—So far as the case mentioned by the honorable and learned member for Wannon is concerned, I might say that, if I were disposed to deal with this measure in a provincial spirit, I should be strongly inclined to support provisions which would have the effect of placing the whole of the manufacturers of the Commonwealth on an equal footing. I am not, however, going to allow any such consideration to influence me. Moreover, I am entirely opposed to this class of legislation.

Clause agreed to.

Clause 39—

Subject to the Constitution, no award of the Court shall be challenged, appealed against, reviewed, quashed, or called in question in any other Court on any account whatever.

Mr. GLYNN (Angas).—I judge from the remarks of the Attorney-General that he is anxious not to interfere with the drafting of his predecessors. His anxiety on this point is sufficiently manifested by the fact that he has tabled over a hundred amendments. Still I should like to make a suggestion with a view to clearing away any doubt that may exist as to the meaning of this clause. There is no question that the Federal High Court would have the power to restrain any tribunal from exercising jurisdiction which was not properly conferred upon it, but I think that power should also be given to appeal from the Arbitration Court to the High Court on a point of law. This clause provides that there shall be no appeal on points of law or fact; but we should make the provision similar to that of the Constitution with regard to the Inter-State Commission. It is provided in that case that there shall be no appeal from the awards of the Inter-State Commission, except on a question of law. The cases which would arise would be very rare. They would relate, not to the exercise of jurisdiction by the Arbitration Court, but to the construction placed by that tribunal upon the Act under which it was working. I hope that the Prime Minister will see no objection to making an amendment in the direction I suggest.

Mr. WATSON.—There are four compulsory Arbitration Acts in existence, and every one of them contains a provision similar to that embodied in the clause, and I think very properly so, with a view to minimizing litigation.

Mr. GLYNN.—If we do not allow the right of appeal, we shall not provide any means by which the Arbitration Court may be set right upon questions relating to the meaning of certain sections of the Act. I think that some reason more cogent than that advanced by the Prime Minister should be adduced for denying the right of appeal to the High Court on a question of law.

Mr. WATSON.—It seems to me that the honorable and learned member is looking at the matter—I do not say, improperly—from the stand-point of a lawyer. It naturally occurs to honorable and learned members who have been concerned in the interpretation of ordinary legislation that we

should allow appeal after appeal from Court to Court, until finality is reached in regard to pure interpretations of the law, as such. When Mr. Reeves first introduced his Arbitration Bill in New Zealand, I think he was amply justified in insisting that the Court should be one of equity and good conscience, rather than one for the interpretation of dry Statutes. In conformity with that general idea, and with a view to minimize litigation, he inserted a provision that no appeal should lie from the decision of the Court. He made no exception in so many words, but a similar section in the New South Wales Act has been interpreted in such a way that appeals are allowed to the Full Court in respect to matters of jurisdiction. We have inserted in this clause the words, "subject to the Constitution," which will practically allow—I admit that we cannot help it—appeals to the High Court on questions relating to jurisdiction. Each of the four sets of laws relating to compulsory arbitration in existence in the world to-day contains a provision preventing appeals on either questions of fact or law, excepting—as was held in New South Wales—matters of jurisdiction. Therefore, I feel that we should be acting unwisely if we made an innovation in this regard. The New South Wales Act has worked well, and no general desire has been shown for a right of appeal. In the course of the agitation which has been raised against the Act, and which still exists, no feature has ever been made of the fact that no power of appeal is given except in matters of jurisdiction.

Mr. GLYNN.—I do not intend to move an amendment.

Mr. WATSON.—I am glad of that, because it would be against the policy of the Bill to make the decisions of the Arbitration Court the subject of expensive litigation in which the persons concerned could very ill afford to engage.

Mr. LONSDALE (New England).—The New South Wales Arbitration Act contains a provision similar to that embodied in the clause, and yet three or four appeals have been made against the decisions of the Court.

Mr. WATSON.—On questions of jurisdiction.

Mr. LONSDALE.—In two or three cases the decisions of the Arbitration Court have been upset. A judgment was given

against the Arbitration Court in connexion with the award in settlement of the butchers' dispute.

Mr. WATSON.—The decision of the Court was held to conflict with the Early Closing Act.

Mr. LONSDALE.—It so happened that there was a conspiracy between certain employers and employes to crush out two butchers who were selling meat cheaply, to the advantage of the public. They managed to have the common rule applied to one man, and the other joined the employers' organization. The man who stood apart contended that he had the right to keep his shop open after 5 o'clock in the afternoon, the hour fixed by the Arbitration Court. The Supreme Court upheld the decision of the Arbitration Court, but the High Court decided that the award of the Arbitration Court was wrong, and that the appellant could keep his shop open until 6 o'clock, so long as he did not employ any one contrary to the provisions of the arbitration award. There have been two or three other appeals.

Mr. WATSON.—Not appeals which have been successful.

Mr. LONSDALE.—The fact that there has been a number of appeals shows that in New South Wales the Arbitration Act is being used for tyrannical purposes. We require, therefore, to exercise extreme caution before placing such legislation on the statute-book. In my judgment we should make the right of appeal as free as possible.

Mr. KELLY (Wentworth).—Since the legal members of the Committee are divided upon the possibility of the Federal Arbitration Court exceeding its powers under the Constitution, it seems to me that on questions of law we should provide for an appeal to the High Court. The clause states that, "Subject to the Constitution, no award of the Court shall be challenged, appealed against, reviewed, quashed, or called in question on any account whatever." Under such circumstances I fail to understand who is to lay the information against the Arbitration Court if that tribunal exceeds its powers.

Mr. WATSON.—One of the parties will see to that.

Mr. KELLY.—But they cannot appeal.

Mr. WATSON.—They can appeal on a question of jurisdiction. In New South Wales it has been done, although the same provision operates there.

Mr. KELLY.—The New South Wales Act is slightly different from this Bill.

Mr. WATSON.—Its effect is the same.

Mr. KELLY.—I admit that. As a matter of draftsmanship I think that the words "Subject to the Constitution" might well be omitted, unless they are intended to guide the Court in the matter of the powers which it may exercise.

Mr. HIGGINS.—They have been inserted for the guidance of the Court.

Mr. KELLY.—In that case it is as well to retain them.

Mr. SPENCE (Darling).—I would point out to the Committee that the Court which it is proposed to establish differs greatly from other legal tribunals. The judgments of all other Courts are final, unless an appeal be made from them, whereas the Federal Arbitration Court has power to review its own decisions as often as it chooses. Consequently, it is in a position to remedy any mistakes which it may commit. Moreover, each case will be decided on its merits. I hope, therefore, that the clause will be retained in its present form.

Mr. EWING (Richmond).—It is always a shock to find that any particular section of the community is denied the advantage of all the laws enacted for the protection of the people. Consequently, it is remarkable that under this Bill litigants are to be deprived of the special ability and the rare acumen possessed by the Justices of the High Court.

Mr. WATSON.—In most of the States, except on matters of law, all criminals are denied the right of appeal.

Mr. EWING.—It has been urged that the reasons which were good enough to prompt New South Wales, Western Australia, South Australia, and New Zealand to enact similar legislation should be good enough for us.

Mr. WATSON.—The reduction of litigation is the crux of the whole question.

Mr. EWING.—When the honorable member for Wentworth suggested that the words "Subject to the Constitution" should be omitted, the reply was that their retention could do no harm. If it be true that on constitutional questions, litigants already possess the right of appeal the same argument holds equally good. No harm could result from retaining those words.

Mr. WATSON.—We cannot deprive litigants of the right of appeal on questions of jurisdiction.

Mr. EWING.—I would suggest that we should add to the clause the following

words, "except on a matter of constitutional law." If litigants already possess the right of appeal on constitutional questions, the fact should be made perfectly clear.

Mr. WEBSTER (Gwydir).—So far no valid reasons have been advanced by opponents of the Bill against the retention of this clause. One of the main objects of the measure is to secure finality as far as possible. The argument that we should allow litigants the right of appeal practically means that the wealthy employer will be in a position to drive his poorer rival out of Court. The aim of the Bill is to effect a reduction of litigation. There is no question of law involved.

Mr. LONSDALE.—The honorable member is trying to make law, and to get rid of justice.

Mr. WEBSTER.—I do not know to what the honorable member is referring. In this Parliament he has spoken so frequently about justice, that one would almost imagine that he is the embodiment of it. When I hear him characterizing the clause as tyrannical, and afterwards declaring that he has no objection to it, I naturally conclude that he simply desires to air his eloquence. I trust that the Committee will not agree to any amendment which will have the effect of encouraging litigation, and thus defeating one of the chief objects of the Bill.

Mr. ISAACS (Indi).—I wish to ask the Attorney-General a question. Assuming that an award given by the Court exceeds the powers conferred on it by this Bill but does not extend beyond the powers vested in the Commonwealth by the Constitution, will that award hold good? The words "Subject to the Constitution" mean, so far as I can gather, that unless Parliament is forbidden by the Constitution to vest the Court with power to make an award upon any particular matter, the Court may choose to exceed the limits of the Bill, and do things which Parliament has declined to permit it to do, and its award will remain unchallengeable in every respect. If that be so, I protest against it. I am perfectly willing to give this Court large, but certainly not unlimited powers. Is Parliament to define the limits within which the Court shall exercise jurisdiction, and afterwards to allow that tribunal to exceed those limits, or even to do that which it has forbidden? We are to a large extent treading upon experimental and delicate ground. Whilst I do not fear to go as

far as may be necessary to protect the great interests mentioned in this Bill, I mistrust any clause which provides that unless the High Court declares that the Constitution forbids a particular award, no matter to what extent the Arbitration Court may transgress this Act, the award cannot be upset. If that is the meaning of the clause, it is a very serious matter.

Mr. HIGGINS (Northern Melbourne—Attorney-General).—I think it is clear that the meaning of the clause is that unless an award transgresses the Constitution it must be held to be final. I tell the Committee candidly that that is its effect. If the Judge in making an award made a mistake, and went beyond the terms of this measure, the award would nevertheless be final as long as it did not conflict with the Constitution. The position, however, is that we contemplate giving the Court tremendous responsibility, but that we intend to place it under the control of an eminent lawyer, a Judge of the High Court, than whom a higher authority on the law could not, in my opinion, be secured. We are simply proposing to give the Arbitration Court—consisting of a President—a power which is given over our persons, and our liberty, every day and every week. I do not know exactly what is the position in the other States, but in Victoria if a man is convicted of murder, and is sentenced to be hanged, there is no appeal.

Mr. EWING.—There is the power of the Executive.

Mr. HIGGINS.—That is not in the nature of an appeal. The life and liberty of any one of us may be subject to the tremendous power wielded by a solitary Judge.

Mr. G. B. EDWARDS.—But we have a very certain safeguard in the jury system.

Mr. HIGGINS.—I am speaking now of a decision going beyond the law. Honorable members know that a jury can deal only with facts, but the honorable and learned member for Indi is referring only to a mistake made by the President of the Court in regard to a matter of law.

Mr. ISAACS.—Certainly.

Mr. HIGGINS.—I am therefore confining myself to that point.

Mr. McCAY.—But in the case suggested by the Attorney-General, it would be possible to have a special case stated.

Mr. HIGGINS.—That would be voluntary. A Judge who is trying a criminal charge may state a case.

Mr. McCAY.—If he refuses to state a special case on conviction, application may be made to the Full Court for a mandamus to compel him to do so.

Mr. HIGGINS.—What I wish to convey is that in a case such as that which I have mentioned, there is at least no appeal, and that usually it is for the presiding Judge to say whether he should reserve a question for the opinion of the higher Court. I have a suggestion to make, which I should have made before the honorable and learned member for Indi raised this question. Before this matter was brought forward by the honorable and learned member I had the concurrence of the Prime Minister in a suggestion which I think will perhaps commend itself to a good many honorable members. My proposition is that we should provide that if the Court finds itself face to face with a grave question of law, the determination of which it does not care to take upon itself, it shall be at liberty to reserve a special case for a full bench to decide. In that way we should eliminate that class of case in respect of which we feel so much apprehension—those in which interested parties seek to postpone the settlement of a dispute until the means of litigation have been exhausted, and to put the other side to all sorts of expense. I take it that every member of the Committee is anxious that, as far as possible, applications to other tribunals shall be avoided; but our proposal is that no case shall be put before the High Court unless the President of the Arbitration Court, who will be a Judge, thinks it expedient to reserve it for the higher tribunal. Such a provision would, I think, meet all possible cases. But, to reassure honorable members, I must say that I do not think that many cases are likely to occur in which there will be danger of mistakes on the part of the President of the Court. The cases with which the Court will have to deal will be those in which mistakes as to law are not so apt to occur as are mistakes as to statements of fact. I regard with far more apprehension the tremendous power we propose to give a Judge to declare the conditions of any industry; but still I am pleased and willing to confer it. It is far better to have peace, even at any price, than to have such strikes as have occurred in Colorado or Pennsylvania. I should risk almost anything in order to secure peace. The mistakes which we have to

apprehend are mistakes of fact with regard to a particular industry. There is not much reason to apprehend mistakes as to law, especially when we remember that the Court will have the guidance of a trained Judge, such as a member of the High Court Bench must be. If honorable members think it well, I shall be willing to undertake to bring down an amendment that will allow the President of the Court to state a case for the opinion of the High Court, in regard to any question of difficulty. If the clause be passed now, I shall be prepared to recommit it for that purpose.

Mr. DEAKIN (Ballarat).—I must say that I have not hitherto taken the view of this clause that has just been submitted by the honorable and learned member for Indi, and supported by the Attorney-General. I have read it as if the words in the preceding clause, "lawfully made by the Court," were to be taken as included. I admit that the very fact that they appear in the preceding clause, and not in this, tells against that supposition; but I have hitherto considered it to refer to "an award or order lawfully made by the Court."

Mr. HIGGINS.—That would open the whole matter.

Mr. DEAKIN.—I admit that it would; but do not think that it would open it too widely. This clause was not drafted by me; but I discussed it with the right honorable member for Adelaide, who, so far as my memory serves me, did not take the view which has been submitted to-night. I understood him to read the clause as meaning—"Subject to this Constitution" no award of the Court which had been lawfully made should be challenged. I have always regarded the word "award" as implying an award that it would be in the defined power of the Court to make. If it were not within its expressed powers it would be beyond the jurisdiction of the Court, and would, therefore, come within the class of cases that has already been held to be open to appeal.

Mr. ISAACS.—If clause 38 stood alone, no doubt it would; but clause 39 does not mean an award that is lawful. It simply means an award that is constitutionally possible.

Mr. DEAKIN.—I admit that until the honorable and learned member suggested it I did not read this clause in that light, but invariably interpreted it in the way I have mentioned. While I

agree with the Attorney-General that even if the clause were read as is now suggested, the causes of complaint that would arise under it would be extremely rare, I very much doubt whether it conveys what the honorable and learned member for Adelaide intended. I am sure that it does not express what I desired. My intention, had it been fully expressed, would have made the clause read as follows:—

Subject to the Constitution "and to this Act" no award of the Court shall be challenged . . . and so forth. I have never considered, and I hesitate now to believe, that an order that was made without the specific authority of this measure, could be called an award.

Mr. HIGGINS.—It could not be challenged, appealed against, reviewed, quashed, or called in question.

Mr. DEAKIN.—It could for excess of jurisdiction.

Mr. HIGGINS.—Then the clause is of no use.

Mr. DEAKIN.—It has already been determined that an award of the New South Wales Arbitration Court may be challenged for excess of jurisdiction. In the case of the *Hotel, Club, Restaurant and Caterers' Employes' Union v. the Caterers and Restaurant Keepers' Association*, reported in the *New South Wales Industrial Arbitration Reports*, vol. ii., page 196, it was held that there was power to issue a prohibition to restrain the Court of Arbitration from exceeding its jurisdiction. I have a record of the case, as well as of two similar cases, which, so far as my notes show, follow that decision.

Mr. HIGGINS.—They have not in the New South Wales Act the words which appear at the beginning of clause 39, "Subject to the Constitution," which will be the only limitation to the rest of the clause.

Mr. DEAKIN.—I can say, from my own knowledge, that the words, "Subject to the Constitution," were not introduced with the object of limiting the power of appeal which exists under the New South Wales Act. I discussed this matter with the right honorable and learned member for Adelaide, and these words were introduced in order to make it perfectly clear that in this prohibition against appeals of any kind there was no attempt to evade the clear meaning of the Constitution. It was pointed out at the time, both by the right honorable member and myself, that their introduction would not alter the law in any respect—that they were simply an

intimation—but the Cabinet thought the clause, as expressed, so extreme that it was desirable to introduce it with these words. I must confess that the possibility of their being construed as an extension of the power of making awards outside this Bill was not presented to my mind. In these circumstances, I shall feel myself at liberty, when this clause is recommitted, to accept the excellent proposal made by the Attorney-General. On its own merits, and quite independent of the clause, his proposal is very desirable. The power to refer a difficult question of law to the Full Court of the Commonwealth will mitigate many other difficulties that might arise.

Mr. McCAY.—Why not omit the first four words of the clause?

Mr. DEAKIN.—I admit that the cases will be extremely rare, but, having regard to the serious view of this clause which has been presented, I certainly think that when it is recommitted we shall do well to review, first of all, these introductory words, and if we retain them—

Mr. LONSDALE.—They ought not to be passed.

Mr. DEAKIN.—But the Attorney-General asks, as any Attorney-General is entitled to do, for time to reconsider this proposal, and for an opportunity to mature his proposition, instead of drafting it at the table. I am very glad that attention has been called to the matter, so that we shall be able to put beyond doubt exactly what we intend to provide.

Mr. CONROY (Werriwa).—I trust that the Attorney-General in the amendment, which he proposes to submit, will go further than he has indicated. I agree with the view taken by the honorable and learned member for Indi, and to which the Attorney-General has assented, that if we allowed the clause to remain as it stands, the effect would be that the President of the Court, or the Court itself, could go right outside the limits of this Bill. That would be an unreasonable power to vest in any one. Although the Court might exceed the powers granted to it by Parliament, we should have no authority over it, and its decisions could not be reviewed. Of what use is it to appoint a High Court to deal with intricate matters if we are to insert clauses in the various Bills submitted to us to take away the power of appeal to that Court? I should like to remind the Attorney-General that the President of the Arbitration Court might vote in one way while the two assessors might vote in another way.

Mr. EWING.—We have not given them a vote yet. It is pretty well understood that it is the intention of the Government that the President is virtually to be the person responsible for the finding of the Court.

Mr. CONROY.—That has not yet been settled, and I submit that that would be rather a curious proposal. If the assessors are to be mere dummies and are to have no vote on any matter coming before the Court for decision we can do without them in every other way. They will not add to the ears of the President, or to his understanding. As every matter is to be discussed and settled in open Court, he must hear and know what is being done. Are the men sitting beside him to be merely ornamental?

Mr. HUGHES.—Would they not be so in any circumstances on such a point as this?

Mr. CONROY.—No, they would not, and that is the trouble, because so far as this Bill goes there is nothing to prevent each of them having an equal voice with the President, and they might over-rule his judgment.

Mr. HUGHES.—Is it not laid down in all these Acts that the President must form one of the majority of the Court?

Mr. CONROY.—The honorable and learned gentleman will not find that in this Bill. I know that safe-guards might be provided, and if such a safe-guard were provided in this Bill, my argument would fall to the ground. I have, however, to deal with the Bill as presented to the Committee, and there is in it no safeguard of the kind. I am showing what might arise under this Bill, and it is incumbent on us to take care that the clause should not be allowed to remain as it is. I hope that the Attorney-General will remember that as the Bill stands there is nothing to prevent laymen deciding a question of law. Does the honorable and learned gentleman believe that it is advisable that on matters which may be of very grave importance, and which may even affect the relations between the States, a decision of an Arbitration Court should not be open to review by the High Court? Surely that would be highly inadvisable? To give the President the power to state a case is not to provide that he must do so, and, therefore, the amendment which has been suggested does not, in my opinion, go far enough. It is true that the President might avail himself of the power, but our intention is that in certain circumstances he must do so, and that if he does not his decision may still be subject to review by the High Court.

Mr. EWING (Richmond).—We are given to understand by the Attorney-General that if we pass this clause now, it will be again brought before us for reconsideration, and that it is his intention that it should read, "Subject to the Constitution and this Act, unless with the approval of the Court," and so on.

Mr. HIGGINS.—That is it, substantially; but the words are not my words. The honorable member should leave out the words "and this Act."

Mr. CONROY.—Should we not limit the Court to the powers granted under the Act?

Mr. DUGALD THOMSON.—The Attorney-General has promised to recommit the clause.

Mr. HIGGINS.—I have promised to recommit the clause with a view to insert a provision for the statement of a special case by the Court for the High Court.

Mr. EWING.—I should like to ask the Attorney-General to consider also the constitutional point. I understand that the matter will be dealt with in its proper place.

Mr. HIGGINS.—It is provided for here. It leaves it open as well.

Mr. EWING.—I only hope it is provided for. I have already stated my views in regard to it, and I hope the Attorney-General will consider them.

Sir JOHN QUICK (Bendigo).—I hope that the Attorney-General in deciding the matter will go a little further than he has already suggested. I believe that in the early history of the Arbitration Court a very large number of complicated questions of law will be raised, not only in reference to the interpretation of the Constitution as relating to it, but also in reference to the construction of the Bill itself.

Mr. HIGGINS.—What would be the nature of the questions?

Sir JOHN QUICK.—Questions of law.

Mr. HIGGINS.—I can hardly conceive that there will be very many.

Sir JOHN QUICK.—Undoubtedly there will be a great many questions of law raised in the initial stages of the Arbitration Court.

Mr. HIGGINS.—Does the honorable and learned gentleman mean under the Bill?

Sir JOHN QUICK.—Yes.

Mr. HIGGINS.—Does the honorable and learned gentleman not think that the President of the Court will be competent to decide, being a Justice of the High Court?

Sir JOHN QUICK.—I think that it is necessary to provide for these questions of law being dealt with by the highest tribunal in the land, and that is the High Court. I think, also, that the parties should have some voice in the matter. I believe that either the employers or the employes should have the right to ask that a special case shall be stated for the opinion of the High Court. It should not be left solely to the President of the Court. He might rule against a point raised, and decide that he would not state a case. His ruling and interpretation of the law would be final, though it might, in the opinion of many persons, be erroneous. If there is to be no absolute finality in the Court, and there is to be some provision for review, it should be ample and complete. It should be a legal right of the parties to ask the President to state a case. If he refuses to do so, I would give them the right to go to the High Court, and apply to it to require him to state a case. That may be done now under some of our State laws. In many cases under the State laws the parties have a right to ask a Judge to state a case, and if he refuses they can go to the Full Court, and require him to do so. When that is done the whole matter is practically decided on the application to state a case.

Mr. HUGHES.—In what circumstances should it be made imperative?

Sir JOHN QUICK.—I can conceive of these special cases being confined to questions of law. I think that questions of fact should be finally dealt with by the Arbitration Court. Honorable members will perhaps remember that questions of law only are matters of appeal under the Constitution from the Inter-State Commission to the High Court. I do not see why in this case, in matters of legal interpretation, the right of appeal should not be conceded to the parties interested. I, therefore, hope that the Attorney-General, in considering the matter, will go a little further than he has stated, and will give the legal right to appeal on legal questions.

Mr. HUGHES (West Sydney—Minister of External Affairs).—Whether this Court should be a Court from whose decision there should be no sort of appeal, and whether on a question of jurisdiction recourse should not be had to another Court, is obviously arguable. But what is the position taken up by the honorable and learned member for Bendigo? He

says that the President should be compelled to state a case. I ask under what circumstances?

Mr. McCAY.—Compellable, not compelled.

Mr. HUGHES.—By what means?

Sir JOHN QUICK.—The persons interested could appeal to the High Court for a rule  *nisi*.

Mr. HUGHES.—I really do not see that the position would be altered for the better in any way. There would be no end of litigation, expense, and uncertainty. If anything is to be done at all, there ought to be only one set of circumstances in which an award or any act of the Court can be set aside, and that is when it is shown that the Court has exceeded its jurisdiction, or when it has declined to act upon a matter clearly within its jurisdiction. I point out to honorable members that section 32 of the New South Wales Act provides—

Proceedings in the Court shall not be removable to any other Court by certiorari or otherwise, and no award or proceeding of the Court shall be vitiated by reason only of non-formality or want of form, or be liable to be challenged, appealed against, voided, quashed, or called in question by any other Court of judicature on any account whatsoever.

That seems perfectly clear, and yet it has been held in New South Wales that it does not apply to a question involving the jurisdiction of the Court. In the case of Keogh against the Australian Workers' Union it was held that the Court could declare that the Court of Arbitration, notwithstanding section 32 of the New South Wales Act, had gone outside its jurisdiction. While I admit, at once, that a very nice point has been raised, and that the benefits to be obtained by the adoption of one course are balanced by certain risks, still the honorable and learned member for Bendigo makes a proposal which, it appears to me, is in no way required by the clause. As the clause stands now, it gives, in certain circumstances, the right of appeal, but if it does not honorable members might now allow the clause to go, in view of the fact that the Attorney-General has stated that the Government are prepared to recommit the clause for further consideration. The statement of the Attorney-General may be regarded as a recognition on the part of the Government of the very great importance of the question raised. I regard this matter as perhaps of as great importance as anything contained in the

Bill, and when the clause is recommitted honorable members will have an opportunity to express their opinions on it.

Mr. McCAY (Corinella).—In view of the fact that the clause is to be recommitted, I have only one word to say. When the Attorney-General tells us that the President, if given the power to state a case, will be able to appreciate the propriety or otherwise of doing so, when questions of law, and especially questions of jurisdiction are raised, the honorable and learned gentleman must not overlook the fact that the President will not have, shall I call it the advantage or disadvantage of hearing the matter argued. With all respect to those who propose to exclude lawyers from Heaven and the Arbitration Court—the two places which they are supposed never to enter—it seems to me to be an advantage that the kind of lawyer known as a Judge, who is to preside over the Court, should hear the two views of the case argued before him. The President of this Court would not have that advantage which he would have in an ordinary Court. Therefore, I should like to see this power of appeal on questions of law not too much restricted, much as I am desirous that there shall not be unnecessary delay in settling questions of this kind. I think that on any question of law the power of the Judge to state a case, combined with the power of the parties to apply to the High Court to compel a case to be stated, would not be too wide a power; and it would, at the same time, give a sufficient limit to prevent legal questions being wrongly decided.

Mr. ISAACS (Indi).—I should like to direct the Attorney-General's attention to one matter which escaped my attention when I formerly spoke, and which may be, perhaps, more serious than at first sight it seems to be. It is clear, as indicated by the Attorney-General—in accord with what I suggested—that if the Arbitration Court were to make an award that was plainly beyond the powers given to it by the Constitution, it would be bad. This clause, of course, does not impede the review of such an award by the High Court. But, suppose the President of the Arbitration Court came to the conclusion that something was not within the constitutional powers of the Court, when it really was within those powers; and, therefore, decided to limit the powers of the Court, the High Court could not be appealed to to correct such an error. If the learned President of the



Arbitration Court were of opinion that a certain thing was beyond the constitutional powers of the Court, and of this Parliament, and on appeal the High Court held that it was not, would that award still stand? Is there to be no power to review it?

Mr. HIGGINS (North Melbourne—Attorney-General).—I cannot concur with my honorable and learned friend in thinking that if the President of the Arbitration Court refused to adjudicate on the ground of not having power, he could not be compelled to state a case.

Mr. KELLY.—The President's award is not to be challenged.

Mr. HIGGINS.—But it is to be subject to the Constitution. If the Constitution allows a certain thing to be done, it can be done.

Mr. ROBINSON (Wannon).—While all honorable members have agreed that it would be undesirable to have any appeal from the Arbitration Court on questions of fact, I think that a generous discretion ought to be allowed with reference to appeals on questions of law. The suggestion made by the honorable and learned member for Ballarat, namely, that the words should read "subject to the Constitution and to this Act" would probably meet many of the difficulties that have been raised. Otherwise it would be competent for the Arbitration Court to give any award which it had no power to give under this measure, and that award could not be challenged in any Court whatsoever. We have already exempted those engaged in farming pursuits from the operation of the Bill. If the Attorney-General's reading of this clause be correct, it would be competent for the Arbitration Court to bring under an award all engaged in farming pursuits, and that award could not be challenged. If that be the meaning of the clause the sooner it is amended the better. If it is not amended the two exceptions to the operation of this Bill on which we have agreed can be set aside. Therefore, it seems to me that not only should the Attorney-General's suggestion be adopted, that the President should have power to state a case on a question of law, but that he should also be compelled to state a case on a question of law if the High Court so decides. I think, thirdly, that the suggestion of the honorable and learned member for Ballarat should be adopted, limiting the decisions of the Court to matters under the powers given to it by this Bill. The

wishes of most reasonable men would then be met, and appeals would only take place on genuine questions of law, and not on questions of fact, on which I agree that no appeal should be allowed.

Clause agreed to.

Clauses 39 to 42 agreed to.

Clause 43—

(1) The Court may appoint two assessors for the purpose of advising it in relation to any industrial dispute involving technical questions, and the assessors shall discharge such duties as are directed by the Court or as are prescribed.

(2) One of the assessors shall be a person nominated by such of the parties to the dispute as, in the opinion of the Court, have interests in common with the employers, and the other shall be a person nominated by such of the parties to the dispute as, in the opinion of the Court, have interests in common with the employees.

(3) If default is made in nominating either or both of the assessors as required by the Court, or if the parties consent, the Court may appoint an assessor or assessors without any nomination.

Mr. WATSON.—The honorable member for South Sydney has given notice of an amendment upon clause 42, which has just been agreed to. As he is not now present, I will give him an opportunity of moving his amendment later on. On clause 43, I move—

That the word "may," line 1, be left out, with a view to insert in lieu thereof the words "shall on the application of any original party to an industrial dispute, and may without such application, at any stage of the dispute."

The idea of this amendment is to carry out more effectively the decision of the Committee with regard to the constitution of the Court. We have already decided that the Court shall consist of the President, and it was understood that he should have the assistance of assessors in each case if the parties so desired. We wish to make it mandatory on the President that he shall appoint assessors if either party desires; and to provide that he may appoint assessors at any stage, even if the parties do not make an application.

Mr. KELLY.—Would the parties be able to ask for the appointment of assessors just before the President proceeded to sum up?

Mr. WATSON.—I take it that the rules of Court would provide as to the time within which the parties would have a right to ask for the appointment of assessors.

Mr. KELLY.—Would it not be wise to state the time in the Bill?

Mr. WATSON.—It is merely a matter of detail to say that, within thirty days, or

whatever time may be fixed, application may be made for the appointment of assessors. We can very well leave that to the rules.

Mr. LONSDALE (New England).—I would ask the Government to take into consideration the desirability of giving the President of the Court, sitting with three or four assessors acting for the respective parties, greater power to make awards as an arbitrator. We should be able to get more satisfactory decisions, and avoid a great deal of trouble and expense if the President had more power in that direction. I feel certain that, in many cases, the parties would be able when they came before the Court to arrange matters without publicity and without the calling of witnesses. My object in offering the suggestion is to constitute the Court more a Court of Conciliation with power to make an award. I do not intend to move an amendment, but I should like the Government to consider the suggestion. That would be more likely to create a better feeling than would the adoption of the common procedure of the Law Courts. I hope the Prime Minister will think the matter over.

Mr. WATSON.—I shall do so.

Amendment agreed to.

Amendment (by Mr. WATSON) agreed to—

That the words "any industrial dispute involving technical questions," lines 2 and 3, be left out, with a view to insert in lieu thereof the words "the dispute."

Clause, as amended, agreed to.

Clause 44—

(1) The Court may refer any industrial dispute of which it has cognizance, or any matter arising out of the dispute, to a Local Industrial Board for investigation and report, and may delegate to that board such of its powers, including all powers of the Court in relation to conciliation and the settlement of the dispute by amicable agreement, as it deems desirable. A Local Industrial Board may be—

(a) any State industrial authority willing to act; or

(b) any local board constituted as prescribed or as directed by the Court, and consisting of equal numbers of representatives of employers and of employes and a Chairman who shall be a Justice of the High Court or a Judge of the Supreme Court of a State.

2. The Court may then decide the dispute and make its award on the report of the Local Industrial Board, or after hearing further evidence in the matter.

Mr. WATSON.—In conformity with an understanding previously arrived at, I do not propose to move the omission of the words "a Judge." I now move, as largely a drafting or technical amendment—

That sub-clause 2 be left out, with a view to insert in lieu thereof the following:—"(2) On the report of the Local Industrial Board the Court may, with or without hearing further evidence, or argument, or both, decide the dispute, and make its award."

Mr. McCAY (Corinella).—I should like to ask the Prime Minister whether, as a matter of drafting, this clause authorizes the Local Industrial Board to make an award.

Mr. WATSON.—I do not think that is intended.

Mr. McCAY.—Neither do I think so, but it appears to me that the sub-clause may have that effect. I think it is intended that the Local Industrial Board shall not finally make the award.

Mr. WATSON.—That is the intention.

Mr. McCAY.—But it is arguable that this clause gives power to the Local Industrial Board to make the award, and there should be an amendment to provide that that can be done only by the Arbitration Court.

Mr. GLYNN.—The insertion of the words "for such purpose" after the word "may," line 4, would meet the case.

Mr. WATSON.—I think that would meet the intention.

Mr. DEAKIN.—The Prime Minister might also consider the advisability of striking out the words "including all the powers of the Court," which are ambiguous and unnecessary.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 45 agreed to.

Clause 46 (Powers of the Court).

Mr. WATSON.—In view of the fact that fairly good progress has been made with the Bill, and that the Government desire to consider one or two of the suggestions put forward in relation to the power to make a common rule under this clause, I think we might report progress.

Mr. GLYNN.—What about the navigation proposals?

Mr. WATSON.—I hope to have those proposals ready by to-morrow or the next day; but, in any case, they will be circulated in sufficient time for members to make themselves thoroughly acquainted with their effect.

Progress reported.

## ADJOURNMENT.

## VISIT TO H.M.S. EURYALUS.

Mr. WATSON (Bland—Treasurer).—I move—

That the House do now adjourn.

I have to inform honorable members that the Captain of His Majesty's flagship *Euryalus* has, at the request of the Minister of Defence, arranged that that vessel shall be open to inspection by the members of the Commonwealth Parliament on Thursday, the 23rd instant. Honorable members will receive a circular from Mr. Speaker.

Question resolved in the affirmative.

House adjourned at 10.21 p.m.

**House of Representatives.**

*Thursday, 16 June, 1904.*

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

## PRINTING COMMITTEE.

Report (No. 4) presented by Sir JOHN QUICK, read by the Clerk, and agreed to.

## MAJOR KELL.

Mr. O'MALLEY.—I wish to ask the Minister representing the Minister of Defence, if his attention has been called to the evidence given by Major Kell before the Butter Commission, wherein that officer alleges that he refused to take more than two hams as a present under the system of commercial immorality now prevailing in private enterprise. Will the Minister of Defence, in view of the action of the officer in question, recommend his promotion to the position of Colonel?

Mr. WATSON.—The honorable member might address his request formally to the Minister of Defence.

## EXPORTATION OF BUTTER.

Mr. KENNEDY.—I wish to direct attention to a paragraph in this morning's *Age*, where it is stated that—

The Director of Agriculture remarked yesterday that, as the mail companies had taken no pains to deliver the butter at regular intervals in London by steamers which they engaged during the fruit season, it was difficult to see why the shippers continued to bind themselves by contract to the companies, and to pay 3d. per lb. for the carriage of their butter to London in the very same vessels in which Brisbane shippers were able to send butter to London for 4d. per lb.

Will the Prime Minister cause inquiry to be made into the accuracy of the statement that butter is being shipped to London from Brisbane under contract for 4d. per lb., and into the general conditions under which the shipments are made, with a view to ascertaining the relative cost of shipments from Brisbane, Sydney, and Melbourne?

Mr. WATSON.—The Minister of Trade and Customs has been engaged for some little time past in an inquiry into the whole of the conditions under which perishable produce is now shipped abroad. The question arose incidentally in connexion with the consideration of the mail contracts, which is a matter under the control of the Postmaster-General, but in connexion with which were a number of particulars, upon which we desired information which it was impossible for him to get, and, therefore, at his instance and mine, the Minister of Trade and Customs is inquiring into the whole matter. It will be recognised by all that the facilities for the export of perishable produce have increased very materially lately as compared with the position when the last mail contracts were entered into, and the Minister is endeavouring to ascertain how far it may be necessary to incorporate in the new contract something in the nature of a trade subsidy, as well as a mail subsidy. I shall ask him to give attention to the matter mentioned by the honorable member for Moira. It is an extraordinary state of affairs if, as is alleged, Brisbane shippers can get their butter carried for 4d. per lb. while Melbourne shippers have to pay 3d. per lb. I may add that no arrangement as to subsidy will be come to until the matter has been submitted to the House.

## PUBLIC SERVICE CLASSIFICATION.

Mr. THOMAS.—When will the classification of the Public Service be made public?

Mr. BATCHELOR.—I had a conversation with the Public Service Commissioner on the subject this morning. Yesterday he believed that the lists would be available at the end of this week, but now he thinks that there will be a delay of a few days longer, because of the difficulty in getting them printed. The report is naturally a voluminous one, and the printing office is not turning it out as quickly as he expected. The report has been completed so far as the Commissioner himself is concerned.

## FEDERAL CAPITAL SITES.

Sir WILLIAM LYNE.—I wish to know from the Minister of Home Affairs if he has received further reports, or other information, from the surveyors, Messrs. Chesterman and Scrivener, on the Tumut and Bombala sites? If he has, will he lay them upon the table, and have them printed before the Seat of Government Bill is considered?

Mr. BATCHELOR.—I am expecting to see both gentlemen this afternoon. They are coming from their respective districts, and will bring with them their final reports, which I shall, of course, place before honorable members at the earliest moment.

## MELBOURNE-BENDIGO TELEPHONE SERVICE.

Mr. McCAY.—I wish to know from the Postmaster-General to what extent, if any, he has consulted the people of Kyneton as to whether the hours during which he is depriving them of telephone communication with Melbourne are the hours during which they do not wish to use the line.

Mr. MAHON.—It was impossible to consult the residents of Kyneton on the occasion in question, when a deputation waited upon me. Kyneton is the only intervening station connected with the trunk line from Melbourne to Bendigo, and it was considered that no great hardship would result to the residents at the former place, inasmuch as they make only six calls per day. The line is largely availed of during certain hours, owing to the business which is transacted between Bendigo and Melbourne. I have arranged that Kyneton shall be cut out only during three hours daily, and that during the rest of the day the line shall be at the service of the residents of Kyneton, in addition to being available to the people of Bendigo and Melbourne. The hours during which the Kyneton station is cut out are from 10 to 11 a.m., 12 noon to 1 p.m., and 3 p.m. to 4 p.m. The reason for fixing upon these hours is, that the main users of the telephone line are persons interested in mining matters at Bendigo, and as they are the largest customers of the Department, it is necessary to make some little concession in their favour.

Mr. McCAY.—Did not the people of Kyneton give a guarantee?

Mr. MAHON.—Speaking from memory. I do not think that they did; but I may say that it is not intended that they shall

be put to any inconvenience. I distinctly stated to the deputation that if the present arrangement did not work satisfactorily, the matter would require to be reconsidered.

## OVERTIME : GOVERNMENT PRINTING OFFICE.

Mr. PAGE.—I desire to address a question to the Prime Minister. In view of the fact that the Minister of Home Affairs has stated that the publication of the Public Service classification lists is being delayed in the Government Printing Office, and that there are a great number of compositors out of work—a deputation recently waited upon the Premier of Victoria, and asked that some of the unemployed printers might be put to work at forest thinning—will the Prime Minister see that, if necessary, additional compositors are taken on, in order to facilitate the printing of the lists? The classification tables have been promised for some considerable time, and any further delay should therefore be avoided.

Mr. WATSON.—So far as I can ascertain, the delay in the issue of the classification lists is not due to the printing office. As most honorable members will realize, the compilation of the lists is an enormous work. There are many thousands of Federal employes, and a tabulated statement has to be compiled showing the position of each man. Particulars have to be given as to the time at which he joined the service, his grade, and his salary, first with regard to his employment in the State, and then with regard to his employment in the Commonwealth up to the time of regrading. Then there are two classification columns, namely, one showing the officer's present classification, and the other the class in which he will be placed when an opening is found, according to his deserts or ability. When honorable members recollect that all these particulars with respect to each man in the service have to be embodied in the table, they will easily recognise what a really important and large work has to be performed, and that it is impossible for the Commissioner to complete it without a number of revisions, in the course of which every entry in respect to each civil servant has to be checked, in order to avoid errors which might commit the Commonwealth to something that was never intended. It will be realized that the mere checking of the lists and of all the different entries is a stupendous work in itself.

An HONORABLE MEMBER.—Some of the public servants have not been classified previously.

Mr. WATSON.—Even where they have not been classified, it is still essential that particulars should be given in respect to each man. I had a consultation with the Government Printer in my office this morning. He assured me, in the first place, that there was no delay so far as the printing office was concerned. As to the suggestion that men from outside might be employed to carry out this particular work, it must be remembered that it is of a confidential character. It would be most improper if any idea of a tentative or a preliminary proposal, or one in regard to which there might be a printer's error, were communicated to the public until everything is finally adjusted. Therefore, the work is confidential as well as very important, and the Government Printer thinks it right, and very properly too, to keep at this work as many of his regular hands as he can accommodate in the office. In this connexion, the question of overtime was mentioned, and Mr. Brain assured me that the only overtime lately worked has been in relation to the tables involved in the classification scheme. These have now been completed, and no more overtime work will be necessary in regard to them. Apart from this, I must express my sympathy with the compositors who are out of employment. I can appreciate their case, as I have been in the same position myself, as a compositor. I have told the Government Printer, and he quite sympathizes with the idea, that he should avoid overtime on every possible occasion. Overtime work, as a general rule, is not good either for the employer or the employé. Every one recognises that, and Mr. Brain assures me that he has not for a considerable time sanctioned it, except in the case of the printing of the re-classification scheme. I have asked him to obtain the services of extra hands, whenever they can be secured, for any extra work that is required. It must always be remembered that when Parliament is sitting, the Printer receives instructions from Mr. Speaker, or from Ministers through Mr. Speaker, that certain work must be completed by the next morning. In such cases there is no time to call in outside men to cope with the extra pressure. The work must be done immediately, and it may not be possible to find suitable men on the spur of the moment. Some-

times, therefore, overtime cannot be avoided in the ordinary working of the office. My instructions to the Government Printer are—and I am sure that he is anxious to carry them out—to minimize to the fullest possible extent the overtime worked in the office.

#### DUTIES ON SHIPS' STORES.

Mr. CONROY.—I desire to ask the Minister of Trade and Customs what amount of revenue is collected in the shape of duties upon ships' stores? I would ask, further, whether, in view of the very aggravating nature of the duty and the infinitesimal amount of revenue derived, it is worth while to proceed with its collection?

Mr. FISHER.—I do not pretend to be able to give the particulars required off-hand, and I would ask the honorable and learned member to give notice of his question. I shall then have an opportunity to furnish an answer with regard to the matter of policy referred to in the latter part of his question.

#### OPIUM TRAFFIC.

Mr. JOHNSON asked the Minister of Trade and Customs, *upon notice*—

1. Whether any communications have yet been received from the Premiers of the various States in reference to the opium traffic, in response to requests which the Minister informed the House on 19th May had been made on behalf of the Commonwealth Government, pursuant to a promise made by the late Prime Minister (Mr. Deakin) in reply to a question asked by him (Mr. Johnson) in the House on 22nd March last?

2. If no reply has yet been received, will the Minister again bring the matter under the notice of the State Premiers with a view to expediting the receipt of the police reports asked for?

Mr. FISHER.—The answers to the honorable and learned member's questions are as follow:—

1. Communications have been received from the Premiers of Victoria, South Australia, and Western Australia, copies of which are now laid on the table.

2. I will ask the Prime Minister to forward a further communication to the Premiers of New South Wales, Queensland, and Tasmania, requesting that the reports be expedited.

#### EXPORTATION OF HIDES, SHEEP-SKINS, AND RAGS.

Mr. CROUCH asked the Minister of Trade and Customs, *upon notice*—

1. What number or weight of hides and sheepskins has been exported from Australia in the years 1901, 1902, 1903?

2. Can he give similar information, for the same years, as to rags exported?

Mr. FISHER.—The answers to the honorable member's questions are as follow:—

1. The return has been laid on the table of the House.
2. The return includes rags.

#### RIVER MURRAY NAVIGATION.

Sir WILLIAM LYNE asked the Prime Minister, *upon notice*—

Whether, in view of the importance of the subject, he will take steps to ascertain if it is within the power of the Commonwealth to construct works in connexion with the River Murray and some of its tributaries, for the purpose of conserving sufficient water to insure continuous navigation in the main streams?

Mr. WATSON.—The answer to the honorable member's question is as follows:—

I shall ask my colleague, the Minister of Home Affairs, to take steps in the direction indicated, although I understand the matter has already had some consideration at his hands. I am, at the instance of my colleague, communicating with the States interested, to ascertain if they are willing, under section 51 subsection XXXVII. of the Constitution, to allow the Federal Government to deal with the Murray waters in respect of irrigation as well as navigation.

#### EMPLOYMENT OF JAPANESE.

Mr. BAMFORD asked the Minister of External Affairs, *upon notice*—

1. Whether he is aware that it is asserted that many of the Japanese who are indentured by certain companies engaged in the pearl-shelling industry of Torres Straits, ostensibly as divers and tenders, are really ship carpenters and sail-makers, and are employed as such by the said companies?

2. Will he make inquiries as to the truth or otherwise of these assertions, and, if proved to be true, will he take the necessary steps to prevent what appears to be a contravention of paragraph 4 of section 3 of the Immigration Restriction Act?

Mr. HUGHES.—The answers to the honorable member's questions are as follow:—

1. No representations to that effect have been received in the Department.
2. Yes. Inquiries are now being made.

#### NON-RECOGNITION OF MILITARY TITLE.

Mr. CROUCH asked the Minister, representing the Minister of Defence, *upon notice*—

Whether, in view of the decision of the Government not to recognise military rank off parade, the Minister of Defence will cause to be cancelled the following regulations applying to the Militia and Volunteer Forces made under the Defence Act 1903:—

Part II., clause 19—"Warrant officers, non-commissioned officers, and men will salute all

commissioned officers whom they know to be such, whether dressed in uniform or not."

Part V., clause 31.—"A member of the Citizen Forces shall be considered to be on duty, although not in uniform."

I wish to say, in reference to this matter, that, upon the 1st March last, I wrote to the Defence Department, asking for the cancellation of these regulations, but, up to date, have received no reply to my communication.

Mr. WATSON.—I must ask the honorable and learned member to postpone his question until Tuesday next, as I have not yet been able to obtain the information he requires.

#### THE IRON INDUSTRY.

Sir WILLIAM LYNE asked the Prime Minister, *upon notice*—

Whether he has yet communicated with the Premiers of any of the States to ascertain if it is intended to deal with the development of the iron industry?

Mr. WATSON.—The reply to the honorable member's question is as follows:—

Yes. Some days ago I communicated with each of the State Premiers.

#### TOBACCO REFUSE.

Mr. KNOX asked the Minister of Trade and Customs, *upon notice*—

1. If he has been able to arrange that the tobacco refuse which is at present being destroyed by his Department be made available for use by orchardists for the destruction of fruit pests.
2. If so, will he give publicity to the fact.

Mr. FISHER.—The answer to the honorable member's question is as follows:—

The new excise regulations which it is hoped will shortly be brought into operation, contain provisions under which this can be done, and in proper cases permission is given in anticipation of these regulations.

#### COMMONWEALTH COINAGE.

Debate resumed from 26th May (*vide* page 1622), on motion by Mr. G. B. EDWARDS—

That in the opinion of this House, the Attorney-General should introduce the necessary legislation to give effect to the recommendations contained in the report of a Select Committee on Commonwealth coinage and currency, adopted by the House on 19th June, 1903.

Mr. HUME COOK (Bourke). — I thought that to-day we should have had a pronouncement by a member of the Government in respect to this question. In the last Parliament, it will be recollected that a resolution, similar to that which is now under consideration, was carried, though only by a sr

majority. Some time prior to that a Committee of Parliament was appointed to investigate the matter of the proposed reform of our coinage. That body devoted considerable time to its work, and eventually submitted a report to the House. The report was adopted on a resolution which was carried some twelve months ago. I do not know whether, in Federal politics, we are to follow the practice which is common enough in Victorian politics—and perhaps in those of some of the other States—of receiving reports, adopting them by considerable majorities, carefully pigeon-holing them, and afterwards forgetting all about them.

Mr. SPEAKER.—Order. Will the honorable member resume his seat. I would point out that there are quite a dozen conversations proceeding in different parts of the Chamber; it is almost impossible for the honorable member to proceed. I must ask honorable members to refrain from conversing aloud.

Mr. HUME COOK.—I hold that no matter should be remitted to a Committee for inquiry, unless the Government honestly intend to deal with it subsequently in a practical way. Otherwise a waste of time is involved on the part of members of the Committees, as well as a waste of public money. The practice to which I have referred ought not to be countenanced. The Committee appointed by Parliament in this instance spent a good deal of time in investigating this matter, which, in my opinion, is worthy of much more serious consideration than appears likely to be extended to it by the Government. I do not propose to speak at any length upon this proposal, because the honorable member for South Sydney traversed the ground so thoroughly and capably that there is really very little more to be urged in support of it. I merely purpose answering one or two of the objections which have been urged against its adoption. Before doing so, however, I would point out that since the preparation and adoption of the Committee's report several bodies have discussed the question most exhaustively, notably, the Australian Natives Association, which, at its annual conference, representing as it did some 20,000 members in Victoria, unanimously adopted the proposal of the Committee in favour of a decimal coinage system. Moreover, several articles have appeared upon the question in the more influential newspapers of this and other States. One or two exceedingly able

articles were published in the *Age*. Whilst I do not regard that journal as an authority upon every subject, I hold that upon financial questions it is probably as well edited as is any newspaper in the British Dominions. On that ground alone I hold that its opinion is entitled to respect. One of the objections which have been urged against the adoption of a decimal system of coinage is that it should be accompanied by a reform of our weights and measures system. I admit that some force attaches to that objection. Personally, I am of opinion that there should be a decimalization of our weights and measures system, just as there should be a decimalization of our coinage system. At the same time I do not hold that until we can secure both reforms we ought to refuse one. I am prepared to accept the first now, and to afterwards endeavour to obtain the second as quickly as possible. I hold that the two questions are intimately related. I admit that there is strong reason why they should be dealt with jointly, but that is no excuse for advocating delay in the matter of altering our coinage. Whilst it is important that we should deal with our system of weights and measures, it is still more important that we should place our money system upon a simple and rational basis. Others again urge that until something like a universal system of coinage has been established, which would be the result of some international Conference, it is idle for a small community to attempt reforms of this character. It is rather singular, however, that those who urge this objection fail to recognise that several international Conferences have already dealt with the matter, and that the reform is, nevertheless, as far off as ever. Those who entertain the view which I am now combating seem to imagine that there is some special necessity to place the coinage system of the world upon a uniform basis. They forget that the principal use to which money is put is of a domestic character. It is used by the masses more than by the merchants. So far as merchants and traders generally are concerned, at the present time they have to conduct their businesses in a way which compels them to adopt practically a decimal system throughout the world. Probably they would find their task rendered a little easier if we adopted a similar system in Australia. It is not the merchant and trader who are most concerned in securing a simple system of money; but

the persons who daily have small transactions with the butcher, the grocer, the baker, and other tradespeople. If by means of this system we succeeded—as I am sure we should—in simplifying that branch of trade, and the accountancy work relating to it, we should do much for the people of Australia. Another objection levelled against the Committee's proposition is that we ought in any case to wait until Great Britain takes action in this direction. It is urged that it would be idle for a portion of the Empire to decimalize its system of currency while the remaining parts failed to do so. As I have said on previous occasions, if we are to delay what we conceive to be desirable reforms until some other part of the world has taken action, we shall always be in the back-wash of legislation. I do not quite understand that attitude of mind which considers no proposition worthy of consideration unless it has been dealt with by some other part of the Empire. If we are to maintain the character of a progressive people it will be necessary for us, occasionally, at all events, to step out for ourselves, and to say that, although the reform which we contemplate has not been carried out elsewhere, we are satisfied, as the result of reasonable inquiry, that it is right and that we should bring it about. If the reform were right we should stand by it, and if it proved to be wrong we should be able to amend it or abandon the proposal; but the suggestion that we should remain idle until the Imperial Government have taken action is one that I cannot accept. There is an excellent answer to those who urge that we should wait until Great Britain takes action, and that we are proposing to make a change in our monetary system so radical that it would materially alter the trading relationships of the Commonwealth with other parts of the Empire. The proposition of the Select Committee is that we should decimalize the sovereign. The sovereign is the standard of value throughout the British dominions, and I am proud to say that it is accepted almost the world over as being at all times worth the value attached to it. That being so, there can be no force in the argument that we should wait for Great Britain to take action in this direction before carrying out the recommendation of the Committee. The great bulk of our business in respect of trade accounts with the rest of the Empire, will be based in any case upon the sovereign, and, as we propose to retain that coin, there need be no serious apprehen-

sion as to the wisdom of the reform. Australian merchants and traders having business relations with firms in Great Britain and other parts of the world, deal with their accounts in such a way that they are simplified at sight. We have large business transactions with the United States of America, but invoices from that country are dealt with in merchants' offices in Australia without any great difficulty. I am informed, on very credible authority, that those who have to dissect these invoices can do so at sight. If that be possible, how much easier would it be for traders in the United States, and other countries where decimal systems are in force, to deal with our accounts on the establishment of a Commonwealth system of decimal coinage? Traders in Great Britain have already to deal with the decimal systems of other countries, and would experience no difficulty from the addition of a Commonwealth system. I feel that the internal benefits to be derived from this proposal would be so great as to far out-weigh any external disadvantages that might possibly be experienced. That being so, we may, without hesitation, adopt this proposal, and give to the people of Australia the advantage of a decimal system of coinage. It would certainly enable them to transact their business in a more rational and economic way than is at present possible. The reform advocated by the Committee would not, in my judgment, disturb trade or prejudicially interfere with the operations of merchants and traders. On the contrary, it would simplify their transactions. Some persons urge that if the Committee had recommended the retention of the penny, or the threepenny piece, they might have been inclined to support their proposition. That is a most remarkable attitude to take up; because, to decimalize the penny or the shilling, as the case might be, would be to interfere with trade and commerce with the outside world to a far greater extent than the adoption of any other system would involve. The scheme recommended by the Committee is the only one that has ever found favour with the British people. It will be within the recollection of honorable members that the honorable member for South Sydney pointed out some time ago that the system which the Committee recommends has actually been approved by resolution of the House of Commons, and that the British Government propose to deal with the matter as soon as they can dispose



of more urgent questions. To decimalize the penny, or the shilling, would be to put us out of touch with British thought and opinion on the subject; whereas the proposals of the Committee are in accord with the ideas of the people of the old country, and would eventually fit in with what I think is likely to be the Empire system. We are not oblivious to the fact that there are other advantages to be gained from the decimalization of our money. I take it that in connexion with this change, we shall mint our own gold, silver, and copper coins and that we shall reap the advantages now secured by the Imperial Treasury from the coinage of the silver used in the Commonwealth. Our importation of silver coinage is so large that it represents at present a profit of between £30,000 and £40,000 a year to the Imperial Government. That profit ought to be reaped by the Commonwealth, and would be secured by it if we adopted the proposed decimal system and minted our own coins. Another profit which would be gained if we put our decimalized coins into circulation at once would represent something exceeding £1,000,000. The proposition of the Committee is, if my memory serves me rightly, that that profit should be held as a kind of trust fund to meet any depreciation of silver, or to pay off from time to time the national debt. I do not think that we should use it save for some such purpose as I have just mentioned; but we should in any case reap the advantages of these savings if we had only the courage to deal with the subject. I do not wish to pose as a mere money-grubber, but I think that the proposition that we should secure the profit of over £30,000 which at present goes to the Imperial Treasury, is a sound commercial one.

Mr. WATSON.—The Imperial authorities at present take that profit as a set-off against the cost of maintaining the gold standard in Australia. They have asked us to agree to pay the expense of maintaining the gold standard if we take the profit on the coinage of our silver currency.

Mr. G. B. EDWARDS.—The expense of maintaining the gold standard in Australia does not amount to more than £2,000 per annum.

Sir JOHN FORREST.—Does the honorable member for Bourke say that if we coined our own silver we should save £40,000 a year?

Mr. HUME COOK.—The present profit is about £35,000 or £36,000 a year, and

the whole expense of maintaining the gold currency of this country does not amount to £3,000 per annum. There is, therefore, a very wide margin of profit. I take it that we should be prepared to pay the expense of maintaining the gold standard if we secured the profit derived from the coinage of the silver used in the Commonwealth. It is a fair proposition to make, and a responsibility which the Commonwealth ought to accept. The right honorable member for Swan appears rather to doubt the figures I have given, but he can find ample proof of their substantial accuracy in the report of the British Mint Master. If he looks at the reports of the Australian Mints also, I feel sure that he will find that the figures are as I have given them. He will further find, and it will probably be gratifying to the right honorable member, that the Mint in Western Australia is amongst those which are most profitably conducted at the present time.

Sir JOHN FORREST.—I believe that the quantity of silver used in Australia is not so great as to give a profit of £40,000 a year on its coinage.

Mr. HUME COOK.—The quantity of silver used in Australia is so great that, speaking from memory, the Mint Master of Great Britain is prepared to admit that there is a profit of £36,000. Surely we can have no higher authority?

Sir JOHN FORREST.—There are charges for freight, and other charges to be reckoned.

Mr. HUME COOK.—The figures I have given make allowance for every charge in connexion with the matter. There is a collateral profit to be gained by the decimalization of the coinage which ought not to be neglected by rational minds in the community. The time saved in connexion with the education of school children, and in the keeping of accounts, and that kind of work, by the adoption of this system, is valued in round figures, £1,000,000 a year. That is a very large sum, and while I am not prepared to stand sponsor for the statement, I can inform honorable members that experts and others who gave evidence before the Select Committee estimated that there is something like that saving to be made in this connexion. It is contended that the difficulties of the present system are so great that, in order to master them, a child requires to remain one or two years longer at school than would be necessary if the decimal system were adopted.

Mr. WATSON.—It is estimated, in England, that the saving in the school time of children would amount to about a year, having regard especially to the study of weights and measures.

Mr. HUME COOK.—If the saving amounted only to one year in the education of children, it would be considerable; and, taken in connexion with the saving of time in the keeping of accounts, the advantages stated should be recognised in dealing with this question. I have endeavoured, in a few moments, to answer the objections most prominently stated against the adoption of the system. Such arguments are put forward as, for instance, that if we were to decimalize the sovereign it would be difficult to deal with purchases that cut into the half-penny and so on. We have the old illustration submitted of so many yards of cloth at 11½d. per yard, and so many pounds of butter at 11¾d. per lb., and we are asked to find the answer in terms of the decimal system. But the answers to these questions have been given so often that there is no need to repeat them here. I assert that the great reason for decimalizing money in the Commonwealth is the domestic reason. It would facilitate all account keeping in the Commonwealth; it would render calculations more easy for school children and for people who are not well versed in book-keeping. People would be able to carry out everyday transactions with ease, and it would be of very great advantage to the small class of shop-keepers throughout the Commonwealth. In these circumstances, apart from the profit to be derived from the coinage of our own silver, I again assert that the balance of advantage is so much in favour of the decimalization of our system of money, that I think there is ample justification for immediate legislative action upon the adoption of the report of the Select Committee. I feel that we should have some pronouncement from the Government in respect to this matter, and that it should be such as to indicate at once whether there is any possibility of legislation on the subject. If there is to be no legislation it will be a direct intimation to the members of Select Committees appointed in the future before they go on with their investigations to get an official statement as to whether their labours are likely to be followed by action. I for one will not consent to become a member of any Select Committee unless I have some definite undertaking that the report and recom-

mendation of the Committee are likely within a reasonable time to be translated into Commonwealth law. It is of no use to waste Commonwealth time and money, and the services of honorable members, if no action is to be taken upon the report of a Select Committee. Honorable members are aware that the previous Parliament adopted the report of the Select Committee who dealt with this matter; I have no doubt that the motion now before the House will also be agreed to; and in the circumstances I am satisfied that the time is ripe for legislative action translating these proposals into law.

Mr. WATSON (Bland—Treasurer).—Honorable members who were members of the last Parliament will recollect that when speaking on this matter in 1903 I expressed the utmost sympathy with the object aimed at by the Select Committee. I believe that honorable members generally are agreed that if we can secure the adoption of the decimal system of coinage, and the metric system of weights and measures, a great advantage will be secured to the commercial community as well as great relief given to children in their school work. The advantages of the adoption of the decimal system of coinage and of weights and measures are so apparent that it appears to me to be extraordinary that nothing has so far been done in the mother country to effect this very much needed reform. I am unable to say that the Government are prepared, at the present time, to introduce legislation in this direction. It is all very well for the honorable member for Bourke to say that if there is no prospect of legislation—I presume he means this session—that there will be a discouragement to honorable members to agree to serve on Select Committees, and to devote a great deal of time—and I submit in this case a great deal of ability, for several members of this Committee displayed great ability—to the elucidation of any subject, and the making of recommendations; but, apart from the possibility of legislation immediately following the production of the report of this Select Committee, it seems to me that a very great deal of valuable work has been accomplished in any case. The position I take up is simply this: In the first place I have had no opportunity, as Treasurer, to consider how far the proposals of the Select Committee will result, first of all in a dislocation of the finances, and secondly, in a dislocation, as I presume there necessarily would be, to some extent, of commercial affairs in

relation particularly to the small transactions which form so large a part of the dealings of our citizens. In my view I should have time, which I certainly have not had up to the present, to go into these matters, and to ascertain from those competent to speak with authority, how the proposed change is likely to affect them. In the first place, I am certain that, so far as the Post Office is concerned, the change proposed by the Committee must have a very considerable effect.

Mr. G. B. EDWARDS.—It would facilitate the arrangement at which we are aiming.

Mr. WATSON. — That aspect of it, I admit, deserves very serious consideration. We must consider the charge now made for carrying a letter in Victoria, and in some of the larger cities and centres of the other States of the Commonwealth. If the recommendation of the Committee be adopted, that would immediately become reduced in value to the extent of 4 per cent. It might perhaps make possible the adoption of a uniform charge for postage at an earlier date than would otherwise be possible. The making general of, say, a 5 cent postage, which would be a difference of a fraction of a penny upon what we have at the present time in some places, might be a happy medium between the present penny and twopenny systems that prevail alongside each other throughout Australia.

Mr. DUGALD THOMSON.—Five cents is a little more than one penny.

Mr. WATSON.—Four cents is 4 per cent. below the value of a penny, or .96, and therefore five cents would be a little more than a penny. The adoption of a coin like that for postage purposes might facilitate the early adoption of a uniform postage rate throughout Australia. I do not say that until the bookkeeping period has passed we can have a uniform stamp; but we could have a uniform charge throughout Australia, if people in one State were willing to pay a little more in order that others might pay a little less. That is one aspect of the question. I am looking at it purely tentatively, but the effect upon the Post Office is only one aspect, after all. There would be a much larger dislocation so far as the interests of private individuals are concerned. There are so many transactions possible by means of the "humble brown," as it is termed colloquially throughout Australia. For instance, in Sydney the whole tramway system de-

pends upon the collection of pennies. Penny sections are the basis of that system. In the ordinary transactions of private business there is no doubt that the penny plays a very important part.

Mr. G. B. EDWARDS.—The honorable gentleman must admit that within the last few years we have seen a reduction of about 25 per cent. in the cost of many of the articles which the penny purchases.

Mr. WATSON.—I admit that there has been a reduction in the cost of given articles, and that very soon matters would adjust themselves.

Mr. HUME COOK.—The tendency is still downwards.

Mr. WATSON.—But it is not invariably so. The general tendency of the prices of commodities is downwards, with the increase of effectiveness in machinery. But there are exceptions here and there, which destroy the general application of that principle. There is, however, this interesting fact since the question was last discussed in this House: I am informed—I have not been able to obtain the Parliamentary paper—that there is sitting at the present time a Committee of the House of Lords, in connexion, not only with the question of decimal coinage, which is immediately under consideration, but also with an alteration in the system of weights and measures.

Mr. G. B. EDWARDS.—No; the House of Lords Committee is considering only the question of weights and measures.

Mr. WATSON.—I was informed, on the authority of a pamphlet issued by the English Society of Accountants and Auditors, that the House of Lords had appointed a Committee on this subject. But the honorable member is better informed than I am, and I accept his correction. I was hoping that if that information were correct, there might be a prospect, within a reasonable time, of obtaining some decision from the British Government. I admit that up to the present we have not been encouraged to look for any practical outcome from the action which has been taken in the British Parliament, which has been generally favorable to the adoption of a different system in the calculation of money values, as well as with reference to weights and measures. If that had been so, the way would have been comparatively easy for us. I quite sympathize with the decision of the Select Committee, to continue intact the sovereign as a measure of value. Although they recommend that we

shall have the florin as a unit, that coin is to maintain its present relation to the sovereign, and, therefore, the sovereign may continue to act as the medium of exchange.

Mr. G. B. EDWARDS.—The sovereign is the standard.

Mr. WATSON.—Although the florin would be the unit for calculations, the sovereign would be the measure of value. I quite appreciate that suggestion, because the retention of the sovereign facilitates our commercial relations with outside countries to a considerable degree. The sovereign is accepted practically everywhere throughout the world. Therefore, it is of advantage to retain it. I recognise that the florin was an instalment of the decimalization of the British coinage. But the retention of the sovereign entails an alteration of our smaller denominations of coins, if we are to adopt a decimal system. That is the aspect of the matter that I wish to have time to look into before I commit myself to introduce legislation on this subject. I may add that I intend, in any case, if opportunity serves, to devote some attention to the question in the direction especially of ascertaining the opinions of different commercial people throughout Australia on the probable effect of, or justification for, an alteration in any degree of our present token coinage. That is the point which seems to me to be most important for the Government to consider. Because, in this matter, although we have the power to legislate for Australia, we shall be affecting to some extent the interests not only of private citizens, but also of the States. The instance which I have quoted, of the tramway system in Sydney, has a bearing upon this point, and in regard to many other things it seems to me that the interests of the States as States are bound up with the present proposal. That consideration emphasizes the necessity for looking carefully into the effects of the suggested change before the adoption of it as a matter of ordinary legislation. I say at once that if there were any prospect of the British Government taking action within a reasonable time, I should be inclined to take the plunge without further inquiry; but, apart from the practical questions involved in Australia, I do not quite appreciate the wisdom, if it can be avoided, of further differentiating in the coinage of the different portions of the Empire. The proposal which we are considering does not ask us to adopt the coinage of Great Britain, nor that of Canada, which

is another part of the British Empire. Although it is recommended that we shall take a decimal system, such as they have in Canada, we are to adopt another measure of value as our guide. Consequently, there is a very material departure from any system that at present prevails within the Empire.

Mr. G. B. EDWARDS.—The coinage which we propose is English.

Mr. WATSON.—Except that the tokens that would go to make up the sovereign would be of a very different character from the tokens at present in use, and would necessarily lead to a different system of quotation in merchants' catalogues, and everything of that sort. I admit that catalogues could very easily be prepared in accordance with our system, and would be understood, just as it is easy enough to-day for a man in this country to understand an American catalogue. Still it takes a little time, and I do not think it wise to have differing systems if it can be avoided. I do not say that the fact of it differing from other systems in use in the Empire should stand in the way of the adoption of the decimal system, if no other course is open; but we should aim at avoiding these distinctions as much as possible. That is a matter which requires consideration. I quite appreciate the work which has been done by the Committee, and I have no desire to imply a reflection upon them by a refusal to introduce legislation at the present time. What I said on the last occasion when the subject was debated in this chamber shows that I have every sympathy with the basic principle into which they inquired, and upon which they reported, but I feel it proper for me to inquire further into the probable immediate effects of an alteration, before committing the Government to the introduction of a Bill, at any rate during this session. I desire the opportunity for investigation which a recess should give, before taking further action.

Mr. DUGALD THOMSON (North Sydney).—I intend to be very brief in what I have to say on this matter, because I recognise that the honorable member for South Sydney, who moved for the Committee, and who took so much interest in the question when it was under consideration by that body, has at previous stages placed before this House a very full outline of the reasons for adopting the resolution which is now before us. Further than that, honorable members can refer to the proceedings of the Committee. They can judge

evidence, and by the report, whether the proposal to change the coinage of Australia to one of a decimal character is, or is not, desirable. I would only say in reply to the Prime Minister that, while I recognise the force of all he said, the difficulties which he points out, the internal difficulties in Australia can never be removed, however long we wait before we effect a change.

Mr. WATSON.—I admit that.

Mr. DUGALD THOMSON — They cannot decrease, and they must increase. With the enlargement of population and the spread of trade, every year must make the change—which, if it be a desirable one, must surely come some day—more difficult, so far as the internal interests of Australia are concerned. As regards our external interests, I think very little of the difficulty. In the first place, this system fits in with the British system. We retain the British sovereign, that great standard of value, not only for the British possessions but largely for the world. We also retain the florin, the shilling, the sixpence, and, if thought desirable, the threepenny-bit, at the actual value which they now hold, and we propose to make the variation which must be made at one end or the other of the scale of value in any change to a decimal system, in the penny and half-penny, the difference being only 4 per cent. We cannot under any future circumstances get closer to the British system, and we have an indication of the direction which British decimalization will take when adopted by the fact that, on the report of a Committee of the House of Commons in favour of the decimal system the florin has been coined as an advance guard of the system, and as an indication of the direction in which British coinage will move when decimalization is adopted. We have the further fact that, whilst Canada has had to adopt the American system, owing to her closeness to the United States, she does not coin the dollar, finding the half-dollar a much more convenient coin for circulation. The American dollar seems too large for a unit, just as the franc, to British people, at any rate, seems too small. We propose to adopt something between the two, and something which has been practically adopted by the British Government, as the unit of our decimalized system. It may be asked, why should we give preference to a decimal system? My reply is, in the first place, that our notation is decimal. It proceeds by steps of

ten. No system of money, or of weights and measures, which does not proceed by the same gradation, can ever be convenient, economical, or assist easy and accurate calculation. Some have said that the duodecimal gradation of money and of weights and measures is superior to the decimal, that under it sums can be halved and quartered, and re-halved and re-quartered to a greater extent than under the decimal system. I am not prepared to admit that the advantage does lie with the duodecimal system, but even if it did, the question is not answered, because so long as our notation is decimal, our aim must be, if economy, convenience, ease of calculation, and readiness of education are to be considered, to bring our coinage and our weights and measures into harmony with our notation. I shall allude briefly to one or two of the objections which have been raised to the proposed change. The great objection is that it will throw our coinage out of gear with the British coinage. I have already shown that, if the system is to come at any time, that which has been proposed will throw us less out of gear than any other system. Only the smaller coins, the penny and the half-penny, would be altered, and then only by 4 per cent. We can adopt, in substitution, either the 4 cent or the 5 cent. piece, or both. We get, in one case, a reduction of 4 per cent. on the penny and the halfpenny, and in the other a coin representing 1 1-5d. in our present money. Either of those coins can be used for small transactions, and in a great many of such transactions it would be possible to reduce in a corresponding degree the quantity purchased. Where articles are bought by the lb. or by the packet, the quantity sold can be reduced so as to make the interchange between buyer and seller exactly the same as it is now. In other cases, of course, either the 4 cent piece, which will be 4 per cent. less, or the 5 cent piece, which will be 1-5d. more, will have to be adopted. This difficulty, however, will always have to be met. Waiting will not get over it, and it will increase as population and internal commerce grow. We must remember that, year by year, a larger number of people are coming under the decimal system. Every year hundreds of thousands, and in some years millions, are being brought under that system. While the Committee was sitting, as we learned immediately after our report had been agreed to, Ecuador, one of the South American

States, adopted a system of decimal coinage, and, strange to say, without any connexion with our inquiry, and without our knowing of their inquiry, a system which is exactly that which the Committee recommended to this House. The people of Ecuador even accept the British sovereign as a coin of circulation, and every other gradation is exactly that which the Committee recommend. The process of change is proceeding all over the world, and the number retaining the old duodecimal, or mixed system, will become very small in proportion to the much larger number using the decimal system. If there is convenience, advantage, and economy to be obtained in adopting the decimal system, are we to allow foreign countries alone to enjoy it? We, and the British people, ought to move as soon as possible in obtaining these advantages for ourselves. In Australia we have none of the difficulties which Britain has to face. We can quite understand that in Great Britain the alteration of the coinage would be a serious difficulty. They have there a large population—40,000,000—and an enormous trade, and they have to contend against the sentiment which is satisfied with a good solid system of coinage that has existed for generations, and would be apt to look upon a change as almost an interference with the British Constitution. We have there, too, a people less alert to change, and less generally educated, than are our own people. For all those reasons the change would be a much bigger one in Great Britain than it would be here. But I am satisfied that the people of that country regret that the change to a decimal system of coinage and of weights and measures was not made when its population numbered only 4,000,000, and its trade was infinitesimal, as compared with the present trade. Recognising this, we should see that our interests lie in the adoption of the decimal system while our population and our trade are small. I quite agree with the Prime Minister that he has many things to consider. He has only recently come into office, and naturally cannot be expected to have given his attention to everything in the first few weeks of his Ministerial career. But an expression of opinion by this House that it is desirable that legislation should follow on the report of the Committee might be passed.

Mr. WATSON.—The motion, in a manner, directs the Attorney-General to bring in a Bill.

Mr. G. B. EDWARDS.—I have adopted the usual form.

Mr. WATSON.—I have never heard of such a motion being passed in New South Wales.

Mr. DUGALD THOMSON.—Perhaps the honorable member for South Sydney would consent to an alteration of his motion which would make it an indication of the opinion of the House.

Mr. WATSON.—I see no objection to the passing of such a motion as that.

Mr. DUGALD THOMSON.—I do not suggest any amendment, because at the moment I am not quite sure of the wording which has been used. Personally, I look upon the motion as an intimation of the wish of the House that legislation should follow on the report of the Committee. Of course, the passing of it cannot bind the Ministry to introduce legislation; it really only records the opinion of the House. Possibly the Prime Minister may think that in this matter I am the Radical and he is the Conservative. When I am satisfied that a proposal, whether it be of a social, political, or economic character, will effect an improvement, I am always ready to support it, and to face the difficulties that must, for a while, accompany the change. That is why I support the motion. It may be urged in favour of postponement that by delaying action we shall accomplish our object more easily and readily than by making the change at an earlier date, because we may expect the British Government to adopt a decimal system of coinage.

Mr. WATSON.—If that occurred the opposition here would be minimized.

Mr. DUGALD THOMSON.—The indications are, however, that whilst that change may be made, it will probably not take place in the immediate future. The British authorities are giving their attention to what I admit is a much larger question, namely, the decimalization of weights and measures. Although the adoption of that system will involve the expenditure of many millions, and will render it necessary to change many of the patterns and looms and the machinery in use in the manufacturing industries throughout Great Britain, the Government recognise the necessity of introducing the reform. Great Britain finds that she is unable to retain her proper position in competition with other nations, owing to the want of uniformity of her system of weights and measures with the decimal standard adopted in countries with which

she conducts a large trade, and is realizing the necessity of facing an immediate stupendous loss in order to secure a future gain. At the same time, there is no indication that, in conjunction with the adoption of that system, it is proposed to introduce the decimalization of money.

Mr. WATSON.—As the decimalization of the currency would be less difficult than that of weights and measures, I should think it most likely that they would effect that change first.

Mr. DUGALD THOMSON.—Possibly they may think they have faced a sufficiently difficult matter in regard to the decimalization of weights and measures, and may not care to add to their troubles. In consequence of the system of notation adopted throughout the greater part of the civilized world the movement in Great Britain must be towards the decimalization of weights and measures and money. The only question for us to consider is, are we prepared to take an early or a late part in that movement? I think that our circumstances justify us in taking an early part, because by waiting we shall not reduce, but rather increase, the difficulties we shall have to face when eventually we join in the general march of progress.

Mr. KNOX (Kooyong).—I am in favour of the general tenor of the report by the Select Committee on Commonwealth coinage and currency presented to the House last year. I some time ago prepared notes with a view to addressing the House on this subject, but unfortunately the information I then compiled is not within my reach at present, and I am, therefore, not in a position to address the House at any length. I had desired to move the adjournment of the debate, but I shall defer to the anxiety of the honorable member for South Sydney to have his motion disposed of to-day. If the honorable member will agree to the modification of his motion in such a way that it will simply affirm the desirability of giving effect to the recommendations of the Committee, I do not think there will be a single dissentient voice.

Mr. G. B. EDWARDS.—I have simply followed the form adopted in the British House of Commons.

Mr. WATSON.—But it is an unheard of and a most improper thing to direct a Ministry to bring in a Bill.

Mr. KNOX.—I do not think that we should be justified in giving a direction to the Ministry upon this subject at present. The Prime Minister placed the position before us in a business-like manner. He showed that the proposed change would involve very serious consequences. The honorable member for North Sydney stated that we were a small community, and should be prepared to make the change at once. He argued as if we had only ourselves to consider, but we have to bear in mind that if we made the proposed change it would place us out of touch with Great Britain and other parts of the Empire in the matter of the currency. Our efforts should be directed to bringing about uniformity, rather than to making a change, which, however desirable it might be, would be serious if it tended to complicate our methods of calculation, and to disturb trade relations. This question is so important that, with all due respect to the opinions expressed by the gentlemen who gave evidence before the Committee, I think that a greater number of banking and commercial authorities should have been consulted. If we sought the opinions of our banking authorities at the present moment it would be found that they regard this question as too serious to be dealt with hastily. On general principles I am quite in accord with the recommendations of the Committee, but the question as to whether it would be expedient for us to make the change now should be the subject of much fuller inquiry and very careful consideration. We should consult the leading financial authorities of Great Britain before taking action which would have the effect of still further isolating us from the old country. We should seek to harmonize the financial, commercial, and fiscal conditions of the Empire, rather than introduce conflicting elements. The Committee aimed at reducing the changes in our system of currency to a minimum.

Mr. WATSON.—If their recommendations were adopted, our outside troubles would be reduced to a minimum, but our internal troubles would be very serious.

Mr. KNOX.—The aim of any scheme should be to reduce both internal and external troubles as far as possible. I hope that, in view of the far-reaching nature of the proposal, nothing hasty will be done. The Prime Minister has spoken wisely, and his view will doubtless be shared by the majority of honorable members. We should safeguard ourselves against taking any steps

which would place us in a serious position in regard to trading relations abroad.

Mr. LIDDELL (Hunter).—I move, as an amendment—

That the words "the Attorney-General should introduce" be left out; and that after the word "legislation" the words "should be introduced" be inserted.

If the amendment be adopted, honorable members will be asked to merely affirm that the necessary legislation should be introduced to give effect to the recommendations of the Committee. As the whole question has been very fully debated, it is hardly necessary for me to say anything more than that I think that the introduction of any form of decimal coinage would prove of advantage to the community.

Amendment agreed to.

Mr. G. B. EDWARDS (South Sydney).—I do not intend to speak at any length. I believe that the reform recommended by the Coinage Committee is coming. We may delay it if we like, but come it must. If we recognise this fact, there is no time so fitting as the present. There is a general consensus of opinion that the proposed reform is desirable, but that we should wait. If, however, we recognise that in view of our growing population and extending ramifications of trade, delay will increase the difficulties of effecting the reform, we must be forced to the conclusion that the sooner it is introduced the better. It has been pointed out by the honorable member for North Sydney that if Great Britain ever introduces a currency reform it must take the direction of this proposal. The subject has been approached there by several Select Committees and Royal Commissions, and the only scheme that ever had any chance of being adopted was similar to that which the Coinage Committee have seen fit to recommend. The Prime Minister seems to entertain the idea that if we delay action for a few years the question of the reform of our currency system will be taken up by Great Britain. If we were convinced that it would, there might be some reason for our continued inaction. But I should like to know what the Prime Minister would say if he were asked to postpone some of the Government measures—the Conciliation and Arbitration Bill, for example—for a similar reason. I deeply regret that the Commonwealth has not displayed the spirit which was exhibited by the United States so early in its Federal career—the spirit which should prompt us to grapple with

our own problems, and deal with them in our own way. Instead of doing so, however, we are continually asking—"How will this matter be viewed in its relation to the Empire?" When we were considering the question of Australia's contribution towards the maintenance of the British Navy, no member of this House desired to go further than I did. I am prepared to go still further in connexion with the proposed reform of our coinage system. If by the adoption of that system we can effect a saving of £30,000 or £40,000 annually, I am perfectly willing to hand over that sum towards the support of the Imperial Navy. But I fail to see why, year after year, we should continue to make a present of that amount to the people of Great Britain, and then quibble about voting an extra £1,000 or two towards the maintenance of the British Navy. Let us take what absolutely belongs to us, and afterwards, when we come to consider the question of how much the Commonwealth, as an integral part of the Empire, should contribute towards that Navy, let us give freely. Of course if we are to effect the saving to which I have referred, we must have a distinctive set of coins. This brings us face to face with the question, "Which is the best coinage system to adopt?" My answer is that the decimal system is universally recognised as the only one which we can adopt if we are to get the best system. The argument has been advanced that by introducing the reform we shall dislocate our relations with the British Empire. Some honorable members who are possessed of commercial experience surprised me when they advanced that argument. The honorable member for Kooyong seems to think that a system of coinage differing from the present one in its cent, two-cent, or three-cent pieces—copper tokens—would dislocate our trade relations with Great Britain. The idea is perfectly absurd. Both Canada and India possess coinage systems which differ very markedly from that of the mother country. Although the rupee is ostensibly a 2s. piece, and varies in value from 1s. 1½d. to 1s. 3d., according to the ruling price of silver, business men experience no difficulty in buying or selling in India. I would further point out that not one-eighth of 1 per cent. of our whole population are interested in the remotest degree in transactions with other parts of the Empire.

Mr. WATSON.—Upon that basis we should maintain the penny, I think.



she conducts a large trade, and is realizing the necessity of facing an immediate stupendous loss in order to secure a future gain. At the same time, there is no indication that, in conjunction with the adoption of that system, it is proposed to introduce the decimalization of money.

Mr. WATSON.—As the decimalization of the currency would be less difficult than that of weights and measures, I should think it most likely that they would effect that change first.

Mr. DUGALD THOMSON.—Possibly they may think they have faced a sufficiently difficult matter in regard to the decimalization of weights and measures, and may not care to add to their troubles. In consequence of the system of notation adopted throughout the greater part of the civilized world the movement in Great Britain must be towards the decimalization of weights and measures and money. The only question for us to consider is, are we prepared to take an early or a late part in that movement? I think that our circumstances justify us in taking an early part, because by waiting we shall not reduce, but rather increase, the difficulties we shall have to face when eventually we join in the general march of progress.

Mr. KNOX (Kooyong).—I am in favour of the general tenor of the report by the Select Committee on Commonwealth coinage and currency presented to the House last year. I some time ago prepared notes with a view to addressing the House on this subject, but unfortunately the information I then compiled is not within my reach at present, and I am, therefore, not in a position to address the House at any length. I had desired to move the adjournment of the debate, but I shall defer to the anxiety of the honorable member for South Sydney to have his motion disposed of to-day. If the honorable member will agree to the modification of his motion in such a way that it will simply affirm the desirability of giving effect to the recommendations of the Committee, I do not think there will be a single dissentient voice.

Mr. G. B. EDWARDS.—I have simply followed the form adopted in the British House of Commons.

Mr. WATSON.—But it is an unheard of and a most improper thing to direct a Ministry to bring in a Bill.

Mr. KNOX.—I do not think that we should be justified in giving a direction to the Ministry upon this subject at present. The Prime Minister placed the position before us in a business-like manner. He showed that the proposed change would involve very serious consequences. The honorable member for North Sydney stated that we were a small community, and should be prepared to make the change at once. He argued as if we had only ourselves to consider, but we have to bear in mind that if we made the proposed change it would place us out of touch with Great Britain and other parts of the Empire in the matter of the currency. Our efforts should be directed to bringing about uniformity, rather than to making a change, which, however desirable it might be, would be serious if it tended to complicate our methods of calculation, and to disturb trade relations. This question is so important that, with all due respect to the opinions expressed by the gentlemen who gave evidence before the Committee, I think that a greater number of banking and commercial authorities should have been consulted. If we sought the opinions of our banking authorities at the present moment it would be found that they regard this question as too serious to be dealt with hastily. On general principles I am quite in accord with the recommendations of the Committee, but the question as to whether it would be expedient for us to make the change now should be the subject of much fuller inquiry and very careful consideration. We should consult the leading financial authorities of Great Britain before taking action which would have the effect of still further isolating us from the old country. We should seek to harmonize the financial, commercial, and fiscal conditions of the Empire, rather than introduce conflicting elements. The Committee aimed at reducing the changes in our system of currency to a minimum.

Mr. WATSON.—If their recommendations were adopted, our outside troubles would be reduced to a minimum, but our internal troubles would be very serious.

Mr. KNOX.—The aim of any scheme should be to reduce both internal and external troubles as far as possible. I hope that, in view of the far-reaching nature of the proposal, nothing hasty will be done. The Prime Minister has spoken wisely, and his view will doubtless be shared by the majority of honorable members. We should safeguard ourselves against taking any steps

which would place us in a serious position in regard to trading relations abroad.

Mr. LIDDELL (Hunter).—I move, as an amendment—

That the words "the Attorney-General should introduce" be left out; and that after the word "legislation" the words "should be introduced" be inserted.

If the amendment be adopted, honorable members will be asked to merely affirm that the necessary legislation should be introduced to give effect to the recommendations of the Committee. As the whole question has been very fully debated, it is hardly necessary for me to say anything more than that I think that the introduction of any form of decimal coinage would prove of advantage to the community.

Amendment agreed to.

Mr. G. B. EDWARDS (South Sydney).—I do not intend to speak at any length. I believe that the reform recommended by the Coinage Committee is coming. We may delay it if we like, but come it must. If we recognise this fact, there is no time so fitting as the present. There is a general consensus of opinion that the proposed reform is desirable, but that we should wait. If, however, we recognise that in view of our growing population and extending ramifications of trade, delay will increase the difficulties of effecting the reform, we must be forced to the conclusion that the sooner it is introduced the better. It has been pointed out by the honorable member for North Sydney that if Great Britain ever introduces a currency reform it must take the direction of this proposal. The subject has been approached there by several Select Committees and Royal Commissions, and the only scheme that ever had any chance of being adopted was similar to that which the Coinage Committee have seen fit to recommend. The Prime Minister seems to entertain the idea that if we delay action for a few years the question of the reform of our currency system will be taken up by Great Britain. If we were convinced that it would, there might be some reason for our continued inaction. But I should like to know what the Prime Minister would say if he were asked to postpone some of the Government measures—the Conciliation and Arbitration Bill, for example—for a similar reason. I deeply regret that the Commonwealth has not displayed the spirit which was exhibited by the United States so early in its Federal career—the spirit which should prompt us to grapple with

our own problems, and deal with them in our own way. Instead of doing so, however, we are continually asking—"How will this matter be viewed in its relation to the Empire?" When we were considering the question of Australia's contribution towards the maintenance of the British Navy, no member of this House desired to go further than I did. I am prepared to go still further in connexion with the proposed reform of our coinage system. If by the adoption of that system we can effect a saving of £30,000 or £40,000 annually, I am perfectly willing to hand over that sum towards the support of the Imperial Navy. But I fail to see why, year after year, we should continue to make a present of that amount to the people of Great Britain, and then quibble about voting an extra £1,000 or two towards the maintenance of the British Navy. Let us take what absolutely belongs to us, and afterwards, when we come to consider the question of how much the Commonwealth, as an integral part of the Empire, should contribute towards that Navy, let us give freely. Of course if we are to effect the saving to which I have referred, we must have a distinctive set of coins. This brings us face to face with the question, "Which is the best coinage system to adopt?" My answer is that the decimal system is universally recognised as the only one which we can adopt if we are to get the best system. The argument has been advanced that by introducing the reform we shall dislocate our relations with the British Empire. Some honorable members who are possessed of commercial experience surprised me when they advanced that argument. The honorable member for Kooyong seems to think that a system of coinage differing from the present one in its cent, two-cent, or three-cent pieces—copper tokens—would dislocate our trade relations with Great Britain. The idea is perfectly absurd. Both Canada and India possess coinage systems which differ very markedly from that of the mother country. Although the rupee is ostensibly a 2s. piece, and varies in value from 1s. 1½d. to 1s. 3d., according to the ruling price of silver, business men experience no difficulty in buying or selling in India. I would further point out that not one-eighth of 1 per cent. of our whole population are interested in the remotest degree in transactions with other parts of the Empire.

Mr. WATSON.—Upon that basis we should maintain the penny, I think.

majority. Some time prior to that a Committee of Parliament was appointed to investigate the matter of the proposed reform of our coinage. That body devoted considerable time to its work, and eventually submitted a report to the House. The report was adopted on a resolution which was carried some twelve months ago. I do not know whether, in Federal politics, we are to follow the practice which is common enough in Victorian politics—and perhaps in those of some of the other States—of receiving reports, adopting them by considerable majorities, carefully pigeon-holing them, and afterwards forgetting all about them.

Mr. SPEAKER.—Order. Will the honorable member resume his seat. I would point out that there are quite a dozen conversations proceeding in different parts of the Chamber; it is almost impossible for the honorable member to proceed. I must ask honorable members to refrain from conversing aloud.

Mr. HUME COOK.—I hold that no matter should be remitted to a Committee for inquiry, unless the Government honestly intend to deal with it subsequently in a practical way. Otherwise a waste of time is involved on the part of members of the Committees, as well as a waste of public money. The practice to which I have referred ought not to be countenanced. The Committee appointed by Parliament in this instance spent a good deal of time in investigating this matter, which, in my opinion, is worthy of much more serious consideration than appears likely to be extended to it by the Government. I do not propose to speak at any length upon this proposal, because the honorable member for South Sydney traversed the ground so thoroughly and capably that there is really very little more to be urged in support of it. I merely purpose answering one or two of the objections which have been urged against its adoption. Before doing so, however, I would point out that since the preparation and adoption of the Committee's report several bodies have discussed the question most exhaustively, notably, the Australian Natives Association, which, at its annual conference, representing as it did some 20,000 members in Victoria, unanimously adopted the proposal of the Committee in favour of a decimal coinage system. Moreover, several articles have appeared upon the question in the more influential newspapers of this and other States. One or two exceedingly able

articles were published in the *Age*. Whilst I do not regard that journal as an authority upon every subject, I hold that upon financial questions it is probably as well edited as is any newspaper in the British Dominions. On that ground alone I hold that its opinion is entitled to respect. One of the objections which have been urged against the adoption of a decimal system of coinage is that it should be accompanied by a reform of our weights and measures system. I admit that some force attaches to that objection. Personally, I am of opinion that there should be a decimalization of our weights and measures system, just as there should be a decimalization of our coinage system. At the same time I do not hold that until we can secure both reforms we ought to refuse one. I am prepared to accept the first now, and to afterwards endeavour to obtain the second as quickly as possible. I hold that the two questions are intimately related. I admit that there is strong reason why they should be dealt with jointly, but that is no excuse for advocating delay in the matter of altering our coinage. Whilst it is important that we should deal with our system of weights and measures, it is still more important that we should place our money system upon a simple and rational basis. Others again urge that until something like a universal system of coinage has been established, which would be the result of some international Conference, it is idle for a small community to attempt reforms of this character. It is rather singular, however, that those who urge this objection fail to recognise that several international Conferences have already dealt with the matter, and that the reform is nevertheless, as far off as ever. Those who entertain the view which I am now combating seem to imagine that there is some special necessity to place the coinage system of the world upon a uniform basis. They forget that the principal use to which money is put is of a domestic character. It is used by the masses more than by the merchants. So far as merchants and traders generally are concerned, at the present time they have to conduct their businesses in a way which compels them to adopt practically a decimal system throughout the world. Probably they would find their task rendered a little easier if we adopted a similar system in Australia. It is not the merchant and trader who are most concerned in securing a simple system of money; but

maximum penalties; but in regard to the breach or non-observance of any term of an order or award, it is extremely difficult to select a maximum penalty that would meet all circumstances. We think that, on the whole, it would be better to leave it to the Court to do so.

Mr. McCAY.—Does the honorable gentleman know of any case in the ordinary statute law in which the Courts are left to fix the maximum penalty?

Mr. WATSON.—I cannot say that I remember any. The difficulty is that what would be a very reasonable maximum for an individual member of an employees' union might be altogether inadequate for an individual member of an employer's union. For instance, a unionist employee may be one of 100 or 1,000 in the employment of an individual employer. Those employees might together cease their employment, or might break an award, and a fine of £5 or £10 per head would be a reasonable penalty upon them, and might be just as effective in preventing another offence by them as a fine of £1,000 might be as a penalty against an employer.

Mr. McCAY.—Paragraph c as it stands provides for that case.

Mr. WATSON.—I do not know that it does.

Mr. McCAY.—Under it, if there be only one employer, £1,000 is the maximum; if there be two, £500; and the penalty goes down to £10 if there be 100.

Mr. GROOM.—That is very severe, as one man may have a very small industry, and another, with 100 men employed, may have a very big industry.

Mr. WATSON.—In my view it would be well to trust the Court in regard to the penalty.

Mr. GROOM.—Could not the honorable gentleman agree to reduce the amount in the case of the smaller number of employers—say, that if three were concerned, the penalty should be £500 instead of £1,000?

Mr. ROBINSON.—The interests of three big mines might be much larger than the interests of ten other mines.

Mr. WATSON.—That is a feature of the matter which appealed to me. I saw the difficulty of fixing any maximum which would be fair in respect to every class of individuals who might come before the Court. For instance, in the case of an organization of employers it might be but fair that the penalty fixed should be a

very large sum. In the case of an organization of employees the penalty might be several thousand pounds, whereas in the case of a single employee it might be a reasonable penalty to impose a fine of only £5 for an offence against the law. The circumstances are so dissimilar that I do not think it wise to tie down the Court too strictly in fixing penalties.

Mr. DEAKIN (Ballarat).—It is not a question of tying the Court down too strictly, if the honorable gentleman will permit me to say so. It is a question of fixing a maximum within which we shall be bound to trust to the Court. It is no reflection upon the Court, implies no want of confidence in the Court, and would relieve the Court, to say that, having regard to the offences proposed to be dealt with by the Bill, we fix a certain sum which shall represent the maximum penalty. I think that upon matters of this kind, which are not technical and not legal—not technical in the sense of appertaining to any particular industry—the Arbitration Court as originally proposed by the Bill, being constituted of two permanent members, having experience of business affairs, as well as the Judge, would have been more competent for the imposition of penalties than the Court as now proposed. I can say with the honorable and learned member for Corinella that I cannot recollect a tribunal that has ever been trusted by any Legislature with unlimited power of penalizing under any Act. I think that if the Prime Minister considers the matter further, he will find that the difficulties which appear to surround him are of his own creation.

Mr. GROOM.—In the Customs Act some very high penalties are provided for.

Mr. McCAY.—But a maximum is fixed in every case.

Mr. WATSON.—Take the case of an individual member of an employers' organization, a case which is evidently contemplated by the clause. A £10 penalty might be so small a matter to him that it would pay him to go on breaking an award of the Court.

Mr. DEAKIN.—That is the case of an individual member.

Mr. WATSON.—Yes, say of an employers' association, because the clause does not distinguish in this matter between employers and employees.

Mr. DEAKIN.—The honorable gentleman has overlooked the fact that in

of more urgent questions. To decimalize the penny, or the shilling, would be to put us out of touch with British thought and opinion on the subject; whereas the proposals of the Committee are in accord with the ideas of the people of the old country, and would eventually fit in with what I think is likely to be the Empire system. We are not oblivious to the fact that there are other advantages to be gained from the decimalization of our money. I take it that in connexion with this change, we shall mint our own gold, silver, and copper coins and that we shall reap the advantages now secured by the Imperial Treasury from the coinage of the silver used in the Commonwealth. Our importation of silver coinage is so large that it represents at present a profit of between £30,000 and £40,000 a year to the Imperial Government. That profit ought to be reaped by the Commonwealth, and would be secured by it if we adopted the proposed decimal system and minted our own coins. Another profit which would be gained if we put our decimalized coins into circulation at once would represent something exceeding £1,000,000. The proposition of the Committee is, if my memory serves me rightly, that that profit should be held as a kind of trust fund to meet any depreciation of silver, or to pay off from time to time the national debt. I do not think that we should use it save for some such purpose as I have just mentioned; but we should in any case reap the advantages of these savings if we had only the courage to deal with the subject. I do not wish to pose as a mere money-grubber, but I think that the proposition that we should secure the profit of over £30,000 which at present goes to the Imperial Treasury, is a sound commercial one.

Mr. WATSON.—The Imperial authorities at present take that profit as a set-off against the cost of maintaining the gold standard in Australia. They have asked us to agree to pay the expense of maintaining the gold standard if we take the profit on the coinage of our silver currency.

Mr. G. B. EDWARDS.—The expense of maintaining the gold standard in Australia does not amount to more than £2,000 per annum.

Sir JOHN FORREST.—Does the honorable member for Bourke say that if we coined our own silver we should save £40,000 a year?

Mr. HUME COOK.—The present profit is about £35,000 or £36,000 a year, and

the whole expense of maintaining the gold currency of this country does not amount to £3,000 per annum. There is, therefore, a very wide margin of profit. I take it that we should be prepared to pay the expense of maintaining the gold standard if we secured the profit derived from the coinage of the silver used in the Commonwealth. It is a fair proposition to make, and a responsibility which the Commonwealth ought to accept. The right honorable member for Swan appears rather to doubt the figures I have given, but he can find ample proof of their substantial accuracy in the report of the British Mint Master. If he looks at the reports of the Australian Mints also, I feel sure that he will find that the figures are as I have given them. He will further find, and it will probably be gratifying to the right honorable member, that the Mint in Western Australia is amongst those which are most profitably conducted at the present time.

Sir JOHN FORREST.—I believe that the quantity of silver used in Australia is not so great as to give a profit of £40,000 a year on its coinage.

Mr. HUME COOK.—The quantity of silver used in Australia is so great that, speaking from memory, the Mint Master of Great Britain is prepared to admit that there is a profit of £36,000. Surely we can have no higher authority?

Sir JOHN FORREST.—There are charges for freight, and other charges to be reckoned.

Mr. HUME COOK.—The figures I have given make allowance for every charge in connexion with the matter. There is a collateral profit to be gained by the decimalization of the coinage which ought not to be neglected by rational minds in the community. The time saved in connexion with the education of school children, and in the keeping of accounts, and that kind of work, by the adoption of this system, is valued in round figures, £1,000,000 a year. That is a very large sum, and while I am not prepared to stand sponsor for the statement, I can inform honorable members that experts and others who gave evidence before the Select Committee estimated that there is something like that saving to be made in this connexion. It is contended that the difficulties of the present system are so great that, in order to master them, a child requires to remain one or two years longer at school than would be necessary if the decimal system were adopted.

Mr. WATSON.—It is estimated, in England, that the saving in the school time of children would amount to about a year, having regard especially to the study of weights and measures.

Mr. HUME COOK.—If the saving amounted only to one year in the education of children, it would be considerable; and, taken in connexion with the saving of time in the keeping of accounts, the advantages stated should be recognised in dealing with this question. I have endeavoured, in a few moments, to answer the objections most prominently stated against the adoption of the system. Such arguments are put forward as, for instance, that if we were to decimalize the sovereign it would be difficult to deal with purchases that cut into the half-penny and so on. We have the old illustration submitted of so many yards of cloth at 11½d. per yard, and so many pounds of butter at 11¾d. per lb., and we are asked to find the answer in terms of the decimal system. But the answers to these questions have been given so often that there is no need to repeat them here. I assert that the great reason for decimalizing money in the Commonwealth is the domestic reason. It would facilitate all account keeping in the Commonwealth; it would render calculations more easy for school children and for people who are not well versed in book-keeping. People would be able to carry out everyday transactions with ease, and it would be of very great advantage to the small class of shop-keepers throughout the Commonwealth. In these circumstances, apart from the profit to be derived from the coinage of our own silver, I again assert that the balance of advantage is so much in favour of the decimalization of our system of money, that I think there is ample justification for immediate legislative action upon the adoption of the report of the Select Committee. I feel that we should have some pronouncement from the Government in respect to this matter, and that it should be such as to indicate at once whether there is any possibility of legislation on the subject. If there is to be no legislation it will be a direct intimation to the members of Select Committees appointed in the future before they go on with their investigations to get an official statement as to whether their labours are likely to be followed by action. I for one will not consent to become a member of any Select Committee unless I have some definite undertaking that the report and recom-

mendation of the Committee are likely within a reasonable time to be translated into Commonwealth law. It is of no use to waste Commonwealth time and money, and the services of honorable members, if no action is to be taken upon the report of a Select Committee. Honorable members are aware that the previous Parliament adopted the report of the Select Committee who dealt with this matter; I have no doubt that the motion now before the House will also be agreed to; and in the circumstances I am satisfied that the time is ripe for legislative action translating these proposals into law.

Mr. WATSON (Bland—Treasurer).—Honorable members who were members of the last Parliament will recollect that when speaking on this matter in 1903 I expressed the utmost sympathy with the object aimed at by the Select Committee. I believe that honorable members generally are agreed that if we can secure the adoption of the decimal system of coinage, and the metric system of weights and measures, a great advantage will be secured to the commercial community as well as great relief given to children in their school work. The advantages of the adoption of the decimal system of coinage and of weights and measures are so apparent that it appears to me to be extraordinary that nothing has so far been done in the mother country to effect this very much needed reform. I am unable to say that the Government are prepared, at the present time, to introduce legislation in this direction. It is all very well for the honorable member for Bourke to say that if there is no prospect of legislation—I presume he means this session—that there will be a discouragement to honorable members to agree to serve on Select Committees, and to devote a great deal of time—and I submit in this case a great deal of ability, for several members of this Committee displayed great ability—to the elucidation of any subject, and the making of recommendations; but, apart from the possibility of legislation immediately following the production of the report of this Select Committee, it seems to me that a very great deal of valuable work has been accomplished in any case. The position I take up is simply this: In the first place I have had no opportunity, as Treasurer, to consider how far the proposals of the Select Committee will result, first of all in a dislocation of the finances, and secondly, in a dislocation, as I presume there necessarily would be, to some extent, of commercial affairs in

relation particularly to the small transactions which form so large a part of the dealings of our citizens. In my view I should have time, which I certainly have not had up to the present, to go into these matters, and to ascertain from those competent to speak with authority, how the proposed change is likely to affect them. In the first place, I am certain that, so far as the Post Office is concerned, the change proposed by the Committee must have a very considerable effect.

Mr. G. B. EDWARDS.—It would facilitate the arrangement at which we are aiming.

Mr. WATSON. — That aspect of it, I admit, deserves very serious consideration. We must consider the charge now made for carrying a letter in Victoria, and in some of the larger cities and centres of the other States of the Commonwealth. If the recommendation of the Committee be adopted, that would immediately become reduced in value to the extent of 4 per cent. It might perhaps make possible the adoption of a uniform charge for postage at an earlier date than would otherwise be possible. The making general of, say, a 5 cent postage, which would be a difference of a fraction of a penny, upon what we have at the present time in some places, might be a happy medium between the present penny and twopenny systems that prevail alongside each other throughout Australia.

Mr. DUGALD THOMSON.—Five cents is a little more than one penny.

Mr. WATSON.—Four cents is 4 per cent. below the value of a penny, or .96, and therefore five cents would be a little more than a penny. The adoption of a coin like that for postage purposes might facilitate the early adoption of a uniform postage rate throughout Australia. I do not say that until the bookkeeping period has passed we can have a uniform stamp; but we could have a uniform charge throughout Australia, if people in one State were willing to pay a little more in order that others might pay a little less. That is one aspect of the question. I am looking at it purely tentatively, but the effect upon the Post Office is only one aspect, after all. There would be a much larger dislocation so far as the interests of private individuals are concerned. There are so many transactions possible by means of the "humble brown," as it is termed colloquially throughout Australia. For instance, in Sydney the whole tramway system de-

pends upon the collection of pennies. Penny sections are the basis of that system. In the ordinary transactions of private business there is no doubt that the penny plays a very important part.

Mr. G. B. EDWARDS.—The honorable gentleman must admit that within the last few years we have seen a reduction of about 25 per cent. in the cost of many of the articles which the penny purchases.

Mr. WATSON.—I admit that there has been a reduction in the cost of given articles, and that very soon matters would adjust themselves.

Mr. HUME COOK.—The tendency is still downwards.

Mr. WATSON.—But it is not invariably so. The general tendency of the prices of commodities is downwards, with the increase of effectiveness in machinery. But there are exceptions here and there, which destroy the general application of that principle. There is, however, this interesting fact since the question was last discussed in this House: I am informed—I have not been able to obtain the Parliamentary paper—that there is sitting at the present time a Committee of the House of Lords, in connexion, not only with the question of decimal coinage, which is immediately under consideration, but also with an alteration in the system of weights and measures.

Mr. G. B. EDWARDS.—No; the House of Lords Committee is considering only the question of weights and measures.

Mr. WATSON.—I was informed, by the authority of a pamphlet issued by the English Society of Accountants and Auditors, that the House of Lords had appointed a Committee on this subject. But the honorable member is better informed than I am, and I accept his correction. I was hoping that if that information were correct, there might be a prospect, within a reasonable time, of obtaining some decision from the British Government. I admit that up to the present we have not been encouraged to look for any practical outcome from the action which has been taken in the British Parliament, which has been generally favorable to the adoption of a different system in the calculation of money values, as well as with reference to weights and measures. If that had been so, the way would have been comparatively easy for us. I quite sympathize with the decision of the Select Committee, to continue intact the sovereign as a measure of value. Although they recommend that the

shall have the florin as a unit, that coin is to maintain its present relation to the sovereign, and, therefore, the sovereign may continue to act as the medium of exchange.

Mr. G. B. EDWARDS.—The sovereign is the standard.

Mr. WATSON.—Although the florin would be the unit for calculations, the sovereign would be the measure of value. I quite appreciate that suggestion, because the retention of the sovereign facilitates our commercial relations with outside countries to a considerable degree. The sovereign is accepted practically everywhere throughout the world. Therefore, it is of advantage to retain it. I recognise that the florin was an instalment of the decimalization of the British coinage. But the retention of the sovereign entails an alteration of our smaller denominations of coins, if we are to adopt a decimal system. That is the aspect of the matter that I wish to have time to look into before I commit myself to introduce legislation on this subject. I may add that I intend, in any case, if opportunity serves, to devote some attention to the question in the direction especially of ascertaining the opinions of different commercial people throughout Australia on the probable effect of, or justification for, an alteration in any degree of our present token coinage. That is the point which seems to me to be most important for the Government to consider. Because, in this matter, although we have the power to legislate for Australia, we shall be affecting to some extent the interests not only of private citizens, but also of the States. The instance which I have quoted, of the tramway system in Sydney, has a bearing upon this point, and in regard to many other things it seems to me that the interests of the States as States are bound up with the present proposal. That consideration emphasizes the necessity for looking carefully into the effects of the suggested change before the adoption of it as a matter of ordinary legislation. I say at once that if there were any prospect of the British Government taking action within a reasonable time, I should be inclined to take the plunge without further inquiry; but, apart from the practical questions involved in Australia, I do not quite appreciate the wisdom, if it can be avoided, of further differentiating in the coinage of the different portions of the Empire. The proposal which we are considering does not ask us to adopt the coinage of Great Britain, nor that of Canada, which

is another part of the British Empire. Although it is recommended that we shall take a decimal system, such as they have in Canada, we are to adopt another measure of value as our guide. Consequently, there is a very material departure from any system that at present prevails within the Empire.

Mr. G. B. EDWARDS.—The coinage which we propose is English.

Mr. WATSON.—Except that the tokens that would go to make up the sovereign would be of a very different character from the tokens at present in use, and would necessarily lead to a different system of quotation in merchants' catalogues, and everything of that sort. I admit that catalogues could very easily be prepared in accordance with our system, and would be understood, just as it is easy enough to-day for a man in this country to understand an American catalogue. Still it takes a little time, and I do not think it wise to have differing systems if it can be avoided. I do not say that the fact of it differing from other systems in use in the Empire should stand in the way of the adoption of the decimal system, if no other course is open; but we should aim at avoiding these distinctions as much as possible. That is a matter which requires consideration. I quite appreciate the work which has been done by the Committee, and I have no desire to imply a reflection upon them by a refusal to introduce legislation at the present time. What I said on the last occasion when the subject was debated in this chamber shows that I have every sympathy with the basic principle into which they inquired, and upon which they reported, but I feel it proper for me to inquire further into the probable immediate effects of an alteration, before committing the Government to the introduction of a Bill, at any rate during this session. I desire the opportunity for investigation which a recess should give, before taking further action.

Mr. DUGALD THOMSON (North Sydney).—I intend to be very brief in what I have to say on this matter, because I recognise that the honorable member for South Sydney, who moved for the Committee, and who took so much interest in the question when it was under consideration by that body, has at previous stages placed before this House a very full outline of the reasons for adopting the resolution which is now before us. Further than that, honorable members can refer to the proceedings of the Committee. They can judge by the



penalty is, as a rule, entirely within the discretion of the Judge, and unless he applies a wrong principle of law, cannot be reviewed. That, to my mind, would not be desirable in this connexion. I am not arguing on behalf of either the employers or the employes only, because they are equally affected. I say that, as a general principle, we should be very careful not to give undue power to the Judge. I hope that the Prime Minister will hold to the clause as introduced.

Mr. WARSON.—The clause makes no provision for the imposition of a penalty upon an employer who is not a member of an organization.

Mr. GROOM.—That is apparently provided for by paragraph *d*. But, even so, that would be no reason for giving unlimited discretion to the Judge.

Mr. SPENCE (Darling).—It appears to me that in the original drafting of the clause there was an oversight in leaving out the employer who is not a member of an organization.

Mr. ROBINSON.—He is covered by the next paragraph.

Mr. SPENCE.—I do not think so. I do not object to the providing of a maximum penalty, but if we are to have a maximum penalty, we should have one applying to the individual employer, which should certainly be more than £10, and another applying to organizations. In my opinion, since it is the large organizations which are most likely to bring disputes before the Court, £1,000 would not be too great a maximum penalty for those of either employers or employes. Provision must also be made to levy upon the members of organizations, if necessary, to secure the enforcement of a penalty where their funds prove insufficient, though it is not very likely that the maximum would ever be enforced. An interjection has been made, suggesting the application of imprisonment as a penalty; but it would be a very extraordinary thing if an employer were sent to prison. Our experience is that employers are generally let off with a fine. In the industry with which I have been more particularly connected, there is an organization of employers and another of employes, and there are also a number of employers who do not belong to the employers' organization. Practically those employers always observe the rules laid down by the organization, and would, no doubt, be compelled to observe the con-

ditions required by a common rule; but any penalty for a breach should be made more severe in their case than in the case of the individual employers belonging to the organization, supposing the funds of the organization were insufficient, and a levy was made on its members. The Bill is based on the recognition of collective bargaining, and organizations are held responsible for carrying out the decisions of the Court. In most cases, breaches by individuals may be dealt with in the ordinary way. In some cases the Court may make awards which will provide penalties for certain breaches, and I think all we need do is, either to leave the matter open, as the Government propose, or to provide a maximum penalty for organizations and a larger maximum penalty individually for employers who are not members of an organization. The position of an individual employer is very different from that of an individual workman, because an advantage gained by a breach of an award would be the greater in the one case than in the other. The individual employe really is not concerned, because he could be dealt with under the law affecting masters and servants, though, even if not a member of an organization, he would be subject to a common rule applying to his industry. I have all along been in favour of trusting the Judge, and I think that if we empower him to impose penalties at discretion, the result will be about the same as if we provide maximum penalties in the Bill. I can hardly conceive of any Judge imposing a penalty up to the maximum which might be named. I recognise that the general practice in law-making is to fix a limit, which is to be taken more or less as a guide by the Judges. but the conditions surrounding the proposed Court will be so dissimilar from those surrounding ordinary Courts, that I think we can safely leave the Judge to act according to his discretion. If that is not done. I hope that the individual employer who is not a member of an organization will be dealt with differently from the individual employer who is a member of an organization. I should like to know, too, if companies will be regarded as organizations. If so, of course their shareholders will be responsible for any penalty that may be imposed upon them. Where an employer has 200 men under him, it might be more profitable for him to pay a penalty of £10 than to observe an award of the Court.

Mr. JOHNSON.—Surely it would be wiser to fix some penalty.

Mr. SPENCE.—In that case there should be two penalties, and the maximum applicable to an individual employer should be higher than that applicable to an organization. I do not say that if a maximum penalty of £1,000 was provided for a breach of an award by an organization, that amount should be made the maximum penalty for a breach of an award by an individual employer. To my mind, it will be difficult to fix a maximum penalty for breaches of awards by employers who are not members of organizations. Probably the penalty should be greater where the breach was made by the employer of 1,000 men than where it was made by the employer of 100 men. For that reason, I would leave the matter to the discretion of the Court. I thoroughly agree with the principle upon which the Bill is framed, the recognition of equality between employers and employés. But that equality obtains only so long as they are regarded as organizations. It ceases when the individual employer, who is not a member of an organization, is compared with the individual employé. The operation of the measure depends upon organization, and probably the Court will take action only when moved by organizations. The employer who is not a member of an organization, stands in a very different relation to his industry from that occupied by those who work for him. Having control of a large factory, he possesses a power which the others have not. As the object of imposing a penalty is to enforce the observance of the law, difference of conditions must be regarded. This regard is necessary to secure that equality which is recognised in the Bill.

Mr. KELLY (Wentworth).—I can quite understand why the honorable member for Darling should be only too glad of the opportunity to differentiate between employers and employés; but I think he will agree with me that, despite his personal opinion, the only principle upon which a measure of this kind can be based is that of absolute equality, so far as the two classes to whom it is to apply are concerned.

Mr. SPENCE.—So far as they are equal.

Mr. KELLY.—The honorable member was very diffuse in his argument, though, no doubt, from his point of view, perfectly correct. But he failed to say to whom these fines, when extracted, will be paid.

When we know that, we shall understand a good deal more as to the reason why a maximum penalty should not be fixed. Both the honorable member and the Minister of External Affairs say that they are ready to trust the Judge all the time, and yet the Government propose to amend clause 51 so as to provide that all the rules of the Court shall be laid before Parliament within thirty days of being made.

Mr. WATSON.—That is a mistaken regard on our part for the feelings of the honorable member.

Mr. KELLY.—I should be quite willing to forego that concession if the Government would meet my wishes in regard to the clause under discussion. The regulations are a small matter compared with this question of maximum penalties. I am not prepared to trust any one man with the enormous power which the Ministry proposes to give to the Judge.

Mr. KNOX (Kooyong).—The honorable member for Darling is rapidly assuming the character of a pacificator. He is relinquishing his belligerent rôle, and is now devoting his attention to explaining away difficulties. He has used expressions which, if they might be taken to indicate the spirit which animates him and those who think with him, would very soon remove all difficulties in regard to this measure. He said that he desired to see fair play as between employer and employé, but in view of his support of the proposal now under discussion I have some doubts as to his good intentions. The Government are seeking to differentiate between the employer and the employé, and to make the former subject to heavy penalties entirely disproportionate to any inconvenience that might be caused by the breach of an award. All our laws contain limitations as to the penalties to be imposed, and some good reason should be advanced for any departure from that principle which has stood the test of years. We are justified in assuming that the object of the proposal is to favour the employés, at the expense of the employers. The Prime Minister has, in many matters, displayed a desire to act fairly and reasonably; but all that he may have done in that direction will be utterly neutralized if he persists in pressing the present proposal upon the Committee. I hope, therefore, that he will see his way to agree to fix a maximum penalty, so that we shall not require to depend absolutely upon the decision of one individual. No such liberty

that now suggested has ever been allowed to a judicial tribunal. No Court, however large its jurisdiction, has been permitted to impose penalties at its own sweet will. The Government have been asked what is to become of the fines, and I should like that matter to be cleared up. I cannot suppose that it is intended that the fines should be handed over to the unions by way of indemnity.

Mr. WATSON.—Yes, in some cases. In the New South Wales and other Acts the Arbitration Court has the power to hand the fines over to the injured party, and we should adopt a similar provision.

Mr. KNOX.—I venture to say that that is a very bad principle. The money should be paid into the Treasury, or held by the Court for a specific purpose. We should not offer any inducement to either side to bring trivial matters before the Court with a view to securing damages. The impression created by the Prime Minister's proposal is that he is disposed to differentiate between the employer and the employé.

Mr. WATSON.—We do not propose to differentiate; if the Court likes to do so, it may.

Mr. KNOX.—It is proposed that there should be no limit to the amount of the fine imposed, and we desire to know why such a radical departure from all past practice should be made. I trust that honorable members will enter a strong protest against the amendment.

Mr. JOHNSON (Lang).—I hope that the Committee will not listen to the proposal to give the Arbitration Court such a large discretion in the matter of penalties, because it is contrary to all recognised practice. We have to read this clause in conjunction with others contained in the Bill. The paragraph which we are now discussing is intended to empower the Court "to specify the organizations or persons to whom such penalties shall be paid." Similar words occur in other parts of the Bill. Thus it is sought to establish a most pernicious principle which should not, in my opinion, receive the sanction of this or any other Legislature. I can see clearly that it may lead to corruption, intimidation, and blackmailing. At any rate, it leaves the way open for such things, and for all kinds of petty persecutions on the part of dissatisfied individuals on either side. It will encourage them to bring trivial disputes before the Court with a view to creating irritation and trouble, and it will probably

be better for many employers to submit to blackmailing rather than waste their time in going to the expense of defending their position in the Court. There is apparent, a sinister design behind all these provisions, and the Government and those who are supporting them will have difficulty in convincing the Committee to the contrary, if they persist in the retention of these words, which occur in various clauses of the Bill. They can best show their good intentions by readily agreeing to the omission of the provision for handing over the fines to the aggrieved parties, and by consenting that all penalties shall be paid into the Treasury. I desire to record my grave objection to all proposals of this character, and to ask the Committee to seriously consider the wisdom of fixing a maximum penalty for the guidance of the Judge, instead of giving him unlimited discretion.

Mr. ROBINSON (Wannon).—I desire to move an amendment, in which several honorable members intend to support me, to the effect that all the words after the word "organization" shall be omitted. If I vote with the honorable and learned member for Ballarat in regard to the question now before the Chamber—as I feel inclined to do—I shall be prevented from moving my amendment later on.

Mr. WATSON.—I can easily alter the form of the amendment so as to accommodate the honorable and learned member. With the permission of the Committee, I shall confine my present amendment to the omission of the words "not exceeding" line 3.

Amendment amended accordingly.

Mr. LONSDALE (New England).—I protest against the proposal to allow the Court to exercise unrestricted power in regard to inflicting penalties. That would be a departure from our ordinary practice. If we were dealing with some awful crime, I could understand the proposal. The evident intention is to make a criminal of any man who puts his capital into business, encourages production, and affords employment. I am not a capitalist, nor shall I ever probably be in a position to employ capital in the direction I have indicated; but I think that it is to the interests of the community that the fullest encouragement should be given to investments in industrial enterprises. Whilst, no doubt, it is necessary to protect workmen from being sweated or injured by grasping capitalists, it must not be forgotten that many employers treat their men fairly. The advocates of this

class of legislation apparently regard all employers as bad men who are seeking to injure their employes. No doubt there are, on both sides, men who seek to injure their industrial opponents. The best thing we can do is to endeavour to bring the parties together amicably, instead of inducing them to entrench themselves in fortified camps. If it is to be regarded as criminal for one man to employ others, and penalties are to be imposed, we should fix a maximum. We do this even where the worst of crimes are concerned, and it would be utterly absurd to allow the Arbitration Court a free hand. If only because we are creating new offences, I think that we should fix a maximum penalty for them.

Amendment negatived.

Mr. ROBINSON (Wannon).—I move—

That after the word "organization," line 7, the words "and to specify the organizations or persons to whom such penalties shall be paid," be left out.

My object in submitting this amendment is to prevent fines which may be inflicted for any breach of an award from finding their way into the coffers of the other party to any industrial dispute. Ordinarily, fines which are imposed for breaches of the law are paid into the Consolidated Revenue Fund. The Government, however, propose to extract money from one class, and to hand it over to the political unions of another class. In short, the clause means that if any employer commits a breach of an award for which he is fined, the fine shall be paid into the funds of the local union, which usually works in conjunction with the political labour council. That is to say, the funds of the Labour Party are to be augmented at the expense of the employers. Boiled down, that is what the proposal really means. What justification is there for departing from the usual practice? Why should not the fines inflicted be paid into the public revenue? The employers' organizations will not benefit from the fines imposed, because, if a breach of an award were committed by, say, the Shearers' Union, the penalty inflicted could not be recovered.

Mr. WATSON.—Why? The union has funds.

Mr. ROBINSON.—When we come to levy on them we shall find that they are "up the spout."

Mr. WATSON.—The honorable and learned member has had no experience of unions, otherwise he would not make that statement.

Mr. ROBINSON.—There was a union in Victoria which organized a strike last year. Paragraphs appeared in the daily newspapers to the effect that that union had £70,000 at its disposal. When, however, the actual facts were disclosed, it was found that it was possessed only of about 2s. 6d., and the strikers have been regretting their action ever since. Penalties inflicted upon industrial organizations could not possibly be enforced, and no sane body of employers would attempt to recover them. Take the case of the Shearers' Union, which numbers several thousand employes. How could a fine be inflicted upon the individual members of that organization? It is absolutely impracticable. The honorable member for Darling smiles. His self-imposed mission when the Bill becomes law, is to travel round the country working up disputes; so that if the measure does not pass, his occupation will be gone.

Mr. WATSON.—That is quite as respectable an occupation as is that of living upon other people's disputes.

Mr. ROBINSON.—That is a very contemptible reflection upon the Prime Minister's colleague, the Minister of External Affairs. The honorable gentleman ought to know better than to attack his own colleague. I repeat that, if the Bill becomes law, the honorable member for Darling has expressed his intention of going round the country to work up disputes. If any breach of an award be committed by an unfortunate employer he will be promptly hauled before the Court and fined, and the money thus extracted from him will be paid into the funds of the local industrial union, and used to defray the expenses of parliamentary labour candidates. No more infamous proposition has ever been submitted to Parliament. Upon no principle of justice can it be defended. It cannot be defended upon any principle of justice, based either upon evolutionary or utilitarian grounds. It seeks to introduce into our legislation a system of revenge, whereby, if a man commits a breach of the law another man shall be able to extract money from him. These fines, I repeat, will be used largely for political purposes. In reply to a previous speaker, the Prime Minister asked, "Why should not these penalties be paid to a union, seeing that the Court has no power to award costs?" I have no objection to vesting the Court with power to award costs, though, in this connexion, it must be remembered that the

Bill prohibits the employment of counsel before that tribunal, except by consent of the parties. I shall press my amendment to a division if I can command the support of only one honorable member to act with me as teller.

Mr. HUGHES (West Sydney—Minister of External Affairs).—The honorable and learned member for Wannon has supported his amendment in a speech characterized by that moderation and decency of language which should distinguish all members of a deliberative assembly, and which particularly distinguishes my honorable friend. Honorable members will probably recollect that Mr. Dick, one of the characters drawn by a very illustrious man, the perusal of whose works affords us both amusement and recreation, was engaged for an almost interminable period—in fact, during the whole term of his lunacy—in drawing up a petition which he was unable to finish, because of his inability to avoid any reference to King Charles' head. The honorable and learned member for Wannon has made a number of speeches in this chamber, but I have never heard one in which he has contrived to avoid some allusion to the Shearers' Union. Had he done so, his utterances would have been very much more to the point, very much less monotonous, and infinitely more effective. The reason why he drags in a reference to this King Charles' head upon every conceivable opportunity, is very clear. I appeal to honorable members opposite to view, calmly and impartially, the physiognomy of the honorable member for Darling, that filibuster and firebrand, who is accused of an intention to travel over Australia for the purpose of working up industrial disputes. I ask, is it possible to find in the Commonwealth a face which is more calculated to inspire the most distrustful person with feelings of absolute trust, or one which is more completely opposed to the characteristics which my honorable friend suggests?

Mr. JOHNSON.—Still waters run deep.

Mr. HUGHES.—But they run clear and true, nevertheless. The honorable member for Darling has been described as an agitator, who proposes to travel Australia for the purpose of stirring up industrial disputes, although it does not appear that, under this clause, he will receive any portion of the fines which may be inflicted for breaches of awards.

Mr. ROBINSON.—He told the Committee that, if certain persons were brought under

the operation of this Bill, he would soon work up a dispute.

Mr. HUGHES.—Is that all? No wonder my honorable and learned friend squirmed when the Prime Minister spoke of "living upon other people's disputes," because the reference hit him so hard. So far as I have been called upon to interfere in other people's disputes, I have at least made a tolerable living out of them; but I do not know that the honorable and learned member for Wannon has been able to make a living at all. What are the facts of the case? We all know that at the last election an emissary of the Shearers' Union set the honorable and learned member for Wannon a task which he has not forgotten.

Mr. ROBINSON.—Give me a straight run, and I can wipe him out by 2,000 votes.

Mr. HUGHES.—That is the reason the honorable and learned member discharges his venom against the peaceful, law-abiding and admirable institution of which the honorable member for Darling is the head. Does anybody mean to say that such an organization, led by such a man, will do anything of the character suggested by the honorable and learned member for Wannon?

Mr. LONSDALE.—He strikes terror into our hearts.

Mr. HUGHES.—I cannot believe that the most timid female, if awakened at 2 o'clock in the morning, would feel in the slightest degree disturbed by the presence of the honorable member for Darling in her bedroom. My honorable and learned friend knows full well that at the last general election the Shearers' Union had a task set before it which unhappily it partially failed to perform—the task of sweeping him from the public life of Victoria—but he also knows that if it has another opportunity it will accomplish the work.

Mr. ROBINSON.—The Government wish to secure a little more money from some of my supporters.

Mr. HUGHES.—My honorable and learned friend fears that if the members of the union obtain sufficient funds they will be able to carry out this task. He said just now that fines imposed in all cases invariably go into the coffers of the Treasury. That is not so, and he knows that it is not. There are Statutes in which it is provided that the fines, or a portion of the fines, imposed under those laws shall go into the pockets of the informer. The honorable

and learned member knows that unless that course were adopted, under certain circumstances, no conviction could ever be secured. If we proposed to limit this provision to employes, there might be some ground for complaint, but employers and employes alike will be enabled to reap any benefit that may be derived from it. A similar provision is to be found in the New South Wales Conciliation and Arbitration Act, section 37, sub-section 7, which provides that—

In any proceeding . . . the Court . . . may—

fix penalties for a breach or non-observance of any term of an award, order, or direction not exceeding Five hundred pounds in the case of an industrial union, or Five pounds in the case of any individual member of the said union, and specify the persons to whom such penalties shall be paid.

I defy my honorable and learned friend to point to one case in which that provision has been abused in the way he suggests. Disputes have not been worked up, and money has not gone into the pockets of employer or employé as the result of it; but something else has occurred that will be of interest to the Committee. The first case which came before the New South Wales Arbitration Court was that of *The Newcastle Wharf Labourers' Union v. The Newcastle and Hunter River Steam-ship Company Limited*. While a dispute was pending certain employes were discharged for refusing to accept new conditions. The matter was brought before the Court, which reinstated the men. It was held that the unionists who had been discharged should be restored to their former positions, and that the non-unionists who had been engaged in their stead should be discharged. The Court directed that the "costs, fees, and expenses of and incidental to" all the proceedings in the matter of the reference should be taxed and paid by the respondents, and also awarded the sum of £15 15s. to the union. What could have been more proper? It will be impossible for costs as between solicitor and client to be granted in any case arising under this Bill. In the case of a union having a membership of about 150 or 250—I believe that it was the Tailors' Union—expenses amounting to something like £200 were incurred in a reference to the New South Wales Court. The award was given in favour of the union, and it was practically left without a penny at its disposal. Supposing that a breach of an

award of the Commonwealth Arbitration Court took place, and that the men were forced into Court, as they were in this case, they would have to pay heavy law expenses. Having spent all their money in establishing their case, they would have absolutely nothing in the way of recompense in the absence of this provision.

Mr. DUGALD THOMSON.—They could obtain costs.

Mr. HUGHES.—They could not secure costs as between solicitor and client. In the case of *The Sydney Wharf Labourers' Union v. Ranselius*, in which the defendant had defied the order of the Court, an injunction was obtained. The decision was that the defendant had committed a breach of the award, and he was fined £50, and ordered to pay certain costs. The whole of that amount was given to the Wharf Labourers' Union, and even then they were out of pocket when the amount necessary to obtain the award is taken into consideration.

Mr. DUGALD THOMSON.—They could obtain costs.

Mr. HUGHES.—They could obtain what is called costs under the Act, but that by no means included the whole sum expended by them in bringing the matter before the Court. Every honorable and learned member will recognise that this must have been so.

Mr. ROBINSON.—I should like to know where the £50 went.

Mr. WATSON.—It went to members of the honorable and learned member's profession.

Mr. HUGHES.—My honorable and learned friend means to say that he would like to have been retained so that he would have known where the money went. No inspectors are appointed under the New South Wales Act, nor shall we have inspectors under this measure. Who, then, is to enforce it? Who is to see that no breaches of the awards of the Court take place?

Mr. KELLY.—Do the Government propose to create a class of paid informers?

Mr. WATSON.—That is the result of nearly every law.

Mr. HUGHES.—We create no one. This is an industrial Bill, and under it we do not usurp functions of Providence. Unless we appoint inspectors to see that the awards of the Court are observed, we must necessarily depend upon employers and employes for

their enforcement. If the amount of the penalty exceeded the amount of the costs to which the successful party had been put, many reasons might certainly be advanced for refusing to grant the full amount to the successful side.

Mr. WATSON.—The Court will exercise a discretion.

Mr. HUGHES.—And the New South Wales Court has always exercised its discretion.

Mr. DUGALD THOMSON.—Not always.

Mr. HUGHES.—Some honorable members have spoken in a way that would suggest that this provision was unknown in other arbitration measures. It has been in operation in New South Wales, and has not given rise to a class of informers, or to the enrichment of a union of either employers or employes. Surely the honorable and learned member for Wannon does not contend that it is necessary to insert in this Bill a provision that would say, in effect, to the Judge that only so much of the fine shall go to the successful party as is necessary to recoup him for his outlay? If that is the sole objection which the Committee have in view, why is not an amendment moved to that effect? But the fact is that my honorable and learned friend is opposed to any portion of the fine being allocated in this way. Although a union of employers or employes might expend £100 in the way of law costs, he would object to the penalty inflicted being handed to it by way of damages. I take it that the desire of the Committee is to prevent any person making a profit or a trade out of the system provided for in this paragraph. That, certainly, is the desire of the Government. If any suggestion can be advanced to prevent such an abuse of the provision, let it by all means be submitted. Why should the Court be distrusted so far as this matter is concerned when in many other directions we propose to intrust them with even greater functions?

Mr. JOHNSON.—Should not a union be content with the ordinary costs?

Mr. WATSON.—In the Newcastle and Hunter River Steamship Company's case men were robbed of their employment by the wrongful act of their employer, and they were compensated.

Mr. JOHNSON.—They received the money by way of compensation! If we intend that compensation shall be allowed, we ought to make our meaning clear.

Mr. HUGHES.—Let me make a quotation from the decision given by the Arbitration Court of New South Wales in the case of the *Newcastle Wharf Labourers' Union v. the Newcastle and Hunter River Steamship Company, Limited*. It bears directly on the allocation of the penalty and the reason why it was so allocated. The President in delivering judgment, said—

We further direct that, should either the claimant or respondent be guilty of a breach of our award, it shall be liable to a penalty not exceeding £100 for every breach, and that should any member of the claimant union or respondent company be guilty of a breach thereof, he shall be liable to a penalty not exceeding £5 for every breach. This award shall take operation upon and from Monday, June 2. . . . Though this decision will necessarily throw out of employment the men who have been working for the company at Newcastle and Morpeth since April 10—a result which we cannot but regret—yet it must be remembered that meantime they have been earning wages which should have been earned by the members of the union. In any event one set of men or the other must, unfortunately, be deprived of this particular work, but, as we have pointed out, justice requires that the union men should be restored to their former position, whatever hardships may unfortunately follow.

Dealing with the costs, we are of opinion that the company should pay to the claimants the sum of 15 guineas, and costs in accordance with the scale provided in the rules. As we have already pointed out, the members of the union have incurred a heavy loss through the action of the company, and although we do not think the men were justified in refusing to work at all on March 5, yet when thereafter the real dispute arose, as to the terms and conditions on which they should be employed—and that was the real basis of the dispute, the company, in our judgment, unreasonably refused to allow the men to work under a provisional arrangement which in no way would have prejudiced its rights, and was to be subject to adjustment by the Court. The company then insisted on the legality of the attitude it has assumed, and, having failed to maintain it before us, we think it should pay these costs.

That award was in effect nothing more nor less than that which was properly due to the union of employes. It was directed that a penalty of £100 should be paid for breach of the award, and I see no just reason for refusing to allow penalties to be dealt with in this way. If a union of employers or employes were put to great expense in obtaining justice, and incurred costs which under this measure could not be recouped, I hold that the Court would be right in determining that it should receive such portion of the fine as justice demanded. We contend for that principle, and for that alone, and we propose to leave it

to the discretionary power of the Court to say what the payment shall be.

Mr. ROBINSON (Wannon).—I trust that honorable members will bear with me for a few minutes, while I deal with one or two points which the Minister of External Affairs has raised. I am exceedingly glad that the Minister is doing me the honour of listening to my remarks. On most other occasions on which I have had an opportunity to debate a question with him he has left the chamber immediately after the conclusion of his remarks, and that possibly accounts for his wide acquaintance with the speeches that I have delivered. He credited me with having, on every occasion on which I have discussed the provisions of this Bill, referred to the Shearers' Union.

Mr. HUGHES.—Every occasion on which the honorable and learned member could do so.

Mr. ROBINSON.—When dealing with the amendment now before the Chair I mentioned the union, and then only by inadvertence, but on no previous occasion have I done so, and a reference to *Hansard* will bear out this assertion. The Minister of External Affairs is what is known as a genial "bluffer." When he has no facts he abuses the other side. He has that capacity for abuse which a Police Court practice gives, but that is a class of practice that I do not hanker after.

Mr. HUGHES.—And cannot anchor to.

Mr. ROBINSON.—I am quite prepared to allow my honorable and learned friend to make his income by a Police Court practice, but I prefer to make mine by a means which, to my mind, is somewhat more cleanly. The Minister attacked me for making some reference to the member for Darling. I am sure the honorable member will acquit me of a desire to say anything personally offensive to him. I wish to lay stress upon the statement he made when we were discussing the amendment by which it was proposed to include domestic servants. The honorable member said that if domestic servants were brought under the operation of the Bill he would soon work up a dispute. He appeared to regard it as praiseworthy to work up a dispute. I do not so regard it. On the contrary, I believe that a man who works up disputes is deserving of censure.

Mr. WATSON.—It all depends whether an injustice is being done.

Mr. ROBINSON.—I have been told that my opposition to the clause is due to my opposition to the Shearers' Union. It is a fact that a gentleman who was nominated by the Shearers' Union ran as a candidate against me at the last election. It is also a fact that a third candidate came forward. My honorable friends opposite are not in ignorance of the fact that the third candidate's meetings were attended by supporters of the Labour Party. They went to his meetings up to the day before the nomination, and cheered him to the echo, so that paragraphs appeared in the newspapers describing the magnificent meetings he had. But when they had got the unfortunate man landed with his nomination paper and his money in the hands of the Returning Officer, they turned again and rent him. Notwithstanding their tactics, and their boast that they had got me this time, because they had got a third man cutting into my votes, I managed to beat their man very handsomely. All I ask at their hands at the next election is a fair field and no favour, and if the electors of Wannon should return a labour man then, I must be mistaken as to their political views. We are told that fines do not always go to the Treasury, and that they sometimes go to informers. That is just what I desire to prevent. I wish to prevent the creation of a class of spies and informers, men who hang round back doors and endeavour, by spying, to secure a conviction for a breach of the law, that they may partake in the fine imposed. In the history of all ages there has been admittedly no more contemptible profession than that of the informer. My honorable friends opposite wish to put the imprimatur of the Labour Government upon it. I think it is a most dishonorable profession, and the more it is checked the better. A great many convictions have been secured under the Victorian Factories Act without the intervention of informers.

Mr. WATSON.—By inspectors. Let the honorable and learned member be fair.

Mr. ROBINSON.—I admit that there are inspectors under the Act.

Mr. TUDOR.—Would the honorable and learned member agree to the appointment of inspectors under this Bill?

Mr. ROBINSON.—I should have no objection to the appointment of a reasonable number of inspectors under this Bill, and I should much prefer them to the spies and emissaries of certain organizations who may be going around spying into the way in



which a man conducts his business. That is what honorable members opposite desire. They would much rather not have inspectors. They would prefer to have the emissaries of organizations going round to secure convictions, that half the fines imposed might go to the funds of the unions. We know that, in one case, where a fine of £50 was imposed, there were costs amounting to £65 to cover expenses. It appears to me that a sum of £65 for costs in a case of this kind is utterly outrageous. I do not know who the counsel for the fortunate union was, though I may have my suspicions on the point; but he must have had a very good time. If the informers got £50 distributed amongst them, they also must have done very well out of the business. Honorable members opposite propose, under this Bill, that there shall be no legal costs whatever in these cases. They propose to prevent any solicitor or practitioner appearing before the Court without the consent of both parties to a dispute. So that the claim which has been made with respect to the expenses arising out of these cases is, on their part, a bogus claim. When lawyers are prohibited from appearing in these cases there will be no legal costs.

Mr. WATSON.—It is not proposed that lawyers shall be prohibited from appearing if both parties are agreeable to their employment.

Mr. ROBINSON. — The honorable gentleman has given notice of an amendment intended to shut out counsel from these cases unless with the consent of both parties, and that means that it is their intention to shut them out altogether.

Mr. WATSON.—Not at all.

Mr. ROBINSON.—If that is not their object, why is such an amendment brought forward at all? I can speak for myself, and, I believe, for a number of those who are associated with me in this matter, when I say that I do not think there will be any objection to a clause being inserted giving the Court power to award reasonable costs to any person who can prove that an organization or employer has broken an award of the Court. If a man goes to expense to prove that some other person has committed a breach of the law, he should be allowed his reasonable expenses in proving that a breach has taken place.

Mr. HUGHES.—That is all we ask.

Mr. ROBINSON.—But I do object to this provision whereby the funds of certain

organizations are to be built up at the expense of those on the other side. I think that is a monstrous proposition.

Mr. HUGHES.—Why does not the honorable and learned member suggest an amendment?

Mr. ROBINSON.—If the Government will accept my amendment, and omit these words, they can insert a provision to bring about what I desire; but the result I desire cannot be achieved unless my first amendment is agreed to. We are being continually told to trust the Court, and this has been repeated so frequently that I am reminded of the legend put up in a shop in the western district, "Trust in God; all others cash." We are asked to take this Court too much on trust. I think the Committee should strike out the provision which will permit organizations to build up their funds out of fines and costs imposed by the Court, and we should insert some provision to give reasonable costs to any person who takes steps to bring a breach of an agreement before the Court.

Mr. SPENCE (Darling).—I desire, on behalf of a highly respectable body of people in the Commonwealth, the employers, to enter my emphatic protest against the unfair aspersions cast on them by the honorable and learned member for Warrnambool. I think it is most unfair that he should not only insinuate, but should say straight out in two speeches that they intend to be chronic law-breakers, to such an extent that the penalties which will be imposed upon them will be sufficient to enable another class in the community to run all the labour candidates required for Parliament. That is the statement the honorable and learned member has made, and on behalf of the Employers' Union, representing a most respectable and intelligent class of people, I desire to enter my protest. I think it is most unfair that the honorable and learned member should assume that a class of people who have hitherto always been known as the "law and order party" will, under this Bill, be turned into chronic law-breakers, and will need to be punished frequently by fines that in future the members of the labour unions will not be required to make contributions to the funds of their organizations, seeing that a sufficient sum will be handed over to them by a friendly Judge of the Arbitration Court to enable them to carry on their work without any necessity for a levy upon their members. The honorable and learned member has not had one word to say about the likelihood of employes breaking an award.

I am very glad that he has so high an opinion of that class, but as one who at all times stands up for fair play, no matter what class is concerned, I do protest against the assumption that breaches of this arbitration law will be confined to one class in the community. If it is admitted that the offences by either class will be about equal, and the honorable and learned member for Wannon might be justified in admitting that such a thing is possible, he will see that the Employers' Federation will have as much to spend politically as the other side—

Mr. ROBINSON.—It will be harder for them to recover.

Mr. WATSON.—They will have nothing to spend on the return of the honorable and learned member at the next election.

Mr. SPENCE.—No, after the statement which the honorable and learned member has made, I can see that we are going to win Wannon with our Shearers' Union man next time, because the members of the Employers' Federation, just as the members of other organizations, like a man who will always stand up for them. Humanity, in the average, is very much alike, and it is just possible that there may be some breaches of agreements by employés. If they occur anything like as frequently as those by employers, that political institution, known as the "Employers' Union," will have as much to spend politically as will the other side. If the objection which the honorable and learned member for Wannon has urged is the only one which can be urged to this clause there is not a very great deal in it. Circumstances occur in connexion with some cases which would justify a provision for securing compensation. It is quite possible that a body of employés may put an employer to some considerable loss before he could get the Court to deal with his case, and compel them to carry out their agreement. In such a case, who could object to the penalty imposed going by the way of compensation to the person who has been involved in the expense?

Mr. KELLY.—Does the honorable member propose that a new clause should be inserted providing for compensation?

Mr. SPENCE.—I am not proposing anything, I am asking honorable members to support the clause as it stands. I see an objection to the use of the word "compensation," because the sum awarded might not always be compensation. I think it will be safer to leave the clause as it stands. I do not see

any reason to believe that the Court in this matter would act unfairly or injudiciously. I am opposed to legal gentlemen conducting cases before the Court, unless with the consent of both parties, who would, in such a case, take upon themselves responsibility for the payment of costs. But where there are breaches of awards, it is certain that loss will be entailed upon one side or another, and unless we make provision for some kind of compensation, which would mean the passing of a number of new clauses to meet that difficulty, it is better that the matter should be dealt with as proposed by this clause. I do not see why, under this clause, the Court might not order that fines imposed should go to the public revenue, and not to either party to a dispute.

Mr. DEAKIN.—The Prime Minister proposes to move an amendment making that clear.

Mr. SPENCE.—I shall be satisfied if that is done. I do not desire that these fines should benefit any particular body of labour unions; but, I think, freedom should be left to the Court to do some measure of justice. It is better to leave to the Court to order that the money shall be paid into the public revenue where it is clear that neither party to a dispute has a just claim to it. I feel sure that, on reflection, the honorable and learned member for Wannon will be prepared to withdraw his amendment.

Mr. KENNEDY (Moir).—The concluding remarks of the Minister of External Affairs arrested my attention. I do not go so far as the honorable and learned member for Wannon proposes to go in preventing any costs whatever being awarded to the party showing that a breach of an award had been committed.

Mr. DEAKIN.—Costs are dealt with separately. The honorable member will find the reference in paragraph i.

Mr. KENNEDY.—That only deals with costs arising in connexion with the proceedings in an industrial dispute. I think there is a clear distinction between costs in an industrial dispute and costs in a proceeding for a breach of an award.

Mr. DEAKIN.—That is so.

Mr. KENNEDY.—That is why I take the liberty of making the suggestion that we should attempt to harmonize them as much as possible. I agree to some extent with the honorable and learned

member for Wannon, in his objection to the whole fine being awarded to either party. The underlying principle is bad. There are a few instances in the laws of the States where fines go to informers. We do not desire to encourage that class of people, particularly in cases where the relations between employers and employed are concerned. But, on the other hand, it is not desirable to allow either party to a dispute to have to prosecute the other party for a breach of an award, without being made some allowance for costs and compensation for loss sustained. I recognise that the Government want to do what is absolutely fair. I suggest, to meet the difficulty, that, with the consent of the honorable and learned member for Wannon, we might insert after the word "specifying," some such words as the following:—

the amount which may be awarded as costs to organizations or persons concerned.

I wish it to be clearly understood that I think it ought to be permissible to allow costs to either party if there is a prosecution for the breach of an award. Under certain conditions compensation should also be allowed. But to leave it to informers to interfere between employers and employed is not desirable. We should endeavour to keep the peace between those two classes of people.

Mr. WATSON.—I have considered the advisability of amending paragraph *c* in the event of the amendment of the honorable and learned member for Wannon being so amended as to permit of that being done. We might adopt some such amendment as that suggested by the honorable member for Moira, making the clause read as follows:—

And to specify the organizations or persons to whom, if the Court think fit, such penalties may be paid.

As far as concerns the attitude assumed by the honorable and learned member for Wannon, it would appear that he is so brimming over with prejudice that the mere mention of a union is sufficient to set him aflame. His whole judgment is warped and coloured and disturbed by his fear of unions and their agents. Apparently the honorable and learned member is incapable of coming to a calm decision in respect to anything in which unions are concerned. He seems to have had his epidermis so much injured while the elections were in progress that he has never recovered from the shock. It does not seem

to me that the Committee should be guided entirely by the considerations which he has put forward. The honorable and learned member made rather an improper insinuation in saying, in respect of the money award to the Wharf Labourers' Union, mentioned by the Minister of External Affairs, that it had been "carved up" amongst some informers. The honorable and learned member was evidently speaking without knowledge. As a matter of fact, it was the members of his own profession who "carved up" that money, as they will always do, and to a degree that the honorable and learned member doubtless appreciates.

Mr. DUGALD THOMSON.—There was not a penalty inflicted by the Court in the Newcastle case.

Mr. WATSON.—In the Newcastle case there was an award of costs. But I was referring to the Sydney case alluded to by the honorable and learned member for Wannon. I may mention that the Minister of External Affairs did not appear on behalf of the wharf labourers. It is marvellous that they won without his assistance, but, nevertheless, it is a fact that he was not there, and consequently had no share in the "carving up." The Newcastle case, according to my remembrance of it, touches exactly the class of cases that this paragraph is designed to cover. I do not suppose that I can appeal to the honorable and learned member for Wannon, but let other honorable members consider this instance. Let us assume that an employer is willing to continue his business under existing conditions, pending a settlement of a case by the Arbitration Court. But suppose that his employes, although the Act enjoins them not to strike, but to observe the existing conditions until the Court makes an award, persist in striking. Suppose that in consequence of that action they cause the employer, not only to lose the profit on their services, during the time when they ought to have been at work, but that also he is unable to fulfil contracts into which he had entered, and that he is therefore materially injured. Ought not that employer to have his remedy in the way of compensation against the union that has brought about that condition of things?

Mr. WILSON.—What is the good of the remedy, if the union has no funds?

Mr. WATSON.—That supposition is a figment of the imagination of the honorable and learned member for Wannon. I

know the unions better than he does, and I say that the great majority of them have plenty of funds.

Mr. WILSON.—£70,000?

Mr. WATSON.—That statement, again, was a figment of the imagination of the newspapers that support the honorable member for Corangamite. The great majority of the unions have fairly material funds. Consequently a remedy can be had against a union. Penalties are also recoverable against the individual members of a union. Take the case of the miners at Newcastle, who have £7,000 or £8,000 in the bank.

Mr. KNOX.—Should not some guarantee as to costs be made in advance?

Mr. WATSON.—That is a matter which I shall be glad to look into. The Newcastle case was not one in which there was actually a breach of the award, but what happened was equivalent to that. The principle involved was just the same. There was a dispute pending. The company practically caused the dispute by proposing to reduce wages. Their action was in the nature of a lock-out. The employés refused to go to work under these new conditions. Under the law, the employers—the Newcastle Company—should have observed the existing conditions, and asked the Court to adjudicate as to whether a reduction of wages and an alteration of working conditions should not be made. The company refused, however, to abide by the central principle of the Act, which provided that no alteration of conditions should be made while a dispute was pending. By that refusal to obey the Act, the company caused these men to lose a certain amount of work. Therefore, fifteen guineas were awarded, so as to some extent to reimburse the men for their actual loss. The money was paid, not to any set of informers, as the scene painted by the honorable and learned member for Wannon would cause the Committee to believe, but to the men who had sustained the loss. The compensation was given to them because they were acting rightly, legally, and within their privileges in refusing to work under the new conditions which the company sought to impose.

Mr. KELLY.—Could not the honorable gentleman frame a clause specially to deal with compensation?

Mr. WATSON.—I think that the clause as I propose to amend it will sufficiently meet the conditions.

Mr. KELLY.—That does not remedy the evil. If the Court does not order compensation to be paid to one side or the other, the money should be paid into the Consolidated Revenue Fund.

Mr. WATSON.—I have discussed that from the stand-point of equality, and am advised that the alternative to the Court making such an order, is that the money would be paid into the Consolidated Revenue Fund. That is the only fund into which the money could be paid. It would be left with the Court if it thought fit to pay the money to an organization or person. But that would not be imperative. I admit that it might have been a mistake to make it imperative for the Court to pay all the penalties over to some organization or persons. The reason why the Government were not prepared with an amendment to this effect previously, was that we originally proposed to leave out this provision. We intended to propose another clause for this purpose. But seeing that the paragraph is to be retained, I propose to amend it in the way I have indicated. It leaves a discretion to the Court in extreme cases to award compensation to persons who have been improperly treated by the other side.

Mr. McCAY (Corinella).—It seems to me that whatever words we adopt, they should be placed, not in paragraph *c*, but in paragraph *d*. When an award is made, the Court will say that for any breach of it the penalty shall be an amount not exceeding so much. If there is a breach, the procedure provided in paragraph *d* will be followed, and, in my opinion, it is only then that the Court should decide what the destination of the penalty should be. I do not think that the Court can decide the destination of a penalty in anticipation of a breach, because its decision must depend upon the circumstances under which the offence was actually committed. The procedure taken under paragraph *c* is procedure before an actual breach.

Mr. GROOM.—The one decision might come into conflict with the other.

Mr. McCAY.—Yes. The Court, acting under paragraph *c*, might say that the penalty for the breach of certain terms of an award should not exceed £10, to be appropriated in a certain manner, and then, when a breach had taken place, acting under paragraph *d*, it might find that in fairness and equity the appropriation should be something quite different. The Court, when acting under paragraph *c*, will

not be in a position to say what should be the destination of a penalty, and, consequently, I shall vote for the omission of the words from paragraph c, though not for the reasons which appear to actuate the honorable and learned member for Wannon. I differ from him as to the impropriety of men associating themselves with unions. I think it is better for both sides to organize. On the question of principle, the provision under discussion is analogous to the common law remedy of an action of damages for breach of contract. An award is made, and is broken by one of the parties to it, whereby the other party suffers actual injury, and is, therefore, it seems to me, entitled to whatever the Court may consider reasonable damages, subject to the maximum provided in the Bill. Using terms somewhat loosely, what I may call a "compulsory contract" has been broken by one of the parties to it.

Mr. JOHNSON.—Then, let it be clearly provided that what is termed a penalty is merely damages.

Mr. McCAY.—That is a question of words rather than of substance. It may be better to state clearly what is meant, but it does not matter whether the word "penalty," "damages," or "compensation" is used, so long as the intention is clearly understood.

Mr. JOHNSON.—Damages would go to the party interested, whereas a penalty, it is understood, is paid to the Treasury.

Mr. McCAY.—The Bill provides otherwise. A breach of an award, like an assault, is punishable—to use the word in its widest sense—in two ways. An assault is punishable as a breach of the peace by fine and imprisonment, or sounds in damages to the person injured. So a breach of an award may be punishable as an offence against the law, or it may sound in damages to the party injured. I think that both methods of dealing with breaches should be open to the Court. I do not care what words are used; but if one party deliberately commits a breach, and thus causes loss to the other, the party damnified is as much entitled to damages as he would be for an ordinary breach of contract.

Mr. JOHNSON.—Why not let the injured party proceed in an action for damages?

Mr. McCAY.—Because that would multiply litigation. It may be necessary to multiply litigation by increasing the substantive causes of action, but to do so for

purposes of procedure cannot be approved of.

Mr. JOHNSON.—I do not see how that would multiply litigation.

Mr. McCAY.—If it means another action, it must do so. The Arbitration Court, in dealing with a breach of an award could deal with both aspects in the one procedure, which would obviously save time and expense. I think some such words as "if the Court think fit" should be inserted to show that it will be optional with the Court to apportion the penalty in whatever way it chooses. I shall be glad to learn from the Government if they agree with the view I take. I believe in the principle embodied in the provision; but, as I have shown, I think that the words I refer to are in the wrong place.

Mr. LONSDALE (New England).—I do not think that the honorable and learned member for Corinella is quite just in the remarks which he made concerning the honorable and learned member for Wannon, because the latter does not object to men joining unions. We all believe it to be good for men to form themselves into unions. What the honorable and learned member for Wannon objected to is the proposal that penalties shall be paid into the funds of organizations.

Mr. DUGALD THOMSON.—Organizations of either employers or employés.

Mr. LONSDALE.—Yes. I am of opinion that, if injury is done to one party by the action of the other, in refusing work or in ceasing from work, or in any other way, damages should be given by the Court to the party injured, and words should be inserted to make that clear; but where damages are not awarded, any penalty imposed should be paid to the Government. I agree with the honorable and learned member for Corinella that the words which have been referred to are in the wrong paragraph.

Mr. DUGALD THOMSON (New South Wales).—The Minister of External Affairs attempted to show by reference to a case which occurred at Newcastle, in New South Wales, that a fine or penalty had been applied to the payment of damages to one of the unions concerned in a dispute. The provision in this Bill has been adopted from the New South Wales Act, and therefore we may assume that the Federal Arbitration Court would have power similar to that which has been exercised by the State Court. I find by reference to the case referred to that the Court first of all

awarded damages to the amount of £15 15s. against the offending union, and then awarded costs in addition. Then they fixed the penalty for any subsequent breach of the award at £100. They did not deduct the damages from the penalty, because no penalty was inflicted at that time. They fixed the penalty for any subsequent breach of the award, and specified that the full amount of the penalty should be paid to the union which was aggrieved. That is what is objected to by the honorable and learned member for Wannon. He is opposed to the allotment of the fines before an offence has been committed, because persons will probably be encouraged to bring cases into Court with a view to obtaining compensation.

Mr. McWILLIAMS.—It would revive the old informing system.

Mr. DUGALD THOMSON.—Yes, it would encourage informers. I should much prefer to see a provision permitting the Court to allot damages and costs to the aggrieved union to the extent that it thought fit, the balance of the fine to be paid into the Treasury.

Mr. PAGE.—There would be no balance.

Mr. DUGALD THOMSON.—Perhaps not. The case quoted by the Minister does not support his contention, because damages were allotted apart from the penalty imposed, and it was ordered that the penalty to be incurred in the event of a breach should be handed over to the aggrieved union. Even though the payment of £1 might constitute sufficient compensation, the union was to receive the full amount of £100. I think that the objections raised to such a provision are reasonable, and that some arrangement fair to both sides should be made.

Mr. GROOM (Darling Downs).—I would request the attention of the Prime Minister whilst I read this clause in conjunction with subsequent clauses. Under clause 46, paragraph *c*, power is given to the Court to fix maximum penalties, and to specify the organizations or persons, to whom such penalties shall be paid. That is the provision which the honorable and learned member for Wannon desires to omit. In paragraph *d* power is given to the Court to impose penalties within the maximum previously mentioned, and to specify the organizations or persons to whom the penalties shall be paid. Then in clause 52 we find that application can be made to Courts of summary jurisdiction to enforce the payment of penalties. Therefore, under paragraph *d*, of clause 46

and clause 52, alternative Courts are provided, between which an applicant can make his choice when he desires to recover a penalty. Clause 52 provides—

Where any organization or person bound by an order or award has committed any breach or non-observance of any term of the order or award for which the Court has fixed a maximum penalty, any organization or person entitled to the penalty may proceed for the recovery thereof in any Court of summary jurisdiction.

In the first instance a maximum penalty would be fixed under clause 46, paragraph *c*, and afterwards an aggrieved person might apply to the Arbitration Court or to a Court of summary jurisdiction to impose the penalty. The latter Court, however, would have no option but to impose the maximum amount. Under section 46, paragraph *c*, the Arbitration Court could fix the maximum penalty at, say, £500, and provide that that amount should, in the event of a breach, be paid to the aggrieved organization. That would be fixed by the award, and would be part and parcel of it. If there were a breach two courses would be open for the aggrieved person in order to secure the enforcement of the penalty, namely, by application, under paragraph *d*, to the Arbitration Court, or under clause 52, to a Court of summary jurisdiction. The latter class of Courts would be sitting at all the States capitals, and the aggrieved organization, which would probably have branches in all the principal centres of the Commonwealth, might go to any of these Courts, or to the Arbitration Court at the Seat of Government. I think that the desire of honorable members is that justice shall be done on the spot where the breach occurs. To secure this, it would probably be necessary to apply to a Court of summary jurisdiction. If, however, the Arbitration Court had already fixed the maximum penalty, and had specified the organizations or persons to whom it was to be paid, the hands of the Courts of summary jurisdiction would be tied.

Mr. WATSON.—What influence would the words "if the Court thinks fit" have, if they were inserted?

Mr. GROOM.—I think it would be inadvisable to allow the Arbitration Court to specify in its first award how the fine should be applied. I am supporting the view taken by the honorable and learned member for Corinella. Suppose that an award were given in regard to a dispute affecting the seamen, and it were

decided by the Arbitration Court sitting in Melbourne, that the penalty for a breach should be £500. It is not advisable to permit the Court, in its first award, to decide how the penalties should be applied, because a breach might not occur until, say, twelve months afterwards, and perhaps then upon entirely different facts a matter of the breach of award might arise in some such place as Adelaide or Fremantle. Suppose that a wrong were done to either employers or employed, the aggrieved party would either have to come back to the Seat of Government, and apply to the Arbitration Court to vary the award, or to go before a court of summary jurisdiction and seek an enforcement of the penalty in accordance with the original award. The circumstances might vary very considerably in different cases, and we should seek to insure justice on the spot in accordance with the facts as they arise.

Mr. DEAKIN.—The honorable and learned member is proposing to allow the inferior Courts to decide how a penalty shall be applied.

Mr. GROOM.—I can see no harm in doing that, because it will be purely optional for the parties to go to the Arbitration Court direct, or to apply to a Court of summary jurisdiction. It might be more convenient for them to take action in Western Australia, rather than come all the way to Melbourne.

Mr. DEAKIN.—That would be a very serious responsibility to impose upon a police magistrate.

Mr. GROOM.—I do not think so. The matter might be a very small one.

Mr. McCAY.—Then, take the alternative—the organization cannot get the money unless it comes to the Arbitration Court.

Mr. WATSON.—That is worth considering.

Mr. GROOM.—The Arbitration Court should fix the maximum penalty, and the court of summary jurisdiction should award any damages it liked, from the smallest amount recognised by the law up to the maximum. It would be better to follow the suggestion of the honorable and learned member for Corinella, and allow the Arbitration Court to fix the maximum penalties permitting the parties to proceed by subsequent application for the purpose of securing a decision as to how the money shall be applied. Whether or not it be desirable to leave that decision to an inferior Court, it is absolutely necessary that we should allow the Arbitration Court to deal

with the allocation of the penalty at a later stage, in order that the amount may be fixed according to the circumstances. As to the proposal that the money should be paid into the Treasury, I should leave the matter entirely to the discretion of the Court. If it thinks that the matter is one purely of damages let it award the full amount to those who are injured. I thoroughly agree with the honorable and learned member for Corinella that it is not advisable to multiply legal proceedings, but to provide the easiest machinery that can be devised for performing all the operations that the law requires. We should permit everything to be done expeditiously, and on the spot. Under the present proposal if the Arbitration Court fixed a maximum penalty, and decided that when a breach occurred the whole of the fine should be paid to one or other of the organizations, that would fix the matter absolutely until the award was varied. A person might then ask the Court to award him damages under paragraph *d* of this clause, and find himself confronted with a hard and fast award made some twelve months previously, and thus justice could not be done.

Mr. McWILLIAMS.—Does not the honorable and learned member think it wise to differentiate between penalties and damages?

Mr. GROOM.—No, I do not think it is necessary. A certain sum could be fixed as the fine to be inflicted for a breach of an award, but before compensation could be paid there must have been a breach. In other words, there must have been something to justify the penalty, and only after the penalty has been imposed should the Court have power to specify to whom it should be paid as compensation. Here the party to whom compensation shall be paid is clearly within the discretion of the Judge.

Mr. HIGGINS.—What Judge? The Judge who makes the award, or the one who imposes the penalty?

Mr. GROOM.—In New South Wales there is only one Judge of the Arbitration Court. Under this Bill there is only the President of the Court who may make an award, and the application for its enforcement must be heard by him. I should like the Attorney-General to meet the views of the honorable and learned member for Corinella as far as possible. I cannot support the proposal of the honorable and learned member for Wannon. He attacked the clause because he does not

believe that any of the fines inflicted ought to be paid into the funds of a union.

Mr. KELLY.—He was speaking of "fines" as opposed to "compensation."

Mr. GROOM.—I am not opposed to the principle underlying the clause, neither is the honorable and learned member for Corinella. What he emphasized was that it is undesirable to permit of an award being made allotting sums to certain persons one day, and subsequently for the Judge who is called upon to decide the question of compensation upon fresh facts to find his hands tied.

Mr. HIGGINS (Northern Melbourne—Attorney-General).—I quite recognise that the honorable and learned member for Darling Downs and the honorable and learned member for Corinella are anxious to make this Bill effective and useful. Personally I feel much obliged to them for the assistance they are rendering to the Government. Before honorable members come to a decision on this matter I wish to show them some of the ulterior consequences that would ensue from the adoption of the amendment proposed. Some confusion of ideas has occurred in regard to sub-clauses *c* and *d*. Sub-clause *c* has reference to the fixing of a maximum penalty. In determining an award the Court frames a kind of regulation—a by-law—prescribing the maximum penalty for a breach of that award. It does not deal with any existing offence. Sub-clause *d* is of quite a different character. It enables the Court to fix a penalty after a breach has occurred. In effect, it gives the Court power to say, "So and so has been found guilty of a breach of an award, and must pay this penalty." Personally, I hope that the Arbitration Court will not be called upon to impose many penalties. It will have very difficult and responsible work to perform in determining industrial disputes. Nevertheless it has been thought wise to vest the Court with power to inflict a penalty if appeal be made to it.

Mr. McWILLIAMS.—The Attorney-General does not wish to encourage informers.

Mr. HIGGINS.—Certainly not. Having regard to the fact that the Arbitration Court will consist of one Justice, that it will sit only in one place at a time, I think that applications for the infliction of penalties will usually be made to the Courts of Petty Sessions. The question which the Committee have to face is, "Is it wise to leave to the Courts of Petty Sessions the

responsible and indivious task of determining who are the proper persons to receive the penalties imposed?"

Mr. McCAY.—There is an alternative.

Mr. HIGGINS.—I do not know of any.

Mr. McCAY.—The alternative is to declare that the penalty shall be in the nature of a fine, not of damages, unless the parties go to the Arbitration Court.

Mr. HIGGINS.—That is not an alternative, but merely a refinement. Shall we give police magistrates, who naturally entertain various views of economics and social politics, the power to say who shall receive these penalties? If so, some magistrates will say that the penalties shall go to the Crown, whilst others will order that an organization or employer, who has sustained loss, shall be indemnified to a certain extent.

Mr. KELLY.—Could not a special clause be inserted, dealing with the question of compensation?

Mr. HIGGINS.—I do not wish to provide for compensation as well as penalties. I desire, if possible, that, in each instance, the penalty shall cover the whole case.

Mr. KELLY.—Will not that lead to the encouragement of litigation? Will it not cause people to come forward in the hope of receiving these penalties?

Mr. HIGGINS.—That is a matter to be considered by honorable members. Of course people may harass employers or organizations, knowing that these must suffer loss as the result, although they themselves will not be benefited. I think, however, that I shall have discharged my duty if I bring the Committee face to face with the real position. I wish to extenuate nothing. The question which we have to consider is: "Are we prepared to allow police magistrates here, there, and everywhere to exercise the great discretion of saying that a penalty shall be paid either to an organization, to the Crown, or to an employer?" It is impossible to deal with this provision without taking into consideration the powers of the Police Courts. Under clause 52, as we propose to amend it, proceedings for the recovery of penalties may be brought in any Court of summary jurisdiction. The Committee have already seen fit to reject the amendment proposed in sub-clause *c*. We wished to strike out the words having reference to specifying the organization or persons to whom such penalties should be paid. The scheme would then have been a workable one. At the same time I should prefer that the Judge who makes an award, who will be a man of



highest capacity, who will have investigated the whole merits of the dispute, should be able to say, "This is a case in which, if there has been a breach of the award, the penalty ought to go to the Crown;" or, "This is a case in which the penalty should go to an organization," or to an employer, just as he thought fit. In connexion with each particular award, I should like to give the Arbitration Court power to say how far a Police Magistrate should have discretion in dealing with the appropriation of the penalty.

Mr. DUGALD THOMSON.—The Judge could not do that until he knew the nature of the breach, and the seriousness of the offence.

Mr. HIGGINS.—He would know the award that he had made, the parties who were affected, the trade that was involved, and what the chances were that attempts would be made to disregard the award.

Mr. DUGALD THOMSON.—But one breach might cause no injury, whereas another might inflict a lot of damage.

Mr. HIGGINS.—Quite so. Of course the police magistrates will deal with that matter. They are vested with power to assess damages. The question which we have to decide is whether they shall be vested with discretion to determine to whom penalties shall be paid. Speaking for myself, I would prefer to substitute for the words which compel the Arbitration Court to specify to whom penalties shall be paid, the following words—"And if it thinks fit to specify the organizations or persons to whom such penalties shall be paid." There are numerous cases in which it might say—"Oh, we shall leave this to the Court which imposed the penalty." The effect of that would be to enlarge the powers of the Arbitration Court to deal with particular cases. It would allow it full discretion to determine whether the appropriation of a penalty should be left to the discretion of a police magistrate or of the Arbitration Court. Of course we shall have to recommit this clause, because it contains no provision for the imposition of a maximum penalty in the case of employers. The result is that there is no maximum penalty against an employer. I do not think that the Committee desire that, and if we wish to have a workable Bill, it will be necessary for us to have the clause recommitted. If it is really the desire of honorable members to press the larger amendment, I shall offer no stubborn resistance to it. The result will be, however, that power must be given

to some one to say to whom a penalty shall be paid.

Mr. KNOX.—That is the point which we wish to settle.

Mr. HIGGINS.—Very well. If the Court of Arbitration in making an award is not to say to whom it shall be paid, we must leave it to the Court of summary jurisdiction to determine that matter.

Mr. McCAY.—Is there not this alternative, that we can say where a Court of summary jurisdiction deals with a case, that the punishment shall be a fine, and not damages, and that if any organization desires to recover damages, it shall go to the Arbitration Court. That is an alternative which is worthy of consideration.

Mr. HIGGINS.—If it is a mere question of whether we should, in some circumstances call a penalty "damages," the matter is of no great importance. I was assuming that the Bill as drafted by the late Government, and as accepted by the present Ministry, would be in that respect adhered to.

Mr. McCAY.—I only used the two words "penalty" and "damages" to contrast two ways in which a penalty might be applied.

Mr. HIGGINS.—Then it is a mere matter of verbiage.

Mr. McCAY.—Oh, no.

Mr. HIGGINS.—If it is a mere question of whether we should speak of "damages" or "penalty," I may at once say that I have no objection to applying either term.

Mr. McWILLIAMS.—But there is a great difference between the two.

Mr. HIGGINS.—No doubt there is; but in drafting the Bill, the late Government decided that whether the fine was in the nature of damages, or in the nature of a penal sum to be paid to the Crown, it should be called a penalty, and that the Court should be left to determine to whom it should be paid.

Mr. McWILLIAMS.—We wish to draw a distinction, so that the compensation shall go to the party, and the penalty to the Crown.

Mr. HIGGINS.—No doubt it would be more appropriate to use the word "damages" in relation to a sum of money that is to be paid to one of the parties, and the word "penalty" in respect of a fine that is to go to the Crown. I recognised that at the first, but did not think it necessary to make a mere verbal alteration. It appeared to me that the Bill sufficiently carried out our intention, and I saw no neces-

sity for interfering with it unless something of importance was to be gained. I should like, if possible, to give the Court of Arbitration power to specify how the money shall be applied.

Mr. DUGALD THOMSON.—Not beforehand.

Mr. WATSON.—If they think fit.

Mr. HIGGINS.—The words are, "if it thinks fit."

Mr. EWING.—Under the clause as it stands, the Court would not do that unless it thought fit.

Mr. WATSON.—Under the clause as it stands, it could not fix a maximum penalty without deciding to whom it should be paid.

Mr. HIGGINS.—Quite so. Inasmuch as it will be necessary to recommit the clause, in order to carry out the proposal in regard to employers, I suggest that we should simply omit the words "organizations or persons," allow the words, "and to specify to whom such penalties shall be paid" to remain, and pass the paragraph without much further debate. That amendment would leave the Court power to declare, if it thought fit, that the penalty should be paid, either to the successful organization or persons, or to the Crown. I suggest that with this slight emendation the paragraph should be passed, on the undertaking that the Prime Minister will recommit the clause.

Mr. DEAKIN (Ballarat).—It may be difficult for the Attorney-General while at the table to piece together the set of proposals that have been submitted, but I do not think that it is difficult to collect the sense of the Committee. The Committee has fairly made up its mind. So far as I am able to judge, it has agreed that the Arbitration Court should have power to fix the maximum penalties, and that when those penalties are fixed, it should be possible, only when the Court thinks fit, to divert some portion of them by way of damages to one party or the other. It is also recognised by the Committee that the enforcement of penalties would frequently be sought in Courts of summary jurisdiction, which are ready of access, and provide a cheap and ready method of procedure. The Committee favours the proposition that this course should be open to the parties; but we have the further suggestion of the honorable and learned member for Corinella that we should allow the Courts of inferior jurisdiction to deal only with applications for the enforce-

ment of penalties—penalties that go to the Crown—and that every other case in which application is made by either party for part of the penalty to be allotted to it by way of damages, or in which any such question will have to be determined, should be heard by the Arbitration Court. The clause having been amended to give effect to these desires, we shall have solved the whole difficulty. There are three points. We wish, in the first place, to enable the Arbitration Court to fix the maximum penalties, and then to allow it, if it pleases—although I doubt if it could or would do so—to attach penalties in advance. I do not object to that power being given, for I am willing to trust the Court. Next we require the Arbitration Court to deal with any allotment of money penalties to either party, finally leaving the enforcement of awards, without damages, as the Attorney-General desires, to the inferior Courts, with their cheap and simple procedure.

Mr. EWING (Richmond).—The intention of the Committee is clear. There has been no doubt during the last two hours as to the desire of honorable members; but the Attorney-General, astute and able lawyer that he is, has given us a dissertation on something that we do not wish to consider. The honorable and learned member for Wannon has proposed the omission of certain words, and all that the Committee wish, and all that we have endeavoured to impress upon the Ministry for the last two or three hours, is that words should be inserted providing that the fine, less the costs and the damages, shall be paid into the Consolidated Revenue. That is a simple statement of what honorable members desire, and it seems to me that there is no room for further discussion. We need not enter into the consideration of "blood-money." We know that the Government does not wish to be called upon to pay "blood-money," and that it certainly does not desire to establish an industry of pimps. We wish to have the maximum penalties fixed, and to provide in the Bill the method in which they shall be dealt with. The Committee is of opinion that no sum in excess of the costs and damages should be paid to any organization or informer.

Mr. KNOX.—We do not wish any organization to be enriched as the result of taking action.

Mr. EWING.—Exactly. We know that the Government have no desire to establish a system under which "blood-money" would

be paid, or under which it would be possible for litigants to be enriched.

Mr. WATSON.—If they had to depend on this Bill for their enrichment, they would not get much.

Mr. EWING.—The honorable and learned member for Wannon, in that enthusiastic and democratic way in which he approaches every question, has seized upon the statement made by the Minister of External Affairs that a certain union received £50.

Mr. WATSON.—And there were about 4,000 members of that union.

Mr. EWING.—There are over 66,000 unionists in New South Wales, and the granting of that penalty of £50 to the union would not mean the enrichment of the unionists of New South Wales to the extent of even one penny each. Thus, while there is a possibility of a charge being made against the Government, that they are endeavouring to create means for the enrichment of the unions, they are really unnecessarily exposing themselves to blame. I desire that the words proposed to be omitted shall be replaced by a provision that the fine, less the costs and damages, shall be paid into the Consolidated Revenue.

Mr. JOHNSON (Lang).—I must confess my inability to follow the subtleties of reasoning indulged in by those who fail to see any distinction between the term "penalty" and the word "damages," and who hold that they are really synonymous terms. I can conceive of a case occupying the attention of the Arbitration Court, which would be sufficiently serious to warrant the imposition of a penalty, although a technical breach of an award involving no great damage had been committed. In such a case, the penalty certainly would not partake of the character of an award for damages. A fine would be imposed that properly ought to go to the Crown. The desire of most honorable members who oppose the clause in its present form is that, wherever the term "penalty" appears in the Bill, it shall be made clear that, unless otherwise provided, it means a fine which shall go to the Crown, and that it shall be left to the discretion of the Judge to determine, in the circumstances of each case that comes under his review, whether either the whole or any portion of the penalty shall take the nature of damages to be awarded to either party to the dispute. That is a point that requires to be made perfectly clear. Some

provision should be made whereby, except in those cases, the penalty, when it is in the nature of a fine, should go to the Crown. It should always be understood as a fine which should go to the Crown, unless, in the opinion of the Court, the breach of the law complained of is of such a character as to entail damages on one side or the other, in which case the Court should have power to say what portion of the penalty or whether the whole of it should take the form of damages granted to the party aggrieved.

Mr. WATSON.—I think there is a good deal in the suggestion of the honorable and learned member for Corinella. I am inclined to the view that it would perhaps be better to give the Court power in the first instance to say to whom penalties shall be awarded, if, in its discretion, it should be necessary to do so. That is why I was willing to put in the words "if the Court thinks fit," because that would leave the matter to the discretion of the Court.

Mr. JOHNSON.—There is no mention in the clause of the penalty going to the Crown in any circumstances.

Mr. WATSON.—That is so, and we propose to put the matter in this form—"and to specify to whom such penalties shall be paid." That would include the Crown within the discretion of the Court.

Mr. JOHNSON.—Would not "whom" in that case refer only to persons or organizations?

Mr. WATSON.—Not when no words such as "persons or organizations" are used to indicate that the word "whom" should have any other than its ordinary meaning. It was not our intention to confine the discretion of the Court in this matter to persons or organizations. That can be seen from the amendment appearing in our printed list.

Mr. JOHNSON.—The words of the amendment suggested, read in conjunction with the words of the Bill, would appear to me to imply that "whom" means persons and organizations.

Mr. WATSON.—The honorable member will see that our proposal was by way of amendment of the Bill after the elimination of the words "organizations or persons." That would leave the discretion of the Judges construing the law quite uninfluenced by any suggestion which the words "organizations or persons" might convey. In view of the suggestion that, if this language were employed, the Court might feel that it was bound to make some such direction

when making an award, I see no great objection to confining it to paragraph *d*. I do not see that very much will be lost. But when we come to deal with paragraph *d*, we propose to follow the language of our own amendment, and leave out the words "organizations or persons," and thus allow the Court full liberty to award the penalties to the Crown, if it thinks fit.

Mr. KELLY.—Will the word "whom" cover the Crown?

Mr. WATSON.—I think so.

Mr. JOHNSON.—That is the point about which I am in doubt.

Mr. WATSON.—I do not advance my own opinion merely in the matter, as I am fortified in the opinion I hold by that of the Attorney-General. I am prepared to consent to the amendment in paragraph *c*, and later to provide that power shall be given to the Court under paragraph *d*, to specify to whom the penalties shall be paid.

Mr. ROBINSON.—Does the honorable gentleman propose to recommit paragraph *d*?

Mr. WATSON.—We have not reached it yet; but I may say here that it is probable we shall have to recommit paragraph *c*, with a view to provide that an individual employer or employé, who is not included in an organization shall be subject to the same penalty if the Court thinks fit. At present, because of the amendment submitted by the honorable and learned member for Wannon, we cannot go back in paragraph *c* to make that amendment. Honorable members will see that the paragraph contemplates that the parties dealt with will be either organizations or individual members of organizations, but as many employés and employers are altogether outside of organizations, it is well to include them in the maximum penalty. I cannot be certain on the point, but if they are not so included I think it might be contended that they would be liable to a penalty outside the maximum.

Mr. SKENE.—Is that the honorable gentleman's own law?

Mr. WATSON.—I dare say that in putting forward a supposition I am likely to be as close to the law as even a lawyer would be, because nearly everything appears to be possible in the construction of language. I am prepared to accept the amendment in paragraph *c*, without of course, agreeing to the principle the honorable and learned member for Wannon has advocated.

Mr. GROOM (Darling Downs).—In view of the fact that the clause will require to

be recommitted, I ask the Attorney-General to make it clear by the Bill who are the persons and organizations entitled to sue for an award.

Mr. WATSON.—Any party to an award who is aggrieved, I presume.

Mr. GROOM.—I have a reason for asking that the Attorney-General will look into the matter.

Mr. O'MALLEY (Darwin).—I ask the Prime Minister whether he can give honorable members any guarantee that these penalties will strike employers as well as employés? I have been reading the cases up very carefully, and I find that in every great case brought before the Courts in England the penalty has been imposed upon the employés.

Mr. WATSON.—We propose to make that clear on recommitment.

Mr. O'MALLEY.—I am glad to hear that. At the present time in Colorado these cases are invariably decided against the men. I do not say that it is because the Courts are prejudiced, but it is done, and the men have to suffer.

Amendment agreed to.

Paragraph, as amended, agreed to.

Paragraph *d*—

To impose penalties, not exceeding the maximum penalties mentioned in the last preceding paragraph, for any breach or non-observance of any term of an order or award proved to the satisfaction of the Court to have been committed, and to specify the organizations or persons to whom such penalties shall be paid.

Mr. WATSON.—In view of the previous decision of the Committee, I do not intend to move the amendment of which we have given notice in the first part of the paragraph, but I propose to move the omission of the words "organizations or persons"—and the end of the paragraph will then read—

"and to specify to whom such penalties shall be paid."

Mr. ROBINSON (Wannon).—I wish to have this paragraph so amended that it will carry out the desire of the honorable and learned member for Ballarat. I am not asking for anything which is not reasonable, and I do think that it would be reasonable to allow organizations or persons in certain cases to get costs and damages out of the penalties. I have hurriedly drafted some amendments which I think will carry out that idea. I propose to move the insertion after the word "penalties," line 1, of the words "and grant damages." Then, after the word "paragraph,"

3, I propose to insert the words "and to award such portion of the penalties as and by way of damages, and such costs as the Court may think fit." I would then move in the last line of the paragraph to leave out the word "penalties," with a view to insert in lieu thereof the words "damages and costs."

Mr. McCAY.—That would enable the Court to give two sets of damages.

Mr. ROBINSON.—That was the honorable and learned member's suggestion.

Mr. McCAY.—No.

Mr. ROBINSON.—The object I desire to secure is that the Court shall have power to award a portion of the penalties if it thinks fit, as, and by way of, damages to any injured organization or person. I do not wish that willy-nilly the whole penalty should go to an organization or person in the case of a breach of an award.

Mr. WATSON.—I think that what the honorable and learned member for Wannon suggests can be met by amending the paragraph as I have suggested, and inserting after the word "penalties" the words "in whole or in part." That portion of the paragraph would then read—"and to specify to whom such penalties, in whole or in part, shall be paid."

Mr. KELLY (Wentworth).—It seems to me that the proposal of the honorable and learned member for Wannon is to differentiate entirely between damages and penalties. The Prime Minister's proposal would still leave it open to doubt. We wish to make it clear in this Bill that the Court shall not, in any circumstances, grant penalties to the unions.

Mr. WATSON.—What does it matter what we call them?

Mr. KELLY.—In an Act of Parliament it matters a great deal what we call them.

Mr. WATSON.—Does the honorable member contemplate granting damages in addition to the penalties?

Mr. KELLY.—I take it that at the beginning there will be a great many technical breaches of the Act.

Mr. WATSON.—From our experience in New South Wales I do not think that that is likely.

Mr. KELLY.—Suppose that there are many technical breaches. In those cases no damages will be awarded. But if there were any chance of a "penalty" being awarded to a union or private informer that brought such a breach to the cognisance of the Court, many informations would be laid in the case of such breaches, although,

being technical breaches, they injured no one, and did not interfere with the industrial peace of the community. For that reason I think we should differentiate very clearly between penalties and damages, and make it absolutely impossible for the Judge to award the imposed fines to those giving information of simply technical breaches.

Mr. KNOX (Kooyong).—I wish to understand clearly whether the Crown is included under the word "whom"?

Mr. HIGGINS.—I think so.

Mr. KNOX.—So long as it is clear that in addition to organizations and persons the penalties may be paid into the Consolidated Revenue, I am satisfied.

Mr. ROBINSON (Wannon).—I accept the Prime Minister's suggestion. I think it meets the case in fewer words than my own proposal.

Amendment (by Mr. WATSON) agreed to—

That the words "the organizations or persons," line 7, be left out.

Amendment (by Mr. WATSON) proposed—

That after the word "penalties," line 8, the words "in whole or in part" be inserted.

Mr. McWILLIAMS (Franklin).—I do not think that this amendment will quite meet what a good proportion of the Committee desire to achieve. We wish to draw a distinct line between penalties and damages. For instance, if a penalty of £500 can be imposed, and it can be shown that damage has been inflicted, either on employers or on a union of employes, the whole of that sum might be awarded in damages. But what we object to is the abominable system of giving a portion of the fine to any informer. If there is one form of greed on the face of God's earth which is more contemptible than another, it is that of the informer who lives on sneaking and obtaining blood money. Under this provision I am afraid that informers would be able to obtain such money, either against trades unions or employers. There is always a fear, if we put it into the hands of any Court to award any portion of a penalty to an informer, or to any body of men who turn informers, that persons will be induced to look round for the chance of informing for the sake of the reward. If means are given to do evil, men will soon be found to seek the rewards of evil.

Mr. WATSON.—Under a stronger section of the New South Wales Act there has

never been an instance where anything has been paid to an informer.

Mr. McWILLIAMS.—Mr. Seddon, who certainly cannot be called antagonistic to legislation of this character, has publicly stated that if appeals are so perpetually made to the Courts, he will have to take into consideration the whole position of affairs.

Mr. WATSON.—That remark was made on another matter altogether, and the context of Mr. Seddon's remarks was never published in Australia.

Mr. McWILLIAMS. — If a trades union, or some of the members of a union, have suffered, and can show that they have received injury or damage, I do not object to the Court being allowed to recompense them to the last farthing. If any employer can show that he has suffered loss at the hands of his men, let the full award of damages be paid to him. But beyond that I would not go to the slightest extent.

Mr. PAGE.—Who has a better right to the award?

Mr. McWILLIAMS.—If the honorable member wants these penalties to go to informers—

Mr. WATSON.—We want them to go as damages to those who have suffered.

Mr. McWILLIAMS.—I am prepared to allow the full amount of the damage that a man has sustained to be paid to him out of the penalty.

Mr. WATSON.—That is all that is provided.

Mr. McWILLIAMS.—This provision allows the Court to grant the whole of the penalty inflicted to the person bringing the case forward. I object to that entirely. If the Attorney-General could draft an amendment providing that the whole of the damages should be paid to the parties who have suffered, that would secure exactly what we are contending for.

Mr. WATSON.—The Attorney-General advises that the paragraph now allows to be done what the honorable member desires.

Mr. JOHNSON (Lang).—I take the view which has been expressed by the honorable member who has just sat down, that the words which it is proposed to insert do not meet the case from the point of view of several honorable members. I suggest as a solution of the difficulty that after the word "penalties," in the first line of the paragraph, we should insert the words, "Pay-

able to the Crown, or grant damages." I would make the paragraph read—

To impose penalties payable to the Crown, or grant damages, not exceeding the maximum amounts mentioned in the last preceding paragraph, for any breach or non-observance of any term of an order or award proved to the satisfaction of the Court to have been committed, and to specify to whom such damages shall be paid. That would leave it at the option of the Court either to impose a penalty, or to grant damages, to be paid to either of the aggrieved parties. Further on the clause provides to whom such damages shall be paid. My suggestion would make the proposal perfectly clear, and would remove the ambiguity which exists in the words proposed to be added

Mr. WATSON.—I will consider that.

Amendment agreed to.

Paragraph, as amended, agreed to.

Paragraph e—

To enjoin any organization or person from committing or continuing any contravention of this Act, or any breach or non-observance of any term of an order or award.

Mr. WATSON.—I move—

That the words "or any breach or non-observance of any term of an order or award" be left out.

The idea with which these words were inserted in the paragraph is sufficiently covered by clause 55, which gives power to make orders or awards. It is, therefore, quite unnecessary to retain these words.

Amendment agreed to.

Paragraph, as amended, agreed to.

Paragraph f—

To declare, by any award, that any practice, regulation, rule, custom, term of agreement, condition of employment, or dealing whatsoever, in relation to any industrial matter shall be a common rule of any industry affected by the award.

Mr. McCAY (Corinella).—I freely admit that the Arbitration Court is not likely to make common rules on matters that have not arisen in a dispute. But I am inclined to think that the Court would have power to do so.

Mr. DEAKIN.—If the Constitution gives it to them.

Mr. McCAY.—It is not wise that we should have mistakes made as to the powers that are conferred by the Act. Say that a dispute arises which is cognizable by the Federal Court. Certain questions are submitted to the Court by either side in connexion with that dispute, and those questions are determined by an award. It seems to me that this paragraph, so far as its language goes, and apart from the point

mentioned by the honorable and learned member for Ballarat, would enable the Court to declare as a common rule something that had not been in issue, and had not been raised by either party to the dispute.

Mr. WATSON.—I do not think that that is intended. The idea that we had in our minds was that the Court might declare in a common rule less than it declared in an award, but not more.

Mr. McCAY.—But as the paragraph stands, I think the Court could declare more. I would suggest the insertion after the word "matter," of the words "determined by such award." As the paragraph stands, it would appear that the Court could make something a common rule, in addition to the award—something that was beyond the limits of the award itself. The Court would have wider powers as regards the common rule than as regards the dispute itself. I shall not move the amendment now, if the Government would prefer me not to do so; but I am inclined to think that that is a possible construction of the paragraph. I do not know whether the Attorney-General has had the point under consideration.

Mr. HIGGINS (Northern Melbourne—Attorney-General).—I cannot think that the honorable and learned member's proposal would make the clause clearer. In the latter part of it we intend to make an amendment which will clearly restrict the Court to the application of a common rule to the industry in connexion with which the dispute arose. As the clause stands at present, the common rule would apply to any industry affected by the award, so that I apprehend that a common rule made in connexion with a dispute between boot-makers and their employes, say, might affect the tanning industry. But the honorable and learned member says that we should prevent the Court from dealing with anything which is not within the dispute brought before it. The basic principle of the measure is trust in the Court, though some honorable members appear to think that the Court should be spoon-fed, or drawn about in leading strings. When the Court has to deal with a specific industry, in connexion with which it has heard certain evidence, and has discovered the existence of certain evils, it may consider that an award with regard to wages or conditions of labour should be applied over a broader area than that occupied by the parties to the dispute. But I

cannot conceive of any sane Court dealing with a matter altogether outside of the case in which it has been taking evidence. I do not wish to tie the hands of the Court. If, with sufficient evidence before it, it considers that it would be advisable to make a certain regulation a common rule, I do not think we should prevent it from doing so, so long as the application of the rule is confined to the particular trade in which the dispute arose.

Mr. HUTCHINSON.—Could the Court deal with a matter which was not in dispute?

Mr. HIGGINS.—No; that would be outside its jurisdiction. The honorable and learned member for Corinella did not go so far as to say that the Court would deal with matters which had not been referred to it, but he seemed to think that it might deal with matters which had not been referred to in the evidence taken in connexion with the carrying on of any industry concerned.

Mr. McCAY.—I did not say that exactly.

Mr. HIGGINS.—Then I misunderstood the honorable and learned member. I cannot see that words which would obviously guide the Court in its action are necessary here. It is a mere question of making the clauses sufficient. If the Court went beyond the dispute before it, and the matters therein raised, it would be going beyond its jurisdiction. It must be remembered that the man who will deal with these matters will be a Judge of the High Court, and if such a man cannot be trusted to keep within the ambit of a quarrel, who could?

Mr. SPENCE (Darling).—I do not think that the proposal of the honorable and learned member for Corinella would make any change in regard to the common rule, and, therefore, I regard it as unnecessary. But he made another suggestion which I consider worthy of notice. That was as to the Court being limited to the matter in dispute. In my opinion, the Court should not be tied up. The common rule may not cover all that is embraced in an award. An award may be made affecting a particular industry, but the common rule may be only a portion of it. It may not be necessary to make the whole award a common rule. The Court not only stands in the position of an arbitrator between two contending parties, but, in extending an award by making it a common rule, must consider any other industry closely related to that immediately concerned, and have regard, to some extent, to the protection of the general

public interest. Many industries, particularly manufacturing industries, are very closely interwoven. It may happen that employers and employes in a certain industry may come to an agreement as to conditions which may be detrimental to some other industry. One of the main reasons why I support the creation of an Arbitration Court is because such a Court, having continuity of existence, will take cognizance of industrial relationships generally, whereas under the Wages Board system cognizance is taken only of particular industries. I think it best to leave the clause as it stands, so that the Court, if it chooses, may deal with matters not presented by the two parties to a dispute, but arising in connexion with it.

Mr. McLEAN (Gippsland).—There is one aspect of the common rule which I view with some alarm. At the present time there are many industries, such as the mining industry, for example, in which men can earn much more by going to out-of-the-way parts of the Commonwealth than by staying near centres of civilization.

Mr. HUTCHISON.—Can the mining industry come under the Bill?

Mr. McLEAN.—The miners, the seamen, and similar large bodies of men are those most affected. A case of this kind might arise. Many miners have left Victoria and gone to Western Australia or Queensland, and there earn much more than they could earn here.

Mr. PAGE.—They were very wise.

Mr. McLEAN.—But shall we be wise in preventing them from continuing to do so?

Mr. WATSON.—Under the next clause, the Court has power to make any exceptions in view of local conditions which it may think fit.

Mr. McLEAN.—No doubt, the Court could take into consideration the difference between the cost of living in two places, but it would not take into consideration the circumstances which justify the payment of £2 or £3 a week in excess of the cost of living to one man and of only £1 to another. That being so, men will lose the advantages which they have hitherto obtained by going to distant places, and submitting to many hardships in order to earn higher wages.

Mr. WATSON.—There is no limitation on the discretion of the Court.

Mr. McLEAN.—Does the Prime Minister think that a Judge of the High Court

would feel justified in saying—"I shall allow a man in Western Australia to earn £4 a week over and above his living expenses, but a man in Ballarat is not to earn more than 30s. a week above his living expenses"?

Mr. HIGGINS.—He would have full power to do that.

Mr. McLEAN.—I am satisfied that no Judge would differentiate further than between the cost of living in any two places. If we asked him to do more than that, where would his work end? Is it reasonable to expect him to say how much a man in Western Australia or in some distant part of Queensland should earn clear of expenses, and how much a man similarly employed in a more settled State should earn? No doubt a Judge, as a reasonable man, would allow larger wages in places where the cost of living was high than he would allow where the cost of living was low; but he would not differentiate further than that, and allow one man to earn perhaps two or three times as much, clear of living expenses, as was earned by another. That being so, the application of a common rule would kill all enterprise and reduce everything in an industry like mining to the dead, dull level which prevails in the larger centres of population, such as Ballarat and Bendigo, where all the comforts of life are obtainable, and, where, therefore, men are satisfied to work for lower wages?

Mr. ISAACS.—Has the honorable member read the next paragraph?

Mr. McLEAN.—I am going beyond this Bill to the Constitution, and I should like to have my honorable and learned friend's opinion on the point; because there is no one whose opinion on a constitutional matter I value so highly. Does my honorable friend think that a Judge would differentiate to the extent of saying that he would allow a man to earn £4 a week, clear of all expenses, in Western Australia, and only 30s. a week, clear of expenses, in New South Wales or Victoria? I am sure that my honorable and learned friend will agree that a Judge would not do so. If he would, the conditions to which I have referred would prevail. A number of men who have left this State have been sending money to their families here, out of their large earnings in other States, notably Western Australia. If the common rule were applied to the extent of cutting down the clear profits made by these men, over and above their living expenses, we



should inflict great injury upon them. I would ask honorable members to consider this matter carefully. I do not think that the Attorney-General will contend that, under a common rule, one man in Western Australia would be permitted to earn £4 or £5 clear of his expenses, whilst another was able to save only 30s. per week in Victoria.

Mr. WATSON.—Will the honorable member yield if the Attorney-General says he is wrong?

Mr. McLEAN.—I do not think he will say so, because he is most consistent. I have heard him arguing on similar questions before, and I do not think that the fact that he now occupies a seat on the Treasury benches will induce him to take up an attitude different from that which he has previously assumed. I would ask honorable members to seriously consider the aspect of the case which I have presented.

Mr. HUGHES (West Sydney—Minister of External Affairs).—I think that the honorable member, who has just resumed his seat, has omitted to consider that a Judge, in determining his award, would have regard to all those circumstances which determine rates of wages. Now, the wages paid in connexion with the mining industry at Ballarat, are determined, first of all, by the number of miners and the cost of living, and, secondly, by the comforts of civilization. Precisely the same factors operate in Western Australia. It is notorious—as the honorable member really admitted, in the course of his argument, although, perhaps he was not aware of the fact—that in new countries, with few of the advantages of civilization, the wages are higher than in older communities, because of the hardships which have to be endured.

Sir JOHN FORREST.—Food is dearer.

Mr. HUGHES.—Precisely. The honorable member for Gippsland made that point. In addition to that—I am not going to say that it is unhealthy in Kalgoorlie—any man might readily prefer to accept £2 per week, in Melbourne or Ballarat, rather than work at Kalgoorlie at a wage of £4 per week. It might pay him better to remain here. That most people do prefer to remain here is proved by the fact that, in spite of the higher wages paid at Kalgoorlie, there is not an inordinately large number of people there, but only a comparatively few men of a specially enterprising and energetic character. I think that that is generally admitted. These are the

circumstances which now determine the different rates of wages. We find that in Europe, for instance, the wages are lower than in new countries like America or Australia. In the older countries there is more competition, and a different standard of living, and the people possess advantages which we do not enjoy. The Judge would have regard to all these circumstances. My honorable friend says that the Judge would not make any greater difference in the rate of wages as between Western Australia and Ballarat than would be marked by the difference in the cost of living. But he is supposing that the Judge would lose sight of all those other factors which cause rates to vary at present. Besides the difference in the cost of living, there are the discomforts which naturally attend the pursuit of one's livelihood in districts where the benefits of civilization are not so ready to hand as they are here. For instance, if I went to one of what are called the inside districts of New South Wales, and found employment on a station, I might be able to earn £1 per week and my rations. If I went further out, I should probably be able to command 25s. per week, and if I went still further back, close to the border of South Australia, I should, if other things were equal, probably receive still more. Therefore, the Judge would take into account the difference in locality, climate, and circumstances generally. He certainly ought to do so.

Mr. KELLY.—Would the honorable and learned member propose to divide the Commonwealth into industrial districts?

Mr. HUGHES.—No.

Mr. McLEAN.—How could a Judge determine all those matters?

Mr. HUGHES.—The honorable member who seizes on that objection as if it were a sheet-anchor forgets that he acknowledged that the Judge would be able to ascertain accurately the difference in the cost of living in various places.

Mr. McLEAN.—He could ascertain that easily enough.

Mr. HUGHES.—I contend that the other conditions are susceptible of investigation by precisely the same means. They are, in point of fact, indicated by the existing differences in the rates of wages.

Mr. KELLY.—Could the Minister conceive of a man working in the back country perhaps because the climate benefited his health? How could the Judge take that into account?

Mr. HUGHES.—If it were suggested to the honorable member that it would benefit his health to live up to his waist in mud, would he go to New Zealand, or to Moree, in New South Wales, where there are hot springs, and act as a tank-sinker without pay?

Mr. KELLY.—No.

Mr. HUGHES.—We may very well put all cases of that kind on one side. The honorable member may have come here for the benefit of his health, although not for the benefit of ours, so far as I am aware. Should we ask him to hand back a portion of his honorarium because his presence here will benefit his health? The Judge would take into consideration all the factors I have mentioned, which would be as readily ascertainable as is the cost of living. Any Judge who would not do so is certainly not likely to be called upon to adjudicate in these matters.

Mr. ISAACS (Indi).—I think that the objections which have been raised by the honorable member for Gippsland would be, to a large extent, disposed of if it were remembered that there is no provision in the Bill to the effect that the Judge shall make a common rule. He is not compelled to make a common rule. He will not make it, unless it is not only practicable but advantageous under the circumstances to do so. Possibly, the circumstances of the industry affected by an award would not admit of a common rule being applied; in such a case he would refuse to apply it. In other cases the application of a common rule might be limited to certain districts or to certain conditions. Special conditions might be imposed under certain circumstances, or the rule made subject to certain exceptions. Therefore, a common rule might be applied just so far as the Court regarded it as likely to be advantageous—it might be made as wide or as restricted as the Court thought fit. If the circumstances were so dissimilar as the honorable member for Gippsland had indicated, the Court would probably decide that it was not practicable to apply a common rule, and therefore would abstain from doing so. I take it that we must confer power to make a common rule where it would be advantageous to do so. We must see that in certain industries the circumstances in various parts of Australia are naturally such that commercial and labour conditions generally ought to be the same, or as nearly so as possible.

Mr. McLEAN.—Then, why not restrict the application of the common rule to such cases?

Mr. ISAACS.—We have not the means of discriminating.

Mr. McLEAN.—But we could insert a provision which would indicate that the common rule should be applied only to industries in which the conditions are similar throughout the Commonwealth.

Mr. ISAACS.—That would have no practical effect, because we should still have to leave it to the Court to decide when the conditions were similar.

Mr. McLEAN.—Would the Court be likely to differentiate to the extent of determining that a man might earn 30s. clear per week in Victoria, as against £4 clear per week in Western Australia?

Mr. ISAACS.—It is impossible to say what any tribunal would do in the exercise of its discretion on the strength of any imaginable evidence that might be brought before it. If the conditions were so widely different that no fair common rule could be applied, I imagine that the Court would not attempt to exercise its power in that respect. We must, however, leave it within the power of the Court to, as far as possible, equalize the conditions of industry in Australia. That is one of the objects of our Constitution.

Mr. KNOX (Kooyong).—I think that many of the difficulties in connexion with this Bill would be overcome if we could at once secure a Judge as superhumanly perfect as the President of the Arbitration Court is expected to be. It is proposed that one Judge shall deal with all kinds of references, and shall apply uniform regulations despite the varying circumstances under which industries are carried on in different parts of the Commonwealth. Surely this suggests enormous possibilities in the way of inflicting disabilities upon the people of the Commonwealth. The Court is to have absolute discretion with regard to the application of the common rule.

Mr. SPENCE.—We have no alternative but to give them that power.

Mr. KNOX.—I think that the power of the Court might be restricted in some such manner as was proposed yesterday. Under the provisions of the Bill, the Judge and two assessors are to be empowered to impose upon the industries of the Commonwealth conditions which will have consequences so serious that it seems almost impossible for one human mind to compass them. It would be desirable if we con-

distinctly set out in the Bill the qualifications to be possessed by the Judge who is to preside over the Court. I again enter my protest against the proposal to enforce the common rule in this unrestricted manner, because I think that it will be fraught with serious consequences to our industries.

Mr. McCAY (Corinella).—I move—

That after the word "whatsoever," line 3, the words "determined by the award" be inserted. I understand that the Prime Minister is willing to accept the amendment.

Mr. DEAKIN.—It can do no possible harm, and it will make the paragraph clearer.

Amendment agreed to.

Mr. WATSON.—I move—

That the words "affected by the award," line 5, be omitted, with a view to insert in lieu thereof the words "in connexion with which the dispute arises."

This amendment is in the nature of a limitation. In the absence of some such provision, if a dispute arose in one industry, it might be held that it really affected another. For example, let us suppose that a question affecting the wages of quarrymen was at issue. The price of stone would naturally influence the wages of stonemasons. The amendment will have the effect of confining the application of the common rule to those industries in which disputes arise.

Amendment agreed to.

Mr. McCAY (Corinella).—I move—

That the following proviso be added:—"Provided that the Court may not act under this paragraph except where the products of the industry of the persons whom the common rule is to bind enter into competition with the products of the industry of the parties to the dispute, or of the members of organizations parties to the dispute."

In speaking on this question yesterday I expressed some doubt as to the constitutionality of this sub-clause. I was dubious as to how far we could apply the common rule, and I felt that without some provision being made for its application in certain cases, the Bill would be practically inoperative. On further consideration, I think it is possible to limit the operation of the common rule to cases in which the conditions are sufficiently similar, or to industries which are sufficiently related, to justify its application. Of course, I shall be told that we should trust the Court. I hold, however, that it is the business of the Legislature to direct the Court wherever it possibly can.

Mr. DEAKIN.—The Court would prefer to have its powers clearly defined.

Mr. McCAY.—It would prefer that, upon such delicate questions, the Legislature should, as far as possible, indicate its intentions. There are two ways in which the application of the common rule can be limited by legislative means. One of these is by adopting the method which has been followed in the New Zealand Arbitration Act, and to which I drew attention yesterday. The other way is to limit the operation of the common rule to those States in which the dispute exists which the Federal Arbitration Court has been called upon to decide. For instance, if a dispute extends from New South Wales to Queensland, but no further, the common rule should be limited to those two States.

Mr. EWING.—That might be unjust to the other States.

Mr. McCAY.—It might possibly prove unjust, but even where a dispute has extended to two States, and the parties to it have come before the Court, there might conceivably be persons in those States who were not parties to the dispute, but who clearly ought to be bound by the same rule, as applied to those parties. I think there is a great deal to be said in favour of that limitation. I merely mention the matter in passing, because it seems to me to suggest a possible solution of the constitutional difficulty. In New Zealand there are four industrial districts, and the awards made by the Arbitration Court are confined to the districts in which they are made. They can, however, be extended from the industrial district in which they are made to other industrial districts. The process there is not known as the "common rule," although its effect is the same. The essence of the limitation which my amendment imposes is that the common rule shall not be applicable to cases in which there is no industrial competition. When industrial competition exists, if some competitors are bound by an award of the Court whilst others are not, injustice may arise. We require equality only where there is competition. The New Zealand law recognises that.

Mr. WATSON.—Will not the amendment involve a long preliminary argument as to whether competition exists?

Mr. McCAY.—It will be no more difficult to decide that matter than it will be to determine scores of others with which the Court will be called upon to deal. The same objection could be urged against the operative parts of the Bill as a whole. It will be no more difficult to establish, whether

or not substantial competition exists, than it will be to decide many of the questions involved in determining an award. Of course the language of the New Zealand Act is not entirely suitable to the form of draftsmanship that has been adopted in this Bill. I am not wedded to the language of my amendment, which merely expresses the idea present in my mind. I shall welcome any alteration in it so far as its drafting is concerned. Omitting the mere verbiage, the effect of this amendment will be that unless when an award has been made in respect of, say, New South Wales and Queensland, the Court is satisfied that the persons engaged in the industry there, to whom the award applies, are entering into competition with persons in other States, to whom the award does not apply, it shall not have power to make a common rule. It is only when that competition ultimately arises that, so far as I am at present able to see, any justification for the common rule can be said to exist. It is because of that belief that I propose this amendment.

Mr. WATSON.—How does the honorable and learned member think it would affect the shearers?

Mr. SPENCE.—And the seamen and wharf labourers?

Mr. McCAY.—It would certainly affect the shearers, because the products of any shearers' industry enter into competition with the product of every other shearers' industry in the London wool market.

Mr. WATSON.—Not here.

Mr. McCAY.—I did not say in Australia.

Mr. SPENCE.—What are the products of seamen?

Mr. McCAY.—It may be said that there are no products of industries relating only to what may be called carriage—the transport of goods from one place to another—as compared with the products of shearers or the manufacture of goods. I considered that phase of the question, and at first drafted the amendment in terms that would cover it. When I discovered, however, that in that form the amendment assumed, at first sight, a rather cryptic character, I thought it better to put the proposal before the Committee in a simpler shape, so that I should be able to make my meaning perfectly clear.

Mr. HUGHES.—Does the honorable and learned member propose to exempt what may be called transport rather than productive trades?

Mr. McCAY.—It appeared to me that in cases in which the transport trades had a common interest it was almost certain, under existing Australian conditions, that they all would be brought within the purview of the award; that, as a matter of fact, if, say, the seamen came before the Court, the award would practically bind the whole of the seamen of Australia. I understand that there is a Federated Seamen's Union, so that practically all the seamen would be parties to the award of the Court, and it would be unnecessary to have a common rule to extend the award to seamen who were not parties to it. As regards callings relating to transport by land—such as carriage by coach—the coaches of Kalgoorlie do not come into competition with the coaches of Bundaberg.

Mr. HUGHES.—There is another big federation -- the Waterside Labourers' Union.

Mr. McCAY.—Various suggestions have been made, but I cannot deal with them all at once. The Prime Minister, I think, asked how railway men would be affected by the common rule. If the railway men can be lawfully brought under the Arbitration Bill, and if a dispute arises among them and extends beyond the limits of any one State, we may safely say that all the railway employes whom it could possibly affect will be parties to the dispute. They are an obvious example of a consolidated body. They are always, so to speak, available, and closely in touch with their societies, so that there would be no difficulty in regard to the whole of them becoming parties to any dispute in which they had common interests. So far as the waterside labourers are concerned, I doubt, in the first place, whether their circumstances and conditions are such as to at any time make it probable that a common rule dealing with them would be called into existence.

Mr. HUGHES. Why?

Mr. McCAY.—There are quite as many points of divergence between waterside labourers in tropical parts and those engaged in a more temperate climate as there are differences between other callings. If I am wrong in my assumption with regard to the waterside workers, I shall be satisfied to have my proposal amended so that it will include persons engaged in carrying trades, or in transport work, which I think is the better term. The central idea of my amendment is that the touchstone by which

the applicability or otherwise of a common rule is to be determined is the question of competition. Do the waterside labourers of Sydney and those of Melbourne, in any reasonable sense of the term, come into competition with each other? I doubt if they do.

Mr. HUGHES.—In some senses they do.

Mr. McCAY.—The test of the necessity for the common rule is competition.

Mr. SPENCE.—Why?

Mr. McCAY.—Because the chief ground for applying a common rule is that if we do not either the person who is subject to an award or the person who is not, will be at a disadvantage as compared with the other. That is a fundamental principle.

Mr. SPENCE.—There are other cases.

Mr. McCAY.—There may be numerous other cases to which the honorable member will be able to refer. I am simply putting my view before the Committee, and I repeat that the fundamental justification of the application of the common rule is the principle that without its application A, who is subject to an award, is at a disadvantage as compared with B, who is not; and that A's disadvantage as compared with that of B, arises from the fact that A and B are competitors—one an unfettered competitor, and the other a fettered competitor.

Mr. POYNTON.—Would not the cost of handling goods be increased.

Mr. McCAY.—If an addition is made to the cost, as the result of the award, then the competitor, who has to pay that additional cost, suffers, as compared with the competitor who has not. In those cases let there be common rules; but where that condition of affairs does not arise there should not be common rules, and we should not give the Court power to apply them. This will be an indication to the Court of the kind of cases to which we think the application of the common rule would be justified. From the Federal point of view, this is the most substantial justification for the common rule. It, at any rate, makes me feel it my duty to support the principle of a common rule in some form or another. It is because this is my view of the justification of the common rule that I feel bound to submit a proposal to limit the application of the principle to cases in which that justification exists. I admit that the Court may be confronted with difficulties in determining this matter, but the difficul-

ties will be no greater than they would be if this limitation were not imposed. The Court would, at the very outset, consider at least one of these points before it made a common rule. It would not say in effect: "We are going to have a beautiful, imaginary, paper uniformity." It would rather ask: "Why should the award be binding all over Australia?" We say that in certain cases it should be extended, because persons under it may be suffering or else securing an advantage as compared with those who are not, for the reason that they have ultimately to go to the same buyer, whether he be a buyer of goods or of labour, or of goods which are subject to increased cost as they are travelling to the market. That is one of the first matters which the Judge would consider, and it seems to me that it is the main justification for the principle. It is because of the existence of this difficulty that we feel bound to assume a jurisdiction, although ultimately the doubts which some of us entertain may prove to be well founded. I am not wedded to the verbiage of the amendment. It expresses for the present the object that I have in view, and if we were found necessary to recast it I should be quite satisfied. I should not feel hurt if not one word of the amendment, as now proposed, ultimately appeared in the Bill, as long as the idea which it conveys were embodied in it. I trust that the Committee will realize that the proposal in regard to a common rule is viewed with very great apprehension by a large number of persons comprising not merely opponents of the Bill or of its principles, but friends of both. If we can, in this measure, give the public the assurance, so to speak, that it is only in those cases in which obviously unfair results must follow from the absence of a common rule that we are going to provide for the application of the principle or the possibility of common rules, we shall go far to secure for the Bill that Australian approval which is necessary to its ultimate success.

Mr. HUGHES (West Sydney—Minister of External Affairs).—The honorable and learned member for Corinella has drawn a distinction between an award and its effects, and a common rule, which, on its face, is a perfectly clear and logical one. He spoke of competition; but I have only to say that such a restriction as he mentioned would not in any way limit the operation of the common rule. Eliminating the transport workers, as we may call them for conveni-

ence, is there any case in which persons engaged in a certain trade in a particular place do not enter into competition with persons following the same trade in some other place? I do not know of any. It is obvious, for example, that a boot factory in Brisbane and a boot factory in Perth may enter into competition with one another. If we shut up the boot factory in Brisbane, or did anything tending in that direction, there would be, on the face of it, a greater market for the output of the boot factory at Perth, and *vice versa*. It matters not what trade we take. Let us refer to the trade represented by my honorable friend the member for Darling. If the shearing rate were increased in New South Wales and Queensland, so that shearers there got 22s. 6d. for shearing 100 sheep there, while in South Australia they got only 15s. or 17s. 6d., it is very clear that the competition in the English and European markets might be prejudicial to the persons affected by the award in the two former States. They would, consequently, be unfairly dealt with unless the rule affecting them was extended to South Australia, and the price paid there was pushed up to 22s. 6d., or some corresponding increase of wages was given to the shearers in that State. If it be true that there is not one trade that can be mentioned into which competition, if regarded from that stand-point, does not enter, then I ask of what use would the amendment be?

Mr. McCAY.—But it is not true.

Mr. HUGHES.—In the case of all the industries which come to my mind now as suggested by the honorable and learned member for Corinella competition does enter, and, therefore, the Court would be justified in considering that it ought to extend the common rule to them. The honorable and learned member will see that in that case his amendment would in no way restrict the operation of the common rule. If, on the other hand, the Court takes a narrower view of what competition may mean, then I say the amendment might be found very prejudicial indeed to the working of the law, or to any particular industry. Before I should be inclined to vote for the honorable and learned member's amendment, or to embody it, in any words at all, in the Bill, I should like to hear from him or from some honorable member who agrees with him that the effect of it will not be, in so many words, to make no difference at all. If competition is to be understood in the sense

in which the honorable and learned member appeared to refer to it, I am unaware of a solitary industry into which competition does not enter. On the other hand, if the restrictive view of competition is to be taken, the Court might construe the words of the amendment in their narrowest sense. It might say—"We are, in this legislation, imposing certain restrictions on human liberty, and those restrictions ought to be most rigidly observed. We shall therefore interpret it in its technical and narrowest sense." The competition must be effective or substantial. The Court, in so doing, would be following out a well-known principle of the interpretation of laws. If that were the course adopted the amendment would certainly be effective, and I fear it would be altogether too effective. I shall be glad to learn from the honorable and learned member whether the common rule provided for in New Zealand has been operative, and with what effect? I understand that it is there a new departure.

Mr. McCAY.—It has been the law there since 1900.

Mr. HUGHES.—The honorable and learned member may tell us what have been its effects. Last evening, the honorable member for Richmond quoted Mr. Reeves as saying, in reference to the common rule in New South Wales, that he waited with interest to see the effect of it. I interjected that judging by experience in New South Wales, the common rule was a provision worthy of inclusion in this measure. We can point to the effects of its operation in New South Wales, and I now ask the honorable and learned member for Corinella what has been the effect of the application of a common rule in New Zealand? It has to be noted that the New Zealand case is not on all fours with this, because New Zealand is divided into four districts, and a common rule operative in one of those districts is not necessarily operative in another. Consequently, the conditions there cannot be compared with the conditions likely to exist in the Commonwealth under this Bill. Under the circumstances, I do not think we can agree to adopt the amendment. I should like to say that if it is intended to be merely a direction or indication to the Court as to how they are to apply a common rule well and good; but if it is to have the effect of restricting the Court in its application of a common rule, it would appear to me to be most undesirable. The motto right through has been that we should trust

the Court. In New South Wales, where no such restrictions as are suggested by the honorable and learned member for Corinella are to be found in the law, the common rule provision has been applied with a due regard to existing conditions. I say frankly, that I know of no other fundamental reason for a common rule than competition. There may be others, but I think that is the fundamental reason. There is, of course, a fundamental principle running through this Bill, that in order to prevent disputes, it is necessary always to have such just and equitable conditions as will do away with the necessity for them. Therefore, apart from competition, it may be a desirable thing to have a provision which would insure equality of conditions all over the Commonwealth. Generally speaking, the Court should determine where a common rule should apply. I ask the honorable and learned member for Corinella to say in what trade, taking his larger interpretation, competition does not enter, and if he is unable to do so, to tell the Committee what will be the use of his amendment. I ask him also, what has been the effect of the operation of the common rule provision in the New Zealand law, and whether he thinks the conditions existing in New Zealand, where a common rule is rigidly confined by the Act to one of four districts, can be considered in any way analogous to the conditions which will obtain in the Commonwealth under this Bill.

Mr. SPENCE (Darling).—I am surprised that this amendment should be moved. I believe it involves several issues which have not yet been discussed, and, if adopted, would certainly very greatly complicate matters. It would provide great ground for argument, as to whether the Court had power to make a common rule or not. We have had some very fine distinctions drawn as to whether in some instances competition arises. There is one industry which I do not think is likely to come before the Court, and that is the gold mining industry. Does the honorable and learned member for Corinella claim that the gold mining industry is a competitive industry in the sense that its products come into competition in different places? I have never heard that gold produced in one place is held to come into competition with gold produced in another. There is a fixed price for gold according to its standard value. If the honorable

and learned member could convince any Judge that the gold mining industry in one place in its products enters into competition with the same industry in another, he must be possessed of very considerable persuasive powers. The honorable and learned member for Corinella did not, by the way, explain what is the product of the wharf labourers' industry. The honorable and learned gentleman did not mention the gold mining industry, the product of which is gold, which does not always go into the pockets of the shareholders in a mine, who often lose some of their own gold in carrying it on. Does the honorable and learned member say that the product of this industry enters into competition? There may be some variation in the prices of silver and copper, but I do not think it is claimed that there is a variation in the price of gold. I listened with great interest, but in vain, to find a reason for the amendment. It seems to me that it would create a very great deal of trouble. I have an objection to the Court being directed to base its award upon grounds of competition, or upon the price realized for the products of an industry. My experience has been that the question of wages to be paid in a great number of industries has not really affected the matters in dispute. I can give an illustration. We have had from time to time a great number of conferences in connexion with the wool industry, which would certainly come under this Bill. It is one in connexion with which there would be no difficulty in the application of the common rule. The parties concerned in the industry would themselves require a common rule, but for reasons entirely apart from competition, in not one of the conferences to which I refer, has it ever been claimed that those carrying on the pastoral industry could not afford to pay the prices asked by the working men's organizations. But the amendment now proposed would be a direction to the Court to raise arguments and bring forward evidence relating to the price of wool, which we know is regulated by foreign competition.

Mr. McCAY.—I do not agree with the honorable member a bit.

Mr. SPENCE.—I say that the amendment would naturally raise those questions, because it proposes that, unless it can be shown that there is competition, a common rule cannot be applied. In this case, it

would be admitted that the value of wool is affected by foreign competition.

Mr. McCAY.—It raises the question of the cost of production, but not the question of the market price.

Mr. SPENCE.—If the cost of production has no relation to the market price—

Mr. McCAY.—I never said it had not, but we do not get that far in this connexion.

Mr. SPENCE.—I can give honorable members my experience in the matter. Though the Royal Commission, of which I was a member, and which inquired into the condition of the pastoral industry, in the worst portion of New South Wales, where hundreds of thousands of pounds were lost by men engaged in the industry, took the evidence of over 260 witnesses, not a single one of them claimed that the wages paid to employes in the industry was a factor in their failures or losses. The amendment would appear to me to bring that factor in. Those engaged in every industry that I can think of as likely to come under this Bill, would be prevented from securing a common rule, by the proposed amendment, unless, as the Minister of External Affairs has pointed out, the Court takes the view that there is competition in every industry. In the transport trade, so far as shipping is concerned, competition may be said to exist between various ship-owners, but it is a competition which they can regulate themselves if they choose to arrive at a common agreement. But they do not have any product; and it may be strongly argued to the Judge that, as they do not produce anything, they do not come under this clause. It seems to me that no case has been made out, but that we are going to complicate the matter. The real object of the Bill is to deal with disputes that arise not in relation to competition, but in relation to wages and conditions as between employers and employes. The matter of competition only enters into it on the employers' side, where one is undercutting another. But in regard to any dispute that this Court will be asked to settle, competition is rarely a factor, for the reason that the Court would generally take the conditions existing and wages paid by a fair-minded employer as a basis for doing away with sweating on the part of an unreasonable employer. The operation of the common rule in such cases will be to give something like equality of conditions. The factor which is the main consideration is to see that there is no sweating of human beings. No fair-minded employer com-

plaints of being called upon to pay a decent wage so long as he is protected against the unfair employer who undercuts him.

Mr. McCAY.—That is competition.

Mr. SPENCE.—But that is only a factor in certain industries. The industries which are likely to come before this Court are not affected by that consideration. If, however, the honorable and learned member for Corinella considers that the products of the industries affected by this Bill do enter into competition, what is the use of inserting this provision, tangling up the Court, and affording scope for argument and confusion. To my mind it only complicates matters, and cannot do any good. No principle whatever seems to be involved, and I hope that the Committee will reject the amendment.

Mr. DEAKIN (Ballarat).—We have to commence the consideration of this question by recollecting that the operation of the common rule takes its foundation rather from the implied necessities of the Constitution than from any express endowment of power. After that preliminary consideration, we have to recollect that the common rule is not asked for within the region of any dispute. We have provided in the amplest manner by definitions that are as wide as any Act can make them, for every kind of industrial dispute in every kind of trade in every possible circumstance; and whenever a dispute occurs under any of those varying conditions, the Court is empowered to determine the whole question by an award. The common rule only operates outside the region of dispute—outside the region of challenge. No person has been aggrieved among those upon whom a common rule is called upon to operate. But it is admitted that, apart from the phraseology of this Bill and the terms of the Constitution, it is necessary and desirable to apply the common rule in order to complete the work that is done by awards. The common rule does nothing which an award cannot do. Anything that is excluded from the operation of the common rule is not, therefore, excluded from the operation of this Bill. It only requires that a dispute shall be extended to the new area, and it comes under the operation of an ordinary award. So that in dealing with the common rule the only thing we have to take cognisance of is that which the honorable member for Darling has dealt with. At the worst any restriction of a common rule leaves anything it cannot reach to be settled after a dispute. We



can, therefore, approach this question without any idea of excluding anything from the Bill. But, if any reasonable condition can be found, which can be attached to the common rule, without assailing its usefulness, it would be wise to attach it. A common rule, as applied to Federal disputes extending beyond one State, takes on an entirely different character from that which obtains within a single State. A Federal dispute, to begin with, extends beyond one State, and two States are brought within its operation immediately. One can readily imagine that the application of the common rule to the remaining States of the Federation, so far as similar industries are concerned, would possibly be very rare. Still, it is a very reasonable thing to contemplate the possibility of disputes extending, and of a common rule being applied to all the six States. It seems to me to be extremely unlikely that the common rule can be exercised on an Australian scale, even in cases that are technically within the domain of the Court. With regard to the seamen, and possibly the shearers, there may be Australian common rules, but at the present moment I cannot recall any other industry in which it is likely. Even in the mining industry, which has been alluded to, the circumstances of Kimberley, Kalgoorlie, and Gippsland are so entirely different that we can scarcely imagine a common rule being proposed that would apply to those three places. Now under the proposal of the honorable and learned member for Corinella, as the Minister of External Affairs has admitted, the essential condition under which a common rule or award is called for, is when there is competition. If this Continent were divided into water-tight compartments, in regard to any particular industry, and an industry in one part could not come into competition with a similar industry in another part, there can scarcely be a reason for asking for a common rule within those divisions. The honorable member for Corinella proposes that competition shall be the test of the common rule. The honorable member for Darling has admitted that this does not, on a liberal interpretation, impose any important restriction. But it does afford an additional security to those who may be doubtful about the operation of this measure. It is a small restriction, indeed, but it does give a guarantee. A similar limitation has been in existence in New Zealand for more than three years. It was slightly amended

*Mr. Deakin.*

in 1903, showing that it has passed under criticism. But nothing has been done in the way of impairing it, and it does afford a guarantee to the public that the common rule does not call for any unnecessary exercise of authority. Whenever the conditions of competition may call for it, it may be applied. But when there is no competition, cases are left to be settled by an ordinary award. I understand that the honorable and learned member for Corinella does not pin himself to the phraseology which he has used, but that he is willing to leave it to the Government. I commend the matter to them.

*Mr. McCAY.*—I think we ought to have a division.

*Mr. DEAKIN.*—The Government have agreed to consider the point, and as we have nearly reached the usual hour for adjournment, and especially as we have done a fair amount of work to-night, I think we might leave it with the Government.

*Mr. WATSON.*—We have not done very much.

*Mr. DEAKIN.*—We may not have done very much so far as concerns the number of clauses that have been passed, but so far as concerns fundamental questions, we have done as much to-night as we have done on any night. We now have our fingers on the vital parts of the Bill. This clause is the very crux of the measure. Here are the powers of the Court, and here are the terms on which those powers can be exercised. When we have disposed of clause 48 we shall have very little but machinery clauses remaining to be dealt with. It seems to me that the adoption of the principle of the amendment would afford a kind of public guarantee that the common rule would not be applied in a wanton fashion.

*Mr. WATSON.*—I do not think it is likely to be so applied.

*Mr. DEAKIN.*—I think not. I agree that the distinction as to competition in production is the keynote, but think that it may be enlarged in the case of transport workers. If we define work and transport widely enough, we shall bring in even the coach-drivers, the carriers, and the wharf labourers. In fact, I think there is an American or an Australian decision that already brings in wharf labourers. It is desirable to give the public a guarantee that this provision with regard to the common rule is not to be exercised unless it is really needed. It is quite

possible that gold miners might be brought in under the operation of the common rule, in, say, Ballarat and Gippsland, but gold miners in Kalgoorlie and Kimberley could hardly be brought under its operation without straining it. In the same way it might apply to coal miners working under similar conditions. But it certainly would not be wise to have a common rule applied equally to miners in New South Wales, Victoria, and, say, Kimberley. Those are the points for consideration. It seems to me that the mind of the Committee tends in one direction, and that we shall be able to shape an amendment which will be acceptable to both sides, and at the same time give the public the guarantee, to which I have referred, for what it is worth—and it will be worth something to those in remote places like Kimberley and Kalgoorlie.

Mr. WATSON.—I must say that I am rather afraid that the adoption of the amendment in its present shape would go even further than the honorable and learned member for Corinella at present intends. The mere fact of putting an indication in the clause that competition is to be the keynote of the common rule—because I think that that is what it would amount to—would incline the Court to look for substantial competition.

Mr. DEAKIN.—Real competition.

Mr. WATSON.—I think that the Court would carry that as far as language would allow it to be carried, because it might reasonably be argued that the intention of Parliament, in inserting the words, was that, before the common rule should be extended, competition should be absolutely proved, as affecting conditions of employment.

Mr. McCAY.—The word "substantial" was in the first draft of my amendment, but I crossed it out.

Mr. WATSON.—The honorable and learned member argued that there is some form of competition in the production of wool, inasmuch as it is all sent to London, so that when there is an immense oversupply prices fall, whilst when there is a shortage they rise; but that might not operate sufficiently in the minds of the Judge to merit it being regarded as substantial competition. In that case, the shearers, to deal with whom the Bill was admittedly introduced, would be left out of account altogether.

Mr. McCAY.—No; but they would be left out of the application of the common rule.

Mr. KELLY.—Cannot the Prime Minister trust the Court?

Mr. WATSON.—Certainly, if the Court is not bound by language which goes even further perhaps than the Committee contemplate. It is the honorable member for Corinella who is not trusting the Court. I am prepared to trust it by leaving out all restrictions upon the application of the common rule.

Mr. McCAY.—Then the Bill might consist of one clause, saying that a Court shall arbitrate.

Mr. WATSON.—Sooner than restrict the Court in this way, I would give it absolute freedom of action.

Mr. DUGALD THOMSON.—If arbitration were to be confined to disputes extending beyond a State, a Bill of six clauses would do.

Mr. WATSON.—Possibly. As a layman, it at first seemed to me that a much simpler Bill than that drafted would have met the case, except in regard to the extension to oversea ships, to deal with which I have given notice of amendments to-night. The amendment of the honorable and learned member for Corinella seems capable of being construed in a very restrictive sense indeed, and to an extent that would almost abolish the common rule as a feature of the Bill. It does not give that consideration to industries connected with transportation indicated by the honorable and learned member for Ballarat.

Mr. McCAY.—I explained my reasons for submitting the amendment in its present form, leaving it capable of the expansion referred to, if the Committee thought fit.

Mr. WATSON.—The honorable and learned member for Ballarat referred to the bringing in by common rule of States other than those disturbed by the original dispute. I admit that that is one of the features of the common rule. Of course there is in the minds of every person who has not seen a great deal of the working of this kind of legislation, a natural alarm as to how far it may go.

Mr. DUGALD THOMSON.—And a greater alarm in the minds of many who have seen the working of it.

Mr. WATSON.—I do not think that there is any real danger to justify fear, so far as the New South Wales experience is concerned. What I wish to point out in regard to the argument of the honorable and learned member for Ballarat is that the common rule will have a value apart

from any question of its extension to States other than those originally concerned.

Mr. DEAKIN.—Practically there will always be competition between the two States concerned.

Mr. WATSON.—It will depend upon the industry. But a dispute extending from New South Wales into Victoria may affect only a portion of an industry in each State. The organizations of employes bringing it before the Court may not represent all those employed in the industry in the two States affected, while the employers cited may not include all the employers. Therefore, in respect to either employes or employers application may very properly be made to the Court to extend the award by way of common rule to others engaged in the industry in those States.

Mr. McCAY.—There practically must be competition in such a case.

Mr. WATSON.—Not in all instances. For instance, the gold-mining industry might be concerned.

Mr. DEAKIN.—In that case there would be competition amongst the workmen.

Mr. WATSON.—In the absence of restrictive legislation, or of the restriction created by trades unions, there would be competition. The ordinary law of supply and demand would apply, so that the greater the number of workmen offering the smaller would be the remuneration, and *vice versa*. But would that be a form of competition which the Court would hold to be real and substantial, assuming that my original idea as to the construction which the Court would put upon the proviso is correct?

Mr. DEAKIN.—That depends upon the phrasing of it.

Mr. WATSON.—I admit that it can be modified to get rid of these doubts.

Mr. DEAKIN.—Why not take until tomorrow to think the matter over? It is important.

Mr. WATSON.—I admit its importance. Perhaps it is worth thinking over. It must be remembered that it was to get over a very real difficulty that this was introduced in New Zealand.

Mr. McCAY.—The reason for its introduction is not so obvious here.

Mr. WATSON.—If the honorable and learned member had heard what was told to me, he no doubt would appreciate my feeling in the matter. In New Zealand they had four separate industrial districts, and

there was an unwillingness to depart from that plan. But it was shown clearly that there was competition between the products of one district and those of another, and the acceptance of competition as the criterion or key-note of the common rule was the only practicable method under the circumstances of getting over the difficulty, and, at the same time, maintaining the original districts. It is not necessary to prove, to secure the application of a common rule within an industrial district, that there is competition there. The idea of insuring that competition shall be proved before a common rule can be extended beyond the boundaries of the industrial district to which it was originally applied was adopted in New Zealand by way of compromise. It was a compromise between the representatives of the Auckland district, which, from the point of view of the other districts, had been recalcitrant, and the other members of the House, who were urging that a general common rule should be applied over the whole of the Colony. Therefore, it was not in the nature of a well-thought-out proposal from the point of view of those who wished to make the Act effective, so much as the best scheme that could be adopted under the circumstances.

Mr. DEAKIN.—It has worked very well for three years, and has been availed of in several cases.

Mr. WATSON.—Quite so, and as compared with the previous state of affairs, and from the stand-point of those who desired to see something approaching equal conditions of industry, it was very valuable. At the same time, being a compromise, it does not afford the same example to us as it would have done if it had been adopted as the best solution of the difficulty apart from the special circumstances. I do not say that these circumstances preclude us from considering the scheme, but it is certainly less valuable than it otherwise might have been. Perhaps, it would be as well to allow a little time for consideration, and I am quite willing to report progress at this stage.

Progress reported.

#### PAPERS.

Mr. FISHER laid upon the table the following papers:—

Statement showing exports of hides, sheepskins and rags, 1901, 1902, 1903.

Reports in regard to opium-smoking in Victoria, South Australia, and Western Australia.

House adjourned at 10.42 p.m.

## House of Representatives.

*Friday, 17 June, 1904.*

Mr. SPEAKER took the chair at 10.30 a.m., and read prayers.

### MILITARY FORCES: LT.-COL. NEILD.

Mr. CHAPMAN.—I wish to know from the Prime Minister if his attention has been directed to certain statements which have been published by Lt.-Col. Neild in the Australian press, and in an English journal, reflecting upon the condition of our troops and our military equipment generally, the assertion being made that our supply of rifles is not up to war strength, while a number of other statements are made which, on the face of them, are not very correct? Will the Prime Minister take steps to contradict those statements as publicly as they have been made?

Mr. WATSON.—My colleague, the Minister of Defence, has taken notice of the statements of Lt.-Col. Neild to the extent of showing how far they are from being correct. He has taken that step publicly, though I do not know whether the Minister's contradiction conveys all that the honorable member for Eden-Monaro desires. Most of us, while admitting that the condition of our armaments and the equipment of our forces is not all that we wish, know that the condition of affairs is not nearly so bad as it has been represented to be by the statements published by Lt.-Col. Neild. My honorable colleague has pointed that out, and has, I think, definitely disposed of the general body of the assertions put forward by that officer.

Mr. CHAPMAN.—Does not the Prime Minister think it wise that a contradiction should be sent to the English journal in which the statements of Lt.-Col. Neild have appeared? Does he think that a very reserved statement, such as he has just made, to the effect that our armaments are not as good as we should like them to be, is sufficient? Would it not be wise, in the interests of the country, that a definite statement as to the rifles we have should be made, and sent to the journal in question?

Mr. WATSON.—I will bring the matter under the notice of my honorable colleague.

Mr. BAMFORD.—Does not the Prime Minister consider it advisable, seeing that the statements complained of have been

made by a military officer in the service of the Commonwealth, that further steps should be taken with a view to prevent anything of the kind happening in future?

Mr. WATSON.—That aspect of the case is, I understand, now under the consideration of my honorable colleague.

Mr. PAGE.—Is it not subversive of military discipline for an officer occupying the position in the Military Forces of the Commonwealth held by Lt.-Col. Neild to write in the strain in which he has written? Has he not brought himself within the purview of a court martial by publishing such statements?

Mr. O'MALLEY.—In Mexico they would shoot him.

Mr. WATSON.—I am not sufficiently versed in the etiquette of the profession of arms to be able to give off-hand an opinion on that aspect of the question; but, as I informed the honorable member for Herbert, the whole matter is under the consideration of the Minister of Defence.

Mr. SYDNEY SMITH.—Is it not a fact that the late Minister of Defence, replying to a question asked in this House, stated that our supply of rifles and ammunition was up to war strength, and that subsequently the position has been further improved by savings effected by the Defence Department? The statement of the Prime Minister in reply to the charges of Lt.-Col. Neild is that the position is not nearly so bad as the latter has asserted it to be. That is a rather qualified rebuttal of Lt.-Col. Neild's charges. I think that we should have, as nearly as possible, a complete statement of the position, so that we may know who is correct in this matter.

Mr. WATSON.—If the honorable member means a complete statement of the condition and extent of our munitions of war, I do not think that it would be proper to place such information upon the table and to make it public.

Mr. DEAKIN.—If our war supplies are up to war strength, a statement to that effect might be made.

Mr. WATSON.—A general statement such as that might be made, but it is not usual for a Government to disclose, for the benefit of all and sundry, their exact resources in regard to munitions of war. I shall, of course, lay all the matters mentioned before the Minister of Defence, and obtain his advice as to how far we may reassure the public by a statement as to the actual condition of affairs.

Mr. SYDNEY SMITH.—I think that the House should receive some information in regard to this matter.

Mr. SPEAKER.—The honorable member must not enter upon a discussion. He is entitled only to ask a question.

Mr. SYDNEY SMITH.—Inasmuch as we expend something like £800,000 a year upon defence, is it not right that we should be informed in regard to the position generally, more especially in view of the serious charges which have been made by an officer of the Commonwealth Forces? Apparently the Prime Minister, after a consultation with the Minister of Defence, can see his way to give only the qualified answer that the position is not nearly so bad as it has been said to be.

Mr. WATSON.—The honorable member makes a misstatement in saying that I spoke after consultation with the Minister of Defence, because I had no knowledge that these questions would be asked this morning, and, therefore, had no opportunity to consult my colleague upon the subject-matter of the inquiry. As a private member, I myself, acting upon information supplied to the first Minister of Defence, stated in this Chamber that, in my opinion, we should make further provision in the way of armaments and munitions of war, and a few weeks ago, in putting forward the Government policy, I informed honorable members that this Ministry intend to do that. Under these circumstances, it would be folly for me to say that the position as to our armaments and so on is absolutely satisfactory. I do not think it will be satisfactory until we have an absolute reserve supply, and a sufficiently large number of rifles and a big enough store of other munitions of war to equip more than the war strength provided for in the scheme furnished by Major-General Hutton.

Mr. SYDNEY SMITH.—Did not the late Minister say that a large saving had been effected, and the money used to provide munitions of war?

Mr. WATSON.—As I indicated the other evening, when speaking upon the Supplementary Estimates, a sum of nearly £50,000 was diverted—I think properly—by the late Minister of Defence and the late Treasurer from some less urgent expenditure to provide reserve ammunition and armaments, chiefly in the nature of rifles.

Sir JOHN FORREST.—The Government are robbing Peter to pay Paul. They are giving away half the Fremantle fortifica-

Mr. WATSON.—All the money voted for the Fremantle fort could not have been spent this year in any case, because of engineering difficulties which stood in the way. However, we have no intention to leave Fremantle defenceless. I shall bring the whole matter under the notice of my honorable colleague, and shall consult him as to the best way to meet the charges which have been referred to, which are undoubtedly, in their general tenor, incorrect and improper.

Mr. SALMON.—The article in question contained a gross libel upon an arm of the service with which the writer is not connected—the Mounted Forces. Under these circumstances, I ask the Prime Minister whether inquiry should not be made to ascertain the correctness or otherwise of the statements complained of, so that a stigma which, in my opinion, they do not deserve, may be removed from a number of men who did valuable service in the field—where, I understand, the officer who makes the statements was not considered competent to leave a part.

Mr. WATSON.—I shall have inquiries made into that aspect of the question, too.

Mr. SYDNEY SMITH.—I understand that a proposal has been made for rendering our cadet system more efficient, and I wish to know from the Prime Minister if the question has been dealt with. I should also like to be informed, seeing that there are now two Committees of this Parliament inquiring into military matters, whether he has considered the advisableness of appointing a Commission on lines similar to those followed in England, to inquire into the whole condition of our Military Forces. Although in England they have had centuries of experience in practical warfare, whereas we have only on one or two occasions had any connexion with it, they have considered it advisable to appoint a Commission such as I suggest should be appointed here.

Mr. WATSON.—It must be remembered that it is impossible to arrange these important services all at once, or to provide all that we wish to provide for the improvement of our defence. We would all like to be in a position, if necessity arose, to put into the field every adult in Australia, equipped and armed. That is ideal to be aimed at, but we cannot expect to attain it all at once. The last Government, as they went on, shaped and trimmed our military organization very largely, and we hope to do something further in that

direction. But I do not at present see the need for a Commission such as the honorable member suggests. I shall have the matter inquired into when the Cabinet are considering the military estimates and the policy to be pursued in regard to defence.

Mr. SYDNEY SMITH.—The English Government have appointed a Military Board of Advice.

Mr. WATSON.—The English War Office is much older than ours, and for that reason has become encrusted with excrescences, so that it is more difficult to reform. Ours is merely a tentative system.

Mr. McWILLIAMS.—I think that upon investigation the Minister will see that there is need for some reform.

Mr. WATSON.—Yes; but our whole system could be changed by a stroke of the Minister's pen, whereas the position is very different in England. There they were forced to appoint a Board of Advice, because, without the weight of the recommendations of an independent body such as that, the Department could not have been moved. In Australia, fortunately, we can move in these things very quickly. I shall have the matter inquired into.

Mr. O'MALLEY.—Is there any truth in the rumour that the gentleman in question has been appointed Field Marshal of the Chinese Army in Manchuria to succeed General Ma?

Mr. WATSON.—I have heard nothing of the matter.

#### PAYMENTS TO ELECTORAL OFFICERS.

Mr. ROBINSON.—I desire to ask the Minister of Home Affairs whether his attention has been directed to a letter which appears in the *Argus* of to-day, stating that one of the Deputy Returning Officers for the electoral division of Wannon has not yet received payment for his services at the last general election. The writer affirms that the officer was paid a certain sum upon one occasion, and that he received a few shillings upon another; also, that a third small payment was made. Cannot some arrangement be made to fully satisfy the claims of electoral officers, instead of paying them in dribblets?

Mr. BATCHELOR.—I did not see in the newspaper to which the honorable member has referred any letter from a divisional returning officer; but I did see an anonymous letter referring to the non-payment of certain electoral claims in connexion with

the Wannon division. If the officer concerned would apply to me direct, I should be able to say whether or not his statements are true. All deferred claims are being examined most carefully. In the *Argus* of this morning I observed another letter, in which reference is made to my pre-Ministerial attitude upon this question, and it is suggested that that attitude has recently undergone a change. I desire to say that, inasmuch as I could have taken up no pre-Ministerial attitude on matters of which I had absolutely no cognisance, there can have been no change in my opinions. Every claim made by an electoral officer for payment is being inquired into, and the accounts are being settled almost off-hand.

Mr. McWILLIAMS.—But were not these accounts forwarded to the Department months ago? Surely they should have been settled.

Mr. BATCHELOR.—The accounts which remain unpaid are those which have been disputed. They are cases in which there is a very material difference of opinion between the officers and the Department as to the importance and value of the work performed.

Mr. McWILLIAMS.—Should not all officers have known what they were to receive?

Mr. BATCHELOR.—It would have been a great deal better had they done so. Arrangements have now been made which will prevent a repetition of these claims. At future elections every officer, before entering upon his duties, will know definitely the payment which he is to receive for his services. At the last election, which was the first conducted under the Commonwealth law, it was very difficult for the Department to decide what was a fair remuneration for certain work, and to secure electoral officers who would undertake it at that rate. Both the scale of remuneration and the character of the work differed in the various States, and the attempt by the Department to establish a uniform rate of pay failed. The officers had had no experience of the work that would be required of them under the Act. That has been the cause of all the trouble in reference to the settlement of claims. As accounts are received, and the Department is satisfied that an officer has not been treated as liberally as he should have been, further payments are made. I assume that that is the reason why the officer referred to by the honorable member for Wannon has received several payments

are admitted to be fair by both employers and employes. Unfortunately, we find that in almost every industry there are exceptional cases. On the one hand, we may have a grasping employer, who desires to reap undue advantages at the expense of other employers, by calling upon his workers to do more than he should reasonably expect, while on the other we have in some cases employes who are unduly and unnecessarily aggressive. These elements have, on rare occasions, led to strikes and lock-out that have been productive of much evil, and with a view to cure that evil it was proposed that some measure of this kind should be introduced. The intention was that it should deal only with the particular cases in which the evil existed; but we propose now to go further, and to establish new conditions based, not upon what experience has shown an industry can afford, but on the sweet will of that mysterious entity which we choose to call "the Court." The Court means, after all, only one man, and, perhaps a very commonplace individual. I have no hesitation in saying that if we allow any one to recklessly alter the conditions, based on experience of what the various industries can pay, that have grown up in Australia, we shall do far more harm than good. I have supported this Bill as earnestly as any one to the extent that I think it necessary that it should go, in order to cure known evils, but I go no further. If the Bill is allowed to go beyond that limit, it will probably result in the destruction of a number of industries, and the throwing of hundreds, and, perhaps, thousands, of persons out of employment. I am sorry to say that, when we speak of the Court, some of us appear to be inclined to lose our heads. We seem to imagine that the Court will be endowed with superhuman intelligence, and will be able to do that which no human being has been able to satisfactorily perform—that it will be able to consider the intricacies of all trades, and to prescribe a remedy for every evil associated with them. Most of us have read of the way in which Sairey Gamp invested her mythical friend, "Mrs. Harris," with all the attributes of human excellence that her imagination could conjure up, and we remember how rudely her idol was shattered when Betsey Prig declared, on a memorable occasion, "I don't believe there's no sich person." If we could learn in advance of the name of the gentleman who will constitute the Court, should we have such confidence in his judg-

*Mr. McLean.*

ment as we seem at present to profess? If we could speak of the Court as "Tom Jones," or by whatever is the name of the individual who is to constitute it, we should, perhaps, not have such unbounded faith in it. There is very little doubt that we are all acquainted with the gentleman who is to constitute the Court. If the Court were established in advance, we should know what we were doing, and should not speak of this tribunal with such bated breath, and in such terms of reverence as we do now. We should speak of the man who constituted it as we knew him. The gentleman to be selected will probably have the confidence of almost every honorable member. I have no doubt that the most suitable man who can be selected for the position will be chosen; but he will be only human, and if we knew exactly who he was to be, we should not be disposed any longer to regard him as being able to deal with all the evils that may arise. The duty of dealing with a known evil is very different from that of dealing with cases in which it will be necessary to establish entirely new conditions. It would be utterly impossible for any human being to establish new conditions not based on past experience. What will the Judge have to guide him, unless it be the experience of that which already exists? If he is to take the cases already existing in connexion with the various industries, there will be no necessity for a common rule. A common rule should apply only to exceptional cases. The rates of wages and hours of labour to be fixed should be those which at present prevail in the great majority of industries throughout the Commonwealth; but the exceptional cases in which unduly low wages are paid should be dealt with, and the wages raised to the standard of the others. I will not go so far as to say that men who, as the result perhaps of having exceptional good management, are able to pay something more than the average rate, should be compelled, as they would be by the application of the common rule, to reduce their wages to the rates ruling throughout the great bulk of the industries. That would not be fair. If those who conduct businesses that are exceptionally profitable find that they can pay high wages, why should we not permit them to do so? Why should we step in and say, "After this, you must not pay more than a certain wage?" It is impossible to reduce any

industry to one dead level. Every business man of experience knows that some persons pay the wages prevailing throughout the industry in which they are engaged, and perhaps make fortunes; whilst others in the same line become bankrupt. Why attempt to level human nature when we know that it is not equal? Some employers can pay a good deal more than others, and we should content ourselves with dealing with those cases in which unreasonably low wages are given. If we bring the wages paid in those cases up to the general average, we shall not require to apply any common rule; and instead of endeavouring to level an industry from end to end it will be necessary to deal only with the diseased portion of it. That is all I thought was intended when this Bill was introduced. I never imagined that it was proposed to do more than deal with the abuses that arise in every industry. The Wages Boards created under the Victorian Factories Act were appointed only to raise the wages in those branches of business in which unduly low rates were paid. Whilst I administered that Act I appointed more Wages Boards than did my predecessors, but in every case I first made a very careful investigation. The result of my investigations was that nineteen out of twenty, and I might even say ninety-nine out of every 100, were found to be paying fair wages, and their men admitted that they did. But there were a few exceptional cases in each trade where individual employers paid absurdly low wages. My object in appointing Wages Boards was to bring the wages in those cases up to the ordinary or average level of wages paid by the other employers. There was never any intention on my part to pull down wages, as is proposed by the institution of this common rule. I think it is a mischievous interference with the generous employer who is doing well, and is prepared to pay more than the ruling wage. The operation of this common rule provision will prevent him doing so, and if he desires to do so, I ask, why we should not permit him to do so?

Mr. FISHER.—He will be able to do so under this provision.

Mr. McLEAN.—He will not if we establish a common rule.

Mr. FISHER.—He can give as much more than the ruling wages as he pleases.

Mr. McLEAN.—Then to do so he will have to go behind the Act.

Mr. WATSON.—No; it would be quite in conformity with the Act for him to give as much more than the wage fixed by the common rule as he pleases. That is done frequently in New South Wales. Wages much higher than those fixed by the Court are paid in some cases.

Mr. McLEAN.—We know that the object of the common rule is to establish a rate of payment—

Mr. FRAZER.—A minimum rate.

Mr. McLEAN.—It is not a minimum rate.

Mr. WATSON.—It is, and it is nothing else.

Mr. McLEAN.—In any case, honorable members opposite are doing all they can to discourage the generous employer from giving more than the wages fixed by the common rule.

Mr. WATSON.—Not at all. He will be better able to give more when his competitors are compelled to give fair wages.

Mr. McLEAN.—Can honorable members opposite give a single reason, based upon common sense, why we should interfere in cases where no disputes have arisen, where employers and employés are working harmoniously together?

Mr. WATSON.—The honorable gentleman did it himself under the Factories Act in Victoria by the introduction of the Wages Boards.

Mr. McLEAN.—I observe the seraphic smile beaming on the countenance of the honorable member for Darling. We know what that honorable member said here the other night. He said, "Give us this Bill, and we shall very soon get up a dispute, and we shall very soon extend it beyond the limits of a State."

Mr. SPENCE.—That is not correct.

Mr. McLEAN.—My honorable friend sees before him a rich harvest of the kind in which he has been accustomed to revel in the past.

Mr. SPENCE.—We cannot work up a dispute where there is no grievance.

Mr. McLEAN.—I know that my honorable friend is well able to induce people to believe that they have a grievance.

Mr. WATSON.—What was the institution of the Wages Boards under the Victorian Factories Act but the application of a common rule to all engaged in a particular industry.

Mr. McWILLIAMS.—Yes; and it made the minimum wage the maximum in every instance.



are admitted to be fair by both employers and employes. Unfortunately, we find that in almost every industry there are exceptional cases. On the one hand, we may have a grasping employer, who desires to reap undue advantages at the expense of other employers, by calling upon his workers to do more than he should reasonably expect, while on the other we have in some cases employes who are unduly and unnecessarily aggressive. These elements have, on rare occasions, led to strikes and locks-out that have been productive of much evil, and with a view to cure that evil it was proposed that some measure of this kind should be introduced. The intention was that it should deal only with the particular cases in which the evil existed; but we propose now to go further, and to establish new conditions based, not upon what experience has shown an industry can afford, but on the sweet will of that mysterious entity which we choose to call "the Court." The Court means, after all, only one man, and, perhaps a very commonplace individual. I have no hesitation in saying that if we allow any one to recklessly alter the conditions, based on experience of what the various industries can pay, that have grown up in Australia, we shall do far more harm than good. I have supported this Bill as earnestly as any one to the extent that I think it necessary that it should go, in order to cure known evils, but I go no further. If the Bill is allowed to go beyond that limit, it will probably result in the destruction of a number of industries, and the throwing of hundreds, and, perhaps, thousands, of persons out of employment. I am sorry to say that, when we speak of the Court, some of us appear to be inclined to lose our heads. We seem to imagine that the Court will be endowed with superhuman intelligence, and will be able to do that which no human being has been able to satisfactorily perform—that it will be able to consider the intricacies of all trades, and to prescribe a remedy for every evil associated with them. Most of us have read of the way in which Sairey Gamp invested her mythical friend, "Mrs. Harris," with all the attributes of human excellence that her imagination could conjure up, and we remember how rudely her idol was shattered when Betsey Prig declared, on a memorable occasion, "I don't believe there's no sich person." If we could learn in advance of the name of the gentleman who will constitute the Court, should we have such confidence in his judg-

*Mr. McLean.*

ment as we seem at present to profess? If we could speak of the Court as "Tom Jones," or by whatever is the name of the individual who is to constitute it, we should, perhaps, not have such unbounded faith in it. There is very little doubt that we are all acquainted with the gentleman who is to constitute the Court. If the Court were established in advance, we should know what we were doing, and should not speak of this tribunal with such bated breath, and in such terms of reverence as we do now. We should speak of the man who constituted it as we knew him. The gentleman to be selected will probably have the confidence of almost every honorable member. I have no doubt that the most suitable man who can be selected for the position will be chosen; but he will be only human, and if we knew exactly who he was to be, we should not be disposed any longer to regard him as being able to deal with all the evils that may arise. The duty of dealing with a known evil is very different from that of dealing with cases in which it will be necessary to establish entirely new conditions. It would be utterly impossible for any human being to establish new conditions not based on past experience. What will the Judge have to guide him, unless it be the experience of that which already exists? If he is to take the cases already existing in connexion with the various industries, there will be no necessity for a common rule. A common rule should apply only to exceptional cases. The rates of wages and hours of labour to be fixed should be those which at present prevail in the great majority of industries throughout the Commonwealth; but the exceptional cases in which unduly low wages are paid should be dealt with, and the wages raised to the standard of the others. I will not go so far as to say that men who, as the result perhaps of having exceptional good management, are able to pay something more than the average rate, should be compelled, as they would be by the application of the common rule, to reduce their wages to the rates ruling throughout the great bulk of the industries. That would not be fair. If those who own businesses that are exceptionally profitable find that they can pay high wages, why should we not permit them to do so? What should we step in and say, "After this you must not pay more than a certain wage?" It is impossible to reduce

industry to one dead level. Every business man of experience knows that some persons pay the wages prevailing throughout the industry in which they are engaged, and perhaps make fortunes; whilst others in the same line become bankrupt. Why attempt to level human nature when we know that it is not equal? Some employers can pay a good deal more than others, and we should content ourselves with dealing with those cases in which unreasonably low wages are given. If we bring the wages paid in those cases up to the general average, we shall not require to apply any common rule; and instead of endeavouring to level an industry from end to end it will be necessary to deal only with the diseased portion of it. That is all I thought was intended when this Bill was introduced. I never imagined that it was proposed to do more than deal with the abuses that arise in every industry. The Wages Boards created under the Victorian Factories Act were appointed only to raise the wages in those branches of business in which unduly low rates were paid. Whilst I administered that Act I appointed more Wages Boards than did my predecessors, but in every case I first made a very careful investigation. The result of my investigations was that nineteen out of twenty, and I might even say ninety-nine out of every 100, were found to be paying fair wages, and their men admitted that they did. But there were a few exceptional cases in each trade where individual employers paid absurdly low wages. My object in appointing Wages Boards was to bring the wages in those cases up to the ordinary or average level of wages paid by the other employers. There was never any intention on my part to pull down wages, as is proposed by the institution of this common rule. I think it is a mischievous interference with the generous employer who is doing well, and is prepared to pay more than the ruling wage. The operation of this common rule provision will prevent his doing so, and if he desires to do so, I ask, why we should not permit him to do so?

Mr. FISHER.—He will be able to do so under this provision.

Mr. McLEAN.—He will not if we establish a common rule.

Mr. FISHER.—He can give as much more than the ruling wages as he pleases.

Mr. McLEAN.—Then to do so he will have to go behind the Act.

Mr. WATSON.—No; it would be quite in conformity with the Act for him to give as much more than the wage fixed by the common rule as he pleases. That is done frequently in New South Wales. Wages much higher than those fixed by the Court are paid in some cases.

Mr. McLEAN.—We know that the object of the common rule is to establish a rate of payment—

Mr. FRAZER.—A minimum rate.

Mr. McLEAN.—It is not a minimum rate.

Mr. WATSON.—It is, and it is nothing else.

Mr. McLEAN.—In any case, honorable members opposite are doing all they can to discourage the generous employer from giving more than the wages fixed by the common rule.

Mr. WATSON.—Not at all. He will be better able to give more when his competitors are compelled to give fair wages.

Mr. McLEAN.—Can honorable members opposite give a single reason, based upon common sense, why we should interfere in cases where no disputes have arisen, where employers and employés are working harmoniously together?

Mr. WATSON.—The honorable gentleman did it himself under the Factories Act in Victoria by the introduction of the Wages Boards.

Mr. McLEAN.—I observe the seraphic smile beaming on the countenance of the honorable member for Darling. We know what that honorable member said here the other night. He said, "Give us this Bill, and we shall very soon get up a dispute, and we shall very soon extend it beyond the limits of a State."

Mr. SPENCE.—That is not correct.

Mr. McLEAN.—My honorable friend sees before him a rich harvest of the kind in which he has been accustomed to revel in the past.

Mr. SPENCE.—We cannot work up a dispute where there is no grievance.

Mr. McLEAN.—I know that my honorable friend is well able to induce people to believe that they have a grievance.

Mr. WATSON.—What was the institution of the Wages Boards under the Victorian Factories Act but the application of a common rule to all engaged in a particular industry.

Mr. McWILLIAMS.—Yes; and it made the minimum wage the maximum in every instance.

Mr. WATSON.—It did nothing of the sort.

Mr. McLEAN.—When the Victorian Factories Bill was being framed I took a very great deal of interest in it, and later on I took great interest in the administration of the law. My only reason for establishing Wage Boards was to cure a few cases where employers were paying absurdly low wages.

Mr. WATSON.—To fix a common rule.

Mr. McLEAN.—To bring the wages paid in those cases up to the level of fair wages.

Mr. WATSON.—Hear, hear.

Mr. McLEAN.—To that extent I am prepared to go heart and soul with the honorable gentleman in this Bill; but honorable members opposite propose to go a long way beyond that. They are proposing to give power to the Court to fix an arbitrary level. What is the object of the common rule, if it is not to fix a new standard of pay and hours of labour on the judgment of one individual, as opposed to the experience of the whole of our past industrial life? That is the object of the common rule proposed under this Bill, and that is how it will operate. I can see that a great deal of injury may result from it in the future. It appears to me that where we have one ounce of useful, beneficent legislation, we load it with more than a pound of mischievous matter, which will do more harm than good. I ask honorable members opposite to try to be reasonable. If they would only be reasonable, and propose to deal with actual grievances, honorable members would be united in supporting them. But when they propose to dislocate trade, and to make the success or non-success of our future industrial life dependent on the judgment of one individual whom they dignify by the name of "the Court," they are going a great deal too far. They are treading on very dangerous ground, and I am afraid that when it is too late they will find out that they are doing more harm to the people whom they desire, and I believe honestly desire, to benefit, than they dream of at the present time. I say this as one who has had some experience of business, and who knows what he is speaking about. I hope that the Government will at least accept the amendment of the honorable and learned member for Corinella. It is in the right direction, but the very terms of that amendment show that it also goes too far. It provides for the establishment of a com-

mon rule where there is any competition between the parties affected. That shows distinctly that it is a new standard that is sought to be created.

Mr. POYNTON.—Was it not exactly the same under the honorable member's Wage Boards?

Mr. McLEAN.—No, this is widely different. In the first place the provision in the Victorian Act for Wage Boards was brought into operation only after an investigation of the conditions of a particular trade. A common rule is not established by an award of a Wage Board.

Mr. POYNTON.—Did it not apply to the whole metropolitan area?

Mr. SPENCE.—It applied to the industry in each case.

Mr. McLEAN.—The Wage Boards took into consideration one particular industry.

Mr. SPENCE.—That is all this Bill proposes to do.

Mr. McLEAN.—It proposes to deal with an individual case, but the moment the Court has dealt with that case the common rule is applied to the whole of the industry. My experience in the administration of the Victorian Factories Act was that the employers were almost as anxious as were the employes for the appointment of Wage Boards. They used to tell me the reason. They said, "We pay a fair wage to our men, and they all admit it, but we have to compete with those who pay miserably low wages." Those were very few in number. I believe that if I said they constituted one out of every twenty I should be overstating their number. I do not think there was anything like that proportion of employers who paid an unduly low rate of wages. The Wage Boards were brought into operation merely to remedy the evil existing in those cases. But we knew, after investigation, who would be affected by the awards of the Wage Boards. We could put our hands on the individual who would be affected. Honorable members opposite will not be able to do that in the case of an award fixing a common rule.

Mr. HUGHES.—This Bill will do exactly the same thing.

Mr. McLEAN.—It will do nothing of the kind. A common rule, under this Bill, will apply over the continent of Australia, and will affect people whom the persons fixing the common rule have never heard of. It is all very well to say that notice will be

given to persons affected, to be represented. Why, in the name of common sense, should we compel a person who may be carrying on some little industry, or engaged in mining, a thousand miles away in the interior of this continent, and who may have no grievance whatever with his employers, or they with him, to send a delegate to the Court to give reasons why he should not be interfered with? That is a mischievous interference with industry. Is it any wonder that, in the face of all this kind of thing, we are losing our population as rapidly as people can go away from us? It is all very well for the Prime Minister to laugh.

Mr. WATSON.—I do laugh, considering that Victoria was losing population when the State was without this legislation.

Mr. McLEAN.—We never lost population before we began this legislation.

Mr. WATSON.—The honorable member's legislation?

Mr. McLEAN.—Of course, after the collapse of the banks and other financial institutions in 1892, we had a short period of depression before we began this legislation. I think I should be right in saying that that period of depression was concurrent with the introduction of this legislation. I was a supporter of this legislation.

Mr. HUGHES.—The honorable member has been one of those who has been ruining the country by introducing this legislation.

Mr. McLEAN.—I did not do it for the reason confessed by my honorable and learned friend last night, when he said, in connexion with these industrial disputes, that they were very profitable to himself.

Mr. HUGHES.—No, I did not say that.

Mr. McLEAN.—I never made any personal profit out of legislation, and if my honorable and learned friend is actuated by any motives of that kind he cannot expect my sympathy.

Mr. WATSON.—That is not fair.

Mr. HUGHES.—I did not say that.

Mr. McLEAN.—When the honorable and learned gentleman was speaking across the table to the honorable and learned member for Wannon, he told him that his connexion with these institutions had always paid him—that he had made it pay.

Mr. HUGHES.—I did not.

Mr. McLEAN.—That is not our object.

Mr. HUGHES.—I did not say that.

Mr. McLEAN.—If my honorable and learned friend wishes to withdraw—

Mr. WATSON.—There is no withdrawal.

Mr. HUGHES.—No; I did not say that.

Mr. McLEAN.—I accept the honorable and learned gentleman's denial, but we shall see from *Hansard* what he did say.

Mr. HUGHES.—I did not say that. Will not the honorable gentleman accept that statement?

The CHAIRMAN.—Order. The honorable member for Gippsland has accepted the honorable and learned gentleman's denial.

Mr. McLEAN.—I do not go so far as to say that this legislation is the cause of our losing our population. I do not think that it has had much to do with it, but I do say emphatically that it is since we began this legislation that a serious loss of our population has occurred. I say, further, that I know from personal experience—though I do not admit that there was a justification for it—that this legislation has been the cause of the withdrawal of a great deal of capital from investment in industries that would have given a great deal of employment in Victoria.

Mr. SPENCE.—Not in those industries which come under the Wages Boards.

Mr. McLEAN.—I believe that those who possess capital were unduly alarmed, and without sufficient cause, but that they were alarmed I know, because in my own experience I am aware of many individuals who have withdrawn capital from industrial enterprises. I know also of persons who have been deterred from establishing industries here by the fear of what might result from this kind of legislation. I know that when we go too far in this direction we run a great risk not only of closing some of our existing industries, but also of preventing people investing money in the establishment of new industries, which, if established, would give a great deal of employment, and would attract population to our shores instead of driving it away. I feel strongly upon this matter, because I am perfectly sure that the extent to which it is proposed to push this legislation seriously menaces the future welfare of the Commonwealth. I wish, at least, to have the satisfaction of placing my views on record, although, in the present temper of our honorable friends opposite, I fear that they will have but very little effect.

Mr. WEBSTER (Gwydir).—After the remarkable speech by the honorable member for Gippsland, one might readily be excused for asking whether he is the same gentleman who assisted in placing on the statute-book of Victoria a set of laws

which, in my opinion, does credit to himself and the Parliament of which he was then a member. Why should such heat be introduced into this discussion? The object of the Victorian legislation was the relief of employes, who are under-paid and sweated, and who live under conditions far from just and equitable; and I cannot understand how the honorable member for Gippsland can now condemn a provision which has exactly the same end in view. I cannot see that the amendment is very important, or can be very effective.

Mr. McCAY.—Then accept it.

Mr. WEBSTER.—I suppose that the honorable and learned member for Corinella, like many legal gentlemen, implies that it is impossible for a layman to see anything?

Mr. McCAY.—I am merely asking why you do not accept the amendment, if it be such as you describe.

Mr. WEBSTER.—It is not necessary to introduce an amendment, which only makes the clause more confusing than it was originally.

Mr. WILSON.—The amendment modifies the clause.

Mr. WEBSTER.—That is not so; and I shall show the position as it appears to me. The clause deals with the application of an award to the industries affected; and honorable members of the Opposition, who talk so much about placing too much confidence in the Judge, seem to lose sight of the fact that our whole system of jurisprudence implies confidence in our Judiciary.

Mr. McWILLIAMS.—But there is no appeal from this Court.

Mr. WEBSTER.—I know there is no appeal in the ordinary sense of the term, but the Judge may apply to the High Court as to points of law about which he is in doubt.

Mr. McCAY.—There is no appeal in the proper sense of the term.

Mr. WEBSTER.—I know there is no appeal according to the usual methods. I have no hesitation in giving the Judge the power proposed, because the Court has the right to review any award on the production of new evidence that the award is operating unjustly or hardly on any section of employers or employed. There may be no right of appeal, but this Court can do what other Courts cannot do, viz., review cases in the light of new evidence. The amendment indicates that the honorable and learned member for Corinella is afraid that,

under the clause as it stands, the Court, in applying the common rule, may be inclined to extend that rule all over the Commonwealth, without regard to common-sense or reason. I have seen the common rule in operation in New South Wales, and remember the discussion which took place on the clause in the Parliament of that State; and the object of such legislation is to bring into line competing industries, one section of which has appealed to the Court and obtained an award. The Court would never think for a moment of reducing wages which, in the same industry in another State, were higher than those fixed by an award. That would be no part of the business of the Court. The very fact that in a certain industry—in, say, Western Australia—wages were higher than in some of the other States would be clear proof that the conditions were different, and the Judge, as a man of common-sense, would realize the position disclosed by the evidence. Under such circumstances there could be no danger of the application of a common rule; the only result would be the raising of lower wages to the level of the rate fixed by the award.

Mr. KELLY.—Is it not natural to suppose that the higher rate of wages would come down to the minimum?

Mr. WEBSTER.—That has not been the experience where a similar law is in operation.

Mr. KELLY.—Does the honorable member think that an employer wishes for charity's sake to pay higher wages than he need?

Mr. WEBSTER.—I do not quite catch the question. The honorable member seems to have a habit of ruminating on a discussion, and of putting little puzzling questions at inopportune times. I happen to be in a position different from that occupied by the honorable member, inasmuch as I have had experience both as an employer and as an employé; and I, therefore, possess knowledge which, owing to his environment, he cannot have obtained. Honorable members on this side have not only had experience as employes, but have had as keen an association with employers and their interests as has the honorable member or any of those who taught him what he knows.

Mr. KELLY.—We are not considering the interests of employers, but the interests of the country.

Mr. WEBSTER.—I am discussing the point raised by the honorable member's irrelevant interjection.

The CHAIRMAN.—The honorable member for Gwydir need not notice interjections.

Mr. WEBSTER.—I realize that fact, Mr. Chairman, and I also realize that if the practice of interjecting had not been indulged in so largely, this discussion would have been shortened to a very material degree. Personally, I prefer neither to interject nor to notice interjections. The opponents of the clause have a fear that the Court will bring down the higher wages paid in States other than that in which the award is given—that wages will be reduced to the level of the award. Such an idea is ridiculous on the face of it. How does the honorable and learned member for Corinella propose to define where competition begins and where competition ends?

Mr. McCAY.—I am going to trust the Court.

Mr. WATSON. — We want to trust the Court, but the honorable member for Corinella does not.

Mr. WEBSTER. — I want to trust the Court in matters affected by this clause; and, after all, the Court has to be trusted in much more critical matters. Take the case of an industry in which an award has raised the wages, by, say, 2s. per week. Although the product of a similar industry in an adjoining State may not hitherto have been in competition, it comes into competition immediately the award is given, because it is produced under cheaper conditions. That seems clear enough. The amendment certainly does not improve the clause, but leaves even more complicated questions to be dealt with by the Judge. However, I do not think the amendment would make a great deal of difference, seeing that it is simply explanatory, or an instruction to a Judge as to the limits within which the award shall apply.

Mr. McWILLIAMS.—That is just exactly what we want.

Mr. WATSON.—That is, honorable members are not prepared to trust the Judge.

Mr. WEBSTER.—There is no necessity for the amendment, because the Judge will not apply an award except where it is necessary. By the amendment a position is created which will make it very difficult for any Judge—even the intelligent Judge such as has been indicated by the honorable member for Gippsland—to

ascertain what the legislation means; whether it means competition at the time an award is given, or competition which is likely when the conditions are altered in a particular industry in a State. These are matters of moment. I certainly think the Committee would do well to consider, not only the wording of the amendment, but its application. I am surprised to hear the honorable member for Gippsland attributing to legislation of this kind the fact that population and capital are leaving the country. So far as Victoria is concerned, I dare say that to some extent the honorable member's statement is correct; but any man who has studied the Federal Constitution, must have realized that when once Federation was got into working order and a uniform Tariff imposed, capital must naturally leave Victoria for New South Wales, where industries will ultimately be developed. Under the strictly protective Tariff which previously prevailed in Victoria, industries were developed in that State, but immediately the conditions were altered under the Federal régime, attention was directed to fields which are greener in New South Wales, and where the possibilities are greater.

Mr. McLEAN.—I spoke of capital that I know to have been withdrawn from industries from fear of the effects of legislation of this kind.

Mr. WEBSTER.—If that is so, the honorable member has not been happy in setting the example he did as a statesman in the Victorian Legislature. After leading the people up to the stage of believing that the operation of the Victorian law—which the honorable member did so much to pass, and which has done so much for so many poor people in this State—would improve their lot, the honorable member condemns us because we want to apply a law of a similar character to the Commonwealth.

Mr. McLEAN.—I stated that I thought that people were alarmed and that there was not proper justification. But notwithstanding they were alarmed, and did withdraw capital.

Mr. WEBSTER.—This idea about the withdrawal of capital is a nightmare. The honorable member for Wentworth laughs. Of course I know that he understands all about these matters. It cannot be expected that to a gentleman of such attainments, such questions would be wrapt in mystery. There are, of course, no doubts in his mind. The statistics of New South Wales

with regard to the amount of capital which has been spent in that State in the development of industries since the Labour Party came into existence, and since this so-called socialistic legislation has been in operation, show that the hue and cry about the withdrawal of capital is entirely unwarranted.

Mr. KELLY.—Let us have those statistics.

Mr. WEBSTER.—More money has been invested in New South Wales during the last four years than in any period in the history of the State. I shall be out of order in entering into questions which are foreign to the amendment, but I think it necessary to say that all this talk about the effect of such legislation as we are now passing upon the future of Australia is absolutely groundless. In my opinion the future will show—as has been the case in New Zealand—that this legislation will tend, not to drive capital from the country but to bring it to Australia; not to retard progress, but to assist in development; not to degrade the people, but to lift them to a higher level where they can live as human beings. The whole trend of this legislation is to elevate humanity instead of keeping them where our opponents desire to keep them, under the heel of capital, so that the capitalists can live on them to their heart's content.

Mr. McCAY (Corinella).—If I may be permitted to return to the subject before the Chair, and not to emulate some of the second reading speeches which we heard, I may say a word or two about the amendment. The Government has suggested an alternative.

Mr. WATSON.—The honorable and learned member may as well wait a little while; we may have something else to suggest.

Mr. McCAY.—I understood that there was some possibility of our being able to arrive at some form of expression that would be mutually agreeable. In default of that, I wish to say that I think the whole debate has shown that the idea expressed in my amendment, as to what is the justification for the application of the common rule, is practically admitted all round to be the correct basis. Consequently I am unable to understand the vigour with which some honorable members are opposing it. The best objection raised to it so far as I have been able to understand is, "as the Court will act

upon this principle in any event, what is the good of putting it in the Bill and confusing the Court?" If this is the sort of thing that the Court would do, it is just the sort of thing that the Legislature should insure being done, by directing it to be done. As I said last night, if the form of my amendment prevents the proper application of the common rule, where there is what we may call "a product of industry" in question, I am quite prepared to amend the amendment to that extent, by, for example, inserting the words "labour or" wherever the word "products" occurs. So that it would read—

The common rule shall apply only when the labour or the product enters into competition with the labour or the product.

I would change the word "products" into "product" as a mere matter of grammar, and change the word "enter" into "enters," making the amendment read in this way—

Except where the labour or product of the industry of the persons whom the common rule is to bind, enters into competition with the labour or product of the industry of the parties to the dispute, or of the members of the organizations, parties to the dispute.

I am prepared to offer that as a compromise to the Government if they will accept it. It should meet all their objections except, possibly, this one—that they may desire to insert the words "enters, or is likely to enter." To that proposal I could not agree, because it seems to me that the duty of the Court is to determine on facts and not to anticipate events. At the very worst, if there is some product which it is supposed is likely to enter into competition, though it does not enter into competition at the time—if it does immediately afterwards enter into competition—it only means an application to the Court to declare a common rule. Common rules are of so potent effect that they should not be lightly made, and any reasonable appeal of that kind, or any reasonable publicity, seems to me not undesirable, but desirable, in the interests of both sides alike. Therefore, I say to the Government, that the use of the words, "likely to enter," opens up an infinitely wider field of conjecture than either the paragraph as it stands, or the amendment as I proposed it, and the only effect that could possibly arise from such an amendment would be, perhaps, to prevent any such application of the provision. As I said last night, I believe in the common rule. But I believe it is an

engine that must be used sparingly, and only after the fullest deliberation and the greatest care. The interpolation of words providing that the Court has to consider whether something is likely to happen, as well as what is happening or has happened, casts the Court entirely upon the field of conjecture. That seems to me to be undesirable. I would ask the Government if, with the insertion of the words I have suggested, they would be prepared to accept the amendment? The course of the debate has shown that practically the whole of the Committee accepts the common rule, but wishes to put in a reasonable limitation to insure that it will not work injuriously, so far as this Legislature can insure that. The Government and their supporters themselves recognise that some such method as this will be adopted by the Court, even if it is not directed by the Legislature.

Mr. WATSON.—My trouble is that this amendment enforces the limitation.

Mr. McCAY.—But it is admitted that this is a limitation which would have to be imposed by the Court. I do not desire to make the Bill inoperative. I am actuated by a sincere desire to make it operative as far as possible within safe limits. The common rule seems to me to require this limitation. I myself think that the Court would not make common rules unless some such factor as that indicated were existent in the condition of affairs. But I desire that the Legislature should say that this shall be done, and that the Court if it knows nothing else, shall know that the Legislature agrees with it. Apparently, the sense of the Committee is with me, in reference to the substance of this amendment. The Government might realize that. They are sacrificing nothing that they should not sacrifice by recognising the feeling of the Committee. I have approached all the amendments upon this Bill in a spirit of impartiality, and not with any desire to embarrass the Government. But when it is clear that the Committee thinks that this is the right line to pursue, and when even those who oppose the amendment practically oppose it on the ground that it is unnecessary, it seems to me that they offer an argument in favour of the amendment, which is of much greater force than any argument that I have been able to use. I, therefore, should be glad to know that the Government see their way to accept the proposal placed before them, in the interests of the Bill.

If they will accept it, we shall be able to proceed to the next amendment very promptly; but so long as the Government fights against what every one appears to regard as a proper thing—whether it happens to be proper to express it here or not—we shall not be likely to make any progress.

Mr. SPENCE (Darling).—In order to prevent a wrong impression going abroad in consequence of the remarks of the honorable member for Gippsland, I desire to quote a few figures which he seems to have forgotten, as to the effect of the Factories Act in Victoria. The figures give a complete answer to the statement that this kind of legislation is doing an injury. If figures prove anything at all, they give a most powerful argument in favour of extending legislation of this kind, as likely to bring about prosperity in the country.

The CHAIRMAN.—Do I understand that the honorable member is going to show a connexion between the Factories legislation in Victoria and the proposal to institute a common rule throughout Australia? My attention has been drawn to the fact that there has been a digression. I had not observed it myself, but under the circumstances I think it desirable to inform the honorable member that he must adhere closely to the amendment.

Mr. SPENCE.—I desire to keep closely to the subject before the Chair. Of course the aspect of the question which has been raised by the honorable member for Gippsland is a very tempting one. The connexion is this: The honorable member was arguing against the common rule. There is no difference in principle between the application of the common rule and the operation of the Wages Boards in Victoria. The honorable member for Gippsland himself was a party—and deservedly receives credit for being a party—to the introduction of the Wages Boards in Victoria. I think it is only fair, in order to prevent a wrong impression going abroad with respect to the loss of population, to quote the figures. I will do so very briefly. They have a very important bearing on the question of the common rule. The Wages Boards in Victoria cover particular industries. The Arbitration Court which we are establishing would affect a larger area, but the principle is the same. It must also be remembered that the common rule will be applied within certain areas. It may be assumed that in some instances the areas



within which the rule will be applied by the Court will be small areas. If I took the view which the honorable member has expressed, I should share his alarm. But I do not understand that the common rule is going to be applied in the way he expects. The Court is not going to make a common rule covering persons thousands of miles away. The common rule will apply only to those engaged in the industry concerned by the dispute, and the decisions of the Wages Boards of Victoria have a similar application. Taking the last report of the Victorian Inspector of Factories, I find that in 1886 there were in this State 1,949 factories, employing 39,506 persons. In 1890 the numbers had increased to 2,502 factories, and 47,813 employes. Then came the bank smashes, following the land boom, so that in 1894 there were only 2,515 factories, and 34,268 hands. In 1896 the Wages Boards came into existence, and we find a steady increase in the number of both factories and hands, until in 1902 there were 4,252 factories, and 59,440 hands.

Mr. KENNEDY.—But there was an alteration in the definition of factories.

Mr. SPENCE.—The report states that 11,627 more persons were then employed in the factories of the State than were so employed in the most prosperous days of the land boom.

Mr. LONSDALE. — How many of them were women?

Mr. SPENCE.—I leave that to the honorable member to find out. The total population of the State in 1894 was 1,179,230, and, in 1901, 1,202,940, an increase of 23,710, or 2 per cent., whereas the number of persons employed in factories increased in the same period from 34,268 to 56,945, an increase of 22,677, or 66 per cent. Those figures show that it is not persons employed in factories who have left Victoria, although it is only to factory hands that the decisions of the Wages Boards apply. The population which has left Victoria has been drawn from industries which are not covered by the factory legislation—from the farming and mining industries, and notably from the latter.

Mr. McLEAN.—That is not so.

Mr. SPENCE.—The fact is undeniable. The figures which I have quoted are from a report laid before the Victorian Parliament. No doubt the honorable member recognises the foolishness of those who say that money is being withdrawn from the country because of certain legislation. But,

even if some are being moved in that direction by foolish fears, are we, therefore, to cease to do justice? The honorable member moved very determinedly to abolish sweating. In some baking establishments he increased the rates of wages from 3s. 6d to 9s. per week, yet there was no increase in the price of bread, while, as I have shown, the number of hands employed in factories has steadily increased since the Wages Boards were created.

Mr. McLEAN.—I am willing to go as far as is necessary to kill the evil of sweating.

Mr. SPENCE.—The honorable member's fear that this measure will create a new condition of things is not well grounded. The effect of the decision of the Court, and of the making of common rules, will be what is aimed at, and secured by, the establishment of Wages Boards, so far as they have been permitted to operate—the levelling up of wages to the amount paid by decent employers. That is all we wish for, and the honorable member is strongly in favour of its being accomplished. This measure will not establish a new set of conditions, and upset every industry; but it will level up wages, and abolish sweating. To do this it is necessary to empower the Court to make common rules, because if any person or set of persons is left outside the application of an award of the Court the measure will be ineffective. I have shown that the statement that legislation of this kind causes population to decrease is not borne out by the experience of Victoria, and that the exodus of population from this State has been due to other causes. The prosperity of a country is greatest when sweating is abolished, and employes are paid decent living wages, because the purchasing power of the community is increased, and that benefits in turn the producing classes. As a moderate man, I am opposed to anything revolutionary.

Mr. KNOX.—The honorable member will become a Conservative in time.

Mr. SPENCE.—I wish to conserve justice and fair play, and to extend them to everybody. The action of the Arbitration Courts in New Zealand, New South Wales, and Western Australia has been to raise conditions to the level already allowed by the best employers. I took the trouble to recently go through the New South Wales decisions, and I found that in no case has the Court awarded higher wages or better hours than have been given by some employers without compulsion. I still hold the view that the amendment is unnecessary.

and likely to create confusion. I do not object to the main idea which the honorable and learned member for Corinella has in view, that the Court should deal only with the dispute before it, and that its awards should be restricted in their application to the persons engaged in the industry concerned, but I do not think it necessary to state that in the clause. When things are self evident it does not improve matters to try to make them clearer. We shall have, not a person of very low intelligence, but one of very high intelligence, to administer the measure, and we can safely trust him to administer it fairly.

Mr. KELLY (Wentworth).—The honorable member for Darling has furnished one of the strongest arguments which could be brought against the Bill, quite apart from this particular clause, and as this clause is the backbone of the measure, I think I shall be in order in replying briefly to a few of the statements which he advanced. He told us that there has been a large increase in the number of persons employed in factories in this State since the Victorian Factories Act was passed. I take his assurance to that effect; but it proves only that that Act is an infinitely better measure than is the one under discussion. In New South Wales, where for the last three years an Arbitration Act has been in force, there has been an increase of only about thirty-one hands—speaking from memory—in the total factory population, and a decrease in the number of male hands, although, prior to the passing of the Act, there had been a steady yearly increase of something like 2,000 hands.

The CHAIRMAN.—The honorable member is not in order.

Mr. KELLY.—I am making a brief reply to the statements of the honorable member for Darling.

The CHAIRMAN.—I cannot allow that.

Mr. KELLY.—Then I apologize, Mr. Chairman. The honorable member for Gwydir is to be congratulated upon his new definition of the common rule, which the honorable member for Darling has supported. He says that rates of wages are to be levelled up to the highest paid by any employer, and the honorable member for Darling tells us the same thing. We are also informed that the Judge of the Arbitration Court will be an omniscient being. Now, an omniscient being would know that such a step upset the economic conditions of the

country, and bring ruin, first upon the employes, and afterwards upon the employers, who have the more staying power. The Committee is, in my opinion, rather too slavishly following the precedents set by State legislation. The application of common rules may be an excellent thing in the States, because it may prevent numerous petitions to the Court; but the jurisdiction of the Federal Court will be different from that of a State Court, inasmuch as it will cover only disputes extending beyond the boundaries of any one State. A common rule applied under such circumstances would impose an obligation upon persons not concerned in the dispute within the cognisance of the Court, and would create fresh disputes by giving cause for appeals and petitions against its application. The application of common rules may be necessary under State legislation, though I do not say that it is, but it is absurd to consider it necessary in Federal legislation. The only effect of the application of common rules under Federal legislation will be to glut the Court with appeals against decisions, and to prevent *bonâ fide* cases of dispute from being heard. The rough difference between the amendment of the honorable and learned member for Corinella and the proposal of the Government is that the former gives the direction to the Court that common rules shall be applied only in cases where injustice would occur if they were not applied, and the Government allow the unrestricted application of the principle of the common rule. Some such provision is the logical corollary of the arguments used by the Prime Minister in support of the principle of the common rule. He posed as the friend of the employer, and said that it was to safeguard the honest employer that this provision was inserted in the Bill. That being so, why does he not go further, and say that the honest employer shall not be forced to appeal against common rules applied to him in connexion with disputes in which his branch of industry is in no way concerned? Last night the Government told us that the position of the shearers prevented them from accepting the amendment; but I think that the proposed amendment on it, inserting the words "labour or," meets that objection. The honorable and learned member for Corinella wishes to leave it to the Court to decide what is and what is not competition; but the

Ministry tell us that the omniscient Judge whom they are going to appoint will be incapable of deciding so important a question. Yet he is to be asked to say what has prompted a man to live in any particular part of the country. The Minister of External Affairs told us the other night that a man living in the back-blocks deserves higher wages than a man living in the city, because all would live near the city if they could. But there are sometimes considerations of home and surroundings which make the distant back country more congenial than city life. Is the Judge to inquire into these personal considerations? To impose such a task upon him is to require more than the honorable and learned member for Corinella would wish. How is a Judge going to review all the varying conditions which prevail from the rolling downs of West Sydney, where all the discontented farm labourers live, to the back country of the Darling, where are to be found the only thoroughly contented domestic servants in Australia? Under the Government proposal the Judge will require to take into consideration all these different conditions. The amendment submitted by the honorable and learned member for Corinella is in the nature of a suggestion to the Court regarding the direction in which Parliament desires the common rule to be applied. It is a fair application of that principle if it is wise to accept it at all. I shall support the amendment of the honorable and learned member for Corinella.

Mr. KENNEDY (Moir).—The proposal of the honorable and learned member for Corinella meets the chief objection to this sub-clause which I formerly entertained. In its original form the operation of the common rule would have been confined to manufacturing industries, and probably some of the larger unions of an Inter-State character would have been exempted. The amendment meets that objection. Last evening the Government accepted a proposal, the effect of which was to confine the application of the common rule to the industry affected by any dispute. The amendment under discussion is merely an extension of that principle. Unless we vest the Court with power to make a common rule, it will be called upon to deal with a multiplicity of applications for common awards. That is not desirable. Whatever may be said to the contrary, the Wages Boards in Victoria practically make a common rule applicable to the trades with

which they deal. It has been argued that whilst it is necessary to provide for a common rule in State arbitration law, in Federal legislation such a provision constitutes an absurdity. That seems to me most extraordinary logic. I hold that there is as great a necessity for a common rule in Federal law as there is in State law. The conditions are practically the same. Last evening the honorable member for Darling pointed out that since the enactment of factory legislation in Victoria—which in some respects resembles the arbitration law—there has been a considerable increase both in the number of factories and factory hands in this State. That, however, does not prove all that he desired to convey. It must be recollected that when the Factories Act was amended an alteration was effected in the definition of "factory," which widened its scope, and brought more employes under the operation of that statute. At the same time there is no denying the fact that we must look for a natural increase in the number of our factory workers from year to year. Our attention must therefore be directed towards securing improved conditions for those engaged in industrial enterprise. Where an opportunity presents itself to make the duty of the Court clear, we should unhesitatingly embrace it. I trust that the Government will accept the proposal of the honorable and learned member for Corinella in an amended form. As the decisions of the Court will be based upon questions of fact, the amendment proposed will exercise a powerful bearing on the industrial community. Therefore I think that we should definitely state what we intend.

Mr. LONSDALE (New England).—Upon several previous occasions I have pointed out the effect of the application of the common rule upon country districts. I regard the amendment of the honorable and learned member for Corinella as one which, to a large extent, will prevent a repetition of the difficulties that have occurred in New South Wales in connexion with the Arbitration Act. Where the labour or product of one industry comes into competition with the labour or product of another industry, I think that the common rule should apply. Consequently, I shall support the amendment. It has been said that a Judge will not apply that common rule. The experience of New South Wales is that it has been applied, and applied to the injury of industries in the country districts. That is a

clear answer to the statement that a Judge will not apply it. It cannot fairly be said that a little boot factory at Armidale comes into competition with establishments in Sydney; on the other hand, it can be urged that a boot business in Sydney competes with a boot factory at Armidale.

Mr. CROUCH.—The boot factories at Geelong compete with similar establishments in Melbourne.

Mr. LONSDALE.—I am speaking of what has occurred. A boot factory at Tenterfield, Inverell, or Glen Innes does not compete with similar establishments in Sydney. Yet in New South Wales the common rule has been applied in such a way as to injure the small industries in the country districts.

Mr. HUGHES.—Did the employers apply to be exempted from its operation?

Mr. LONSDALE.—They were not allowed to form an industrial union.

Mr. HUGHES.—Why not?

Mr. LONSDALE.—Because the Registrar would not permit them to do so.

Mr. HUGHES.—An individual could protest.

Mr. LONSDALE.—I quite admit that. But is it to be expected that persons will travel hundreds of miles to place their views before the Court? I object to the application of the common rule to country districts. At the present time the employés of Messrs. Abel Bros., confectioners, of Sydney, are applying to the State Arbitration Court for the application of the common rule to the county of Cumberland. The city employers, on their part, are asking that the principle shall be applied to the whole State. They desire to place the country employers under a disability. They wish to destroy the businesses of the country so that they may send their own goods there. It is most unfortunate that, in opposing this Bill, men like myself should be charged with a want of humanity. I recognise that all honorable members opposite are humanitarians.

The CHAIRMAN.—Order! I would ask the honorable member if that observation has any relevance to the question which is under consideration?

Mr. LONSDALE.—I shall connect it with the question before the Chair. The amendment is in the interests of humanity, and I discuss it from that stand-point.

Mr. HUGHES (West Sydney—Minister of External Affairs).—Will the honorable member pardon my interrupting him for one

minute? The honorable member said, when referring to a case in which application had been made for a common rule to apply all over New South Wales, that the employers wished to shut out competition. I anticipate that if both parties had been compelled to ask for the common rule it would not have been applied in this case?

Mr. LONSDALE (New England).—I do not know who applied for the application of the common rule in two of the cases to which I have referred.

Mr. HUGHES.—What were the cases?

Mr. LONSDALE.—Those relating to the saddlers and the boot makers. I am not making any charge, but I know that, in the case of Abel Bros., Mr. Abel asked that the common rule should be extended over the State, or over some large area, while the men wished it to be applied to only the county of Cumberland. The men therefore were not to blame in asking for the extension. My desire is to assist the working classes. If it were possible, by this means, to increase wages to an abnormal extent, the only result would be injury to the great bulk of the masses. If wages were raised to an extent that production could not endure, that production would cease, and serious injury would be done to the community. I am against the provisions in the Bill that handicap those engaged in manufacturing and producing interests in rural districts. It should be our desire to attract men, not to the cities, but to the country districts. It has been said that legislation of this kind in Victoria has improved the conditions prevailing in the State, and on this point I should like to bring before the Committee an interesting fact. Something like 4,000 persons left Victoria for South Africa, and an inspection made of the tickets issued to 1,000 of them showed that of that number only nine were connected with the land, the remaining 991 being persons who had been coddled by this class of legislation.

Mr. PAGE.—To what legislation does the honorable member refer?

Mr. LONSDALE.—To legislation providing for the creation of Wages Boards and to other measures that were supposed to assist the workers. It has been urged that the effect of bringing every one engaged in an industry under the common rule would be to increase the number of workers. In Victoria, however, the only result of factory legislation has been to secure an increase in the number of women employed in

factories, and when I add that under this class of legislation in New South Wales the number of women in the local factories is being increased while the number of male employes is falling off, I think that a complete answer is furnished to that contention. I trust that the Government will accept the amendment and recognise that it is unwise to allow the Bill to go too far. We must legislate in a way that will help men wherever they may be. My outlook may be broader than is that of the men who believe that this legislation will assist them. I do not wish it to go forth to the country that I am here to crush labour under the heel of capital. I am here to give labour every assistance. If we could pass a Bill that would find work for every man in the community, I should have the greatest pleasure in supporting it. That, however, is impossible, and attempts to ameliorate the condition of the masses by legislation of this kind will have an opposite effect. If we develop a sturdy manhood and a sturdy independence on the part of our citizens, without coddling them by Act of Parliament, we shall do far more than would be possible under legislation of this class.

Mr. POYNTON (Grey).—There is a well recognised rule amongst parliamentarians that, if it is impossible to defeat a measure on the motion for the second reading, the next best course for its opponents to pursue is to mutilate it in Committee to such an extent that it will become unworkable. Attempts in this direction on the part of those who have previously expressed themselves as being altogether opposed to legislation of this kind, cannot be condemned on the ground of inconsistency; but I cannot understand the attitude of those who, whilst professing to sympathize with the objects of the Bill, make themselves parties to a proposal that must eventually convert it into so much waste paper. The honorable member for New England has made it clear since his election to this House that he is opposed to legislation of this kind, in any shape or form.

Mr. LONSDALE.—No; I say that we should test the question by the experience of others before we take action.

Mr. POYNTON.—At an earlier stage the honorable member emphatically declared his opposition to legislation of this description, and, therefore, he is quite consistent in supporting an amendment that, if carried, would make the Bill useless.

Mr. McCAY.—The honorable member is the only one who thinks that the amendment would have that effect.

Mr. POYNTON.—There are other honorable members who share my opinion. I have already said that it would be unwise to declare to what particular industries the Bill shall apply, and I do not intend to support any proposal that would have the effect of limiting its operation. If I had not believed that the Bill was a good one I should have opposed the motion for the second reading, and have followed the course adopted by others who have contested practically every clause. But believing as I do that it is calculated to accomplish much good—that it will benefit not only the employes, but all humane employers and the community generally—I give the measure my heartiest approval. I have always held that legislation designed to prevent the cessation of work because of any trade dispute—and that is the object of this Bill—is worthy of support. Under this Bill it would be impossible for a strike to occur. If a dispute arose in any industry, not a day would be lost, but the matter would be settled, according to evidence, by persons who had no axe to grind. If the Bill be mutilated, as it would be by the adoption of this and other proposed amendments, all the time that we have devoted to its consideration would have been wasted. What is a common rule? The honorable member for Gippsland has informed us that, as Premier of Victoria, he administered the Factories Act, and appointed more Wages Boards than did any of his predecessors.

Mr. TUDOR.—Out of a total of twenty-nine appointed, the honorable member created twenty-three.

Mr. POYNTON.—Quite so. We see the application of the common rule in the operation of those boards. I am prepared to admit that their decisions apply only to industries within the metropolitan area, but the honorable member for Gippsland admits that they have done much good, and we hope that this measure will be attended with equally satisfactory results. What is the good that it will achieve?

Mr. WILSON.—That is what we want to know.

Mr. MCCOLL.—Do not "stone-wall" the Bill; let us get to a division.

Mr. POYNTON.—The honorable member does not care whether the Bill is mutilated or not.

Mr. TUDOR.—He is anxious that it should be mutilated.

Mr. McCOLL.—The honorable member knows nothing about the matter. I wish to see the Bill passed.

Mr. POYNTON.—That being so, the honorable member should vote against the amendment. Let us pass a measure that will be worthy of a place on our statute-book. Those who are seeking to mutilate the Bill by supporting the amendment would have adopted a much more manly course had they voted against the motion for the second reading. How will it be possible to bring the shearers under the operation of the Bill if this amendment be carried? It cannot be said that shearers employed in the back-blocks of Queensland come into competition with those engaged in Victoria and in South Australia.

Mr. McCAY.—Do not the products of the industry in the different States come into competition?

Mr. POYNTON.—Not at all, and certainly not in the sense in which competition would be interpreted by the Court. If an award is made increasing rates in a certain place in the bootmaking trade, I can well understand that it might be held that the persons affected are in competition with boot manufacturers in other places, and that the increased rates would, therefore, be unfair, unless they were made general. I have always contended that, as far as possible, we should secure uniformity of conditions by our industrial legislation. I hold, for instance, that in connexion with Inter-State free-trade, it is essential that every industry in the Commonwealth should, as nearly as possible, be placed on an equal footing; but if the amendment is accepted, the whole object of this Bill will, as regards securing equality of conditions, be defeated. I venture to say to the honorable member for Gippsland that if the awards of the Wages Boards, which he established, applied only to the persons concerned in the special cases brought before them, and not to all persons engaged in similar industries, they would have been only so much waste paper. In the same way honorable members would make waste paper of this Bill, unless we are very careful. The honorable member for Corangamite supports the amendment, but he is consistent in that, because he is an avowed opponent of the Bill. The honorable member is opposed to this kind of legislation,

but he is inconsistent in that, inasmuch as he has no objection to its application to the profession to which he belongs. Members of the honorable member's profession refuse to work with non-unionists. It is undoubted that members of the profession to which the honorable member for Corangamite belongs refuse to recognise non-unionists. It is a matter of surprise to me that persons who constitute a guild of their own, which it is almost impossible to enter, should always be opposed to this legislation, in the interests of other persons.

The CHAIRMAN.—I think the honorable member's remarks are not applicable to the question of a common rule.

Mr. POYNTON. — I say that there are rules connected with the association to which the honorable member for Corangamite belongs which apply to every individual in that association in Australia.

Mr. KELLY. — Their rules do not fix the payment which each shall extract from those who employ them.

Mr. POYNTON. — They provide that they shall not work with non-unionists. We had a very striking illustration of that some years ago in Adelaide, in the hospital dispute which occurred there.

The CHAIRMAN.—I remind the honorable member that I do not consider his remarks relevant to the question. The Committee is dealing with common rules which are to be orders of the Court. I do not think that the rules to which the honorable member refers are orders of any Court.

Mr. POYNTON.—It is objected that the President of the Court will be some person unknown. I find that an amusing objection, in view of the fact that honorable members are aware that it has been decided that a Justice of the High Court shall be President of the Arbitration Court.

Mr. DUGALD THOMSON.—None of them would take the position.

Mr. POYNTON.—Is that the excuse now? The Bill we are discussing provides that a Justice of the High Court shall preside over the Arbitration Court, and yet some honorable members infer that the Court will be constituted of inferior men who cannot be entrusted with the administration of this law. To my mind, that is a very grave reflection upon the gentlemen whom we have appointed Justices of the High Court. It is most creditable to the working classes of Australia that they should be prepared to hand over their

weapons of war—the right to cease work whenever they think fit—to the discretion of the proposed Court.

Mr. DUGALD THOMSON.—They retain the right under this Bill, with a week's notice, if they are engaged by the week.

Mr. POYNTON.—They cannot strike under this Bill.

Mr. DUGALD THOMSON.—They can stop work at the end of a week.

Mr. POYNTON.—They cannot strike under this Bill, and it is of no use for the honorable member to endeavour to lead me off the track in that way. The whole object of this Bill is to prevent strikes.

Mr. DUGALD THOMSON.—For a week.

Mr. POYNTON.—It has been urged against the passing of the Bill that in the United Kingdom, in America, and on the Continent of Europe the labouring classes have not been prepared to trust their case to an Arbitration Court. I say that it speaks volumes to the credit of the labouring classes of Australia that they should be prepared to repose such confidence in a Justice of the High Court as to hand over to him all their interests, and depend upon him to mete out justice in their disputes. Honorable members are opposing the imposition of a common rule on the ground that men carrying on mining at Coolgardie will be affected by a decision in a case affecting the mining industry at Ballarat. The President of the Court under this Bill will be a man, I believe, not only of common sense but with a fine sense of honour. I believe that he will conscientiously inquire into every case brought before him, and to suggest that he will give a decision in a particular case and then make his award applicable over the whole continent of Australia, is not very complimentary to the person who will be appointed to this position.

Mr. KNOX.—He will have the ordinary limitations of human nature.

Mr. POYNTON.—Does the honorable member for Kooyong believe that the Justice of the High Court, who will be President of the Arbitration Court, will give a decision in a mining case at Ballarat, and make his award a common rule affecting miners in Kalgoorlie? Does he believe that the mining industry of Broken Hill will be affected by such an award? I ask honorable members to consider the coal-mining industry. Will not those engaged in that industry come under the

amendment? Do not products of their industry come into competition with the products of the same industry in other places that may not be before the Court? The more the amendment is looked into, the better honorable members will see the extent of the trouble to which it would give rise. I cannot see how the products of silver, lead, or gold mining industries will come into competition in any way. There is no doubt in my mind that this amendment would have the effect of excluding those engaged in them from the operation of the Bill, and that it would also absolutely exclude shearers and seamen. I ask any honorable member present to place himself in the position of a delegate appearing before the Arbitration Court, and try to prove that seamen and waterside workers in one place are brought into competition with those in another. It is clear that we must leave wide discretionary powers to the Court. We have appointed as Justices of the High Court able men, who from day to day are trusted to deal with matters of the very greatest importance, and it is not very complimentary to them for honorable members to suggest now that we should not, without imposing limitations which will stultify the principle of the Bill, have sufficient confidence in them to give them the administration of this law. I tell honorable members candidly that, if this amendment be agreed to, they can have the Bill for my part.

Mr. CAMERON.—We do not want it.

Mr. POYNTON.—I desire that this Bill should be passed, or I should not be so strongly opposed to the amendment. I view the whole question seriously, because in my experience, of over twenty years in connexion with labour affairs, I have known the disasters that arise in connexion with strikes. That is why I am so strong an advocate of this measure. It is contended that it is an experiment to a great extent, and that we do not know what results may follow from it. We have the experience of New Zealand to show that this legislation has operated there to the great advantage of employers and employes, and of the country in general. I invite honorable members to consider the case of the coal miners' dispute at Outtrim. Should not the experience in that case be sufficient to convince them that almost any method at all would have been better for the settlement of that dispute than the strike which occurred? If this or a similar measure had

been law in Victoria, we should not now be reading articles in the newspapers about starving wives and families in that district. In my own experience, I have known the most heartrending sufferings to be inflicted by the refusal of a particular section to confer with another. The amendment, so far as I can see, in the cases in which it will apply, would tend to bring about a repetition of our past experience. Seeing that we are prepared to take the great step of handing over to this Court all our weapons of war—a step the wisdom of which is doubted in some parts of the world—I ask those who are insisting on this amendment to be prepared to act in the same way on behalf of the employers. In Australia the great mass of the workers have sufficient confidence in the Judge who will be at the head of this Court to believe that, after hearing evidence on both sides, he will return verdicts that are substantially fair—such as will do injustice to no section of the community. This legislation will not have the effect of harassing industries and creating disturbances, such as we have known in the past, nor will it have the effect of driving capital out of the country, but will, on the other hand, tend to progress and prosperity. The measure will give security to capital invested, and insure that, at any rate, during the period of war, there will be no danger of men ceasing work to the injury of any industry within the area affected. In that way the interest of the employers will be promoted. I appeal to honorable members who are in sympathy with legislation of this character to follow the example of those who represent the employes, and leave the decision to the Judge without any restriction. I do not make this appeal to those who want to kill the measure. There is a well-known, but unwritten axiom, that if we desire to kill a measure, and cannot do so by one process, we are justified in killing it by another.

Mr. KELLY.—I do not think that that applies to the supporters of this amendment.

Mr. POYNTON.—The process generally adopted is to mutilate a measure so as to render it unworkable.

Mr. WILSON.—This amendment does not mean mutilation.

Mr. KELLY.—The amendment would aid the measure.

Mr. POYNTON.—The amendment would mutilate the measure to such an extent that I am afraid that the result would be to render it unworkable.

Mr. ROBINSON.—The honorable member must recollect that the amendment is moved by an honorable and learned member who is in sympathy with the Bill.

Mr. POYNTON.—All I know is that for some days past other honorable members, who are not in sympathy with the Bill, have been moving in the same direction; and very clever tactics may have been brought to bear in order to induce some one in sympathy with the Bill to submit this amendment.

Mr. ROBINSON.—The amendment was submitted by the honorable and learned member for Corinella entirely on his own initiative.

Mr. POYNTON.—As I say, we have practically handed over to this Court all the weapons of warfare which, for many years past, have been in the hands of the working classes, who are prepared to trust their destinies to this Court.

Mr. CHAPMAN.—This is not a measure for war, but a measure for peace.

Mr. POYNTON.—Exactly; and that is shown in the fact that the working classes are prepared to deliberately hand over all the weapons which have been in their hands during the whole historical period of organized industry. All we ask, in common fairness, is that the other side shall display the same confidence. The working classes are really doing more than they are asking the employers to do, seeing that the Judge will be a man whose environment, training, and whole life have been entirely apart from the sphere in which he will have to act.

Mr. WILSON.—Who is the man?

Mr. POYNTON.—A Judge of the High Court. We have deliberately removed the two assistants which the Bill first proposed, and left the decision absolutely to the Judge; and if he is a fit and proper person to be a Judge of the High Court, surely he can be trusted, as we are prepared to trust him, in the administration of this Bill.

Mr. McWILLIAMS (Franklin).—It is not quite fair to say that the object of the mover of the amendment is to mutilate the Bill. It will be very generally admitted that the honorable and learned member for Corinella has given the Bill very generous consideration on its merits.

Mr. WATSON.—I think the effect of the amendment would be very largely in the direction of mutilating the measure.



Mr. McWILLIAMS.—What its effect would be is a matter of opinion; but we must, at least, give the mover credit for not desiring to mutilate the measure.

Mr. WATSON.—Hear, hear.

Mr. McWILLIAMS.—We are not only asked to trust this mysterious officer to the full extent that he is to be trusted in the High Court—

Mr. POYNTON.—Why “mysterious”?

Mr. McWILLIAMS.—Because there seems to be an impression amongst some honorable members that the moment this Judge enters into the jurisdiction given by this Bill he is to become endowed with some kind of supernatural ability or omniscience which will enable him to adjudicate on the whole of the trade complications of Australia. We are asked to place this power in the hands of a man who is, from his very teaching and training, a non-business man—a non-practical man. We are asked to leave all to him, absolutely without control and without providing for the right of appeal. We are asked to give a Judge of the High Court a power such as no Parliament in Australia has ever before handed over to a Court; and we are only exercising common reason and prudence when we seek to set some limit to the exercise of that power. As to the common rule, we are, in my opinion, doing far more than many of us anticipate. If the clause is passed as printed it will have an effect that was not quite appreciated by the framers, who were, of course, a previous Government. I can see cases where a common rule would be absolutely disastrous to employers and employed alike. In the newspaper business, for example, the rates of wages differentiate, not on account of the work or of the ability of compositors or staff, but simply in accordance with the means of the proprietors. Throughout the country districts of Australia there are certain newspapers, which, although they may not be nearly so large or influential as the city papers, are filling their own little corner, and affording what some of us appreciate—an honest means of livelihood to a class who have suffered more, perhaps, than any class from the introduction of machinery. No class has suffered more heavily by the introduction of machinery during the last eight or ten years than have compositors, who, speaking generally, are one of the most intelligent sections of our workers.

Mr. MAHON.—They have not suffered to any great extent on the country press.

Mr. McWILLIAMS.—But when the whole of the compositors in the city are thrown out of employment the market is filled with surplus labour.

Mr. MAHON.—But all the large newspaper offices gave the compositors the opportunity to learn to operate the type-setting machines.

Mr. McWILLIAMS.—The Postmaster-General knows that it would not be possible to give employment to the whole of the compositors.

Mr. MAHON.—That is so.

Mr. McWILLIAMS.—One type-setting machine will turn out as much work as six or seven average compositors.

Mr. MAHON.—It will do as much as five compositors.

Mr. McWILLIAMS.—To that extent the compositors are thrown out of work through no fault on their part, or on the part of their employers, but simply because this machinery takes the place of the hand-workers. These unfortunate men suffer great hardship by being deprived of employment at a time of life when they are too old to turn to another means of earning a livelihood as handicraftsmen; and they go to swell the ranks of unskilled labour. In the country districts there are scores of newspapers which are not paying the same rates of wages that are paid in the large centres. Indeed, the proprietors of those country newspapers could not afford to pay the same wages—the ship could not carry the sail. Is it in the interests of the workers themselves that country proprietors should be told, “You must pay the rates of wages which obtain in the Government Printing Office, or on the *Argus* or the *Age*, or you must shut up shop and go out forest-thinning, or doing work of that kind?”

Mr. MAHON.—The Court may differentiate in regard to local conditions and circumstances.

Mr. McWILLIAMS.—The Court may differentiate in regard to local conditions of labour, but not as to whether the employer is in a position to pay the wage awarded.

Mr. WATSON.—Yes; in New South Wales the Court takes that point into consideration when giving an award.

Mr. LONSDALE.—The New South Wales Court did not do that in regard to the common rule to which I referred.

Mr. WATSON.—The Court does not do so in all cases, but may if it likes.

Mr. McWILLIAMS.—Has the Court to sit in Melbourne or Sydney, and say to every newspaper proprietor throughout Australia, "Come and show the conditions of your business, or we shall extend the common rule to you"? If that be so, the machinery will be so cumbersome as to break down of its own weight. If honorable members speak of circumstances which are within their own knowledge, that may have some little influence with the Committee; and I can assure honorable members that I have known compositors, reporters, and leader-writers, when a newspaper has been in difficulties, through no fault of the proprietor, to voluntarily submit to a percentage reduction of their salaries and wages. Surely, such men were doing no harm.

Mr. WILSON.—That could not be done under this Bill.

Mr. McWILLIAMS.—I am afraid that it could not; and what will be the consequence? Some informer, such as it is sought to breed under the Bill, may make the discovery that men are trying to keep intact the business on which they depend for their living, and by his action they may be thrown on the mercy of the world as unemployed. He may go to the Court, and say—"Brown is now carrying on his business against the common rule." The man might be hauled before the Court and punished. His business would be closed, and his employes would suffer. I believe that the amendment, if accepted, would go as far as Ministers themselves should desire to go. It would give the Bill a fair trial. Because, after all, we must recognise that we are to a great extent embarking upon experimental legislation. Is it wise for Ministers to push this experiment to too great an extreme, when a friendly amendment is proposed by one of the supporters of the Bill? I warn the Committee that the application of the common rule to the whole of Australia, with its enormous area and its varied labour conditions, would be practically impossible. It would inflict the direst injustice not only upon employers, but also upon men whose means of livelihood would be taken from them. I believe that Ministers in their hearts are strenuously endeavouring to benefit those men. I give them full credit for that endeavour. I appeal to them to accept the amendment, and allow the principle of the common rule to have a fair trial under rather more restricted conditions. In New Zealand, which is a small country

compared with Australia, it has been found necessary to have four districts. But under this Bill we are asked to have one area, embracing the whole of Australia, from the Gulf of Carpentaria down to Hobart. The common rule is to be applied by a Judge, who, whatever his qualifications may be, will at any rate not be, in a practical sense, a man who will be able in the time at his disposal to grasp all the conditions of the various trades of Australia. I ask the Government to restrict the common rule to those businesses which absolutely come into competition with each other. I do not want to see one employer taking advantage of another where the conditions are the same. I want all employers to have a fair run. I am prepared to allow similar conditions to be applied where similar conditions obtain. But it is not possible to apply a common rule throughout the length and breadth of Australia, and to determine that one man, whatever his qualifications may be, shall be the supreme judge of labour conditions throughout the continent. It is not practical; it is not sensible. Ministers might fairly accept the amendment; but, if they do not, I shall have much pleasure in voting for it.

Mr. KNOX (Kooyong).—I feel certain that the debate on the amendment has accentuated the position which has been taken up by a number of honorable members that the Bill, in its scope and intentions, exceeds the powers of the Constitution. I hope that ultimately just and equitable measures for conciliation and arbitration will be adopted by each State. The framers of the Constitution presupposed that each State would have legislation of that character, and in order to bridge over any difficulty which might exist in reference to the application of the separate State Acts, it was considered by the Convention to be necessary to provide some means to settle disputes which extended beyond the limits of one State. In my humble judgment that was all that was contemplated in the power conferred by the Constitution. Of course, I should not venture to express an opinion on the legal aspect of the question. I have simply expressed my views as a layman. But I believe it was intended that this power of the Constitution should only be invoked in reference to disputes which in consequence of their magnitude were likely to bring about serious trouble to the whole of the industrial interests of Australia.

Some of the States have not yet considered it advisable in their industrial interests to pass Conciliation and Arbitration Bills. It was never intended that Commonwealth legislation on this subject should override the wishes of a State and suborn State rights.

Mr. PAGE.—I think we have heard that before.

Mr. KNOX.—The amendment gives me an opportunity of repeating that that is exactly the position. My honorable friend, with his enthusiastic advocacy of this class legislation, hopes to be able to suborn a State like Victoria, and compel it by means of Federal legislation to pass a State Arbitration Bill.

Mr. PAGE.—Why does not the honorable member put the case fairly? This measure can apply only to a dispute existing in two States.

Mr. KNOX.—There are very many means which are perfectly well known to the honorable member, and other supporters of the Government, whereby industrial interests may be brought under the operation of this measure.

Mr. PAGE.—I do not know of any at present.

Mr. KNOX.—I have heard methods suggested. The common rule, as proposed in the Bill as it stands, will simply have the effect of launching the industrial interests of the Commonwealth in a sea of possible trouble. The Prime Minister and his Government are, I am sure, desirous of doing what is reasonably fair. But they are influenced by their enthusiasm and their environment, and by the feeling that injustices have been done in the past. I do not in the least degree desire to say that right is always on the side of the employer. On the contrary there is as much selfishness amongst employers as there is amongst employes. I am associated with the employment of a large number of men, and that in these actions they are influenced by an underlying principle of fairness and justice is apparent when one gets to the heart of the bulk of them. The trouble is that a class of legislation is passed which is specious in its character, and which holds out expectations and hopes to men whose habits of life do not lead them to inquire into what the final results of it are likely to be. It is being rather held up to them that they will secure something which is opposed to

all the applied rules and customs of ordinary business procedure, whereas if we depart from practical business lines we shall in the long run injure not only the employers of labour, but their employes as well. I hold that the Government are attempting to impose restrictions on the large commercial interest of the country the effects of which they do not properly realize. They are living in the expectation of giving advantages by the clauses of this Bill, which are opposed to the law of supply and demand, and would, therefore, do injury and harm to those whom they distinctly represent. I suggest that the amendment of the honorable and learned member for Corinella—which is a modification of the baneful proposal of the Government, and a reasonable compromise between two opposing views—should be accepted by the Committee.

Sir WILLIAM LYNE (Hume).—When this part of the clause first came under discussion I was inclined to think that its provisions were too wide; but, having listened to the debate very carefully, it is now my opinion that, if the amendment as amended is carried, its provisions will be too narrow, and the application of a common rule will have but little effect so far as some of the largest classes of employes are concerned.

Mr. WILSON.—To what classes does the honorable member refer?

Sir WILLIAM LYNE.—To the wharf labourers, for instance.

Mr. WILSON.—The word "labour" covers them.

Sir WILLIAM LYNE.—It seems to me that the amendment would largely exclude the application of the common rule to classes of men such as wharf labourers, seamen, and possibly miners. It might be reasonable to insert in the clause some provision which would be a direction to the Court to take into consideration the conditions prevailing in various parts of Australia; but I think it dangerous to take from this very responsible and highly-placed Judge the power to make common rules applicable, so far as he thinks necessary. I can understand that those who are opposed to the Bill may be ready to vote for any restriction of the powers of the Court.

Mr. McCOLL.—Very few honorable members are entirely opposed to the Bill.

Sir WILLIAM LYNE.—I have heard two or three honorable members say that they are opposed to it.

Mr. KELLY.—Why should the amendment endanger the position of the miners?

Sir WILLIAM LYNE.—I think that it may take from the Court the power to extend a common rule to the classes of men whom I have named, and possibly to others, although it is especially necessary that the provisions of the Bill should apply to them in every respect. In my opinion, there is nothing in the argument of the honorable member for Gippsland that the provision now in the Bill threatens danger to certain classes of the community. My only desire is that the measure shall be made as fair, and the Court left as free, as possible. The Judge should have great responsibility and great latitude. No doubt there should be power to vary the common rule, or if there is not that power, to exclude certain parts of the Commonwealth from its operation, because, for instance, the conditions prevailing in the northern parts of Australia differ widely from those prevailing in the southern parts. Of course, in the next paragraph the Court is given some power in this direction; but I am not sure that the adoption of the proposed amendment would not greatly weaken it. The honorable member for Wentworth has asked me how the amendment would affect the miners. I think that it might affect them just as it might affect seamen. I do not know how the product of their labour can be said to come into competition in the sense meant by the amendment. I believe that in neither the New South Wales nor the New Zealand Act is there any such restriction as that now proposed. New Zealand is, of course, divided into industrial districts, to which the common rule is applied.

Mr. WILSON.—The amendment has been copied from the New Zealand Act.

Mr. WATSON.—No. The idea which it embodies is taken from the New Zealand Act; but the amendment itself is by no means a copy of any provision in that measure.

Sir WILLIAM LYNE.—I do not think that it is a copy. I do not feel inclined to restrict the Court in the way proposed, and therefore I cannot support the amendment, because I think it may be pregnant with trouble, and perhaps disaster, for certain members of the community to whom we wish to apply the common rule without restriction. Possibly it might be well

to follow the New Zealand practice, and divide the Commonwealth into industrial districts.

Mr. McCAY (Corinella).—With the permission of the Committee, I will withdraw my amendment, and substitute for it another form of words which I think will effect the same result, and at the same time cover industries of which there is no obvious product.

Amendment, by leave, withdrawn.

Amendment (by Mr. McCAY) proposed—

That after the word "arises," line 9, the following words be added, "Provided that the Court shall not act under this paragraph, except where the persons whom the common rule is to bind, or the products of their industry, enter into competition with one another."

Mr. HIGGINS (Northern Melbourne—Attorney-General).—The Committee has discussed this amendment very carefully, and very thoroughly, and it would, therefore, be a pity if, after all, we should divide upon it under a misunderstanding. There may be, however, a difference of opinion as to its effect, as well as to its principle. We all wish to vote for one principle or another, and should not like to be told later on that we had voted for something for which we did not mean to vote. It is my duty to prevent, so far as lies in my power, any fiasco of that kind. I can, of course, only say what, after a careful reading of the words it is proposed to insert, I take them to mean, and it will be open to any member of the Committee to show that my view is incorrect. The theory of the meaning of the amendment upon which the Government are acting is that if it were carried in its present form, and afterwards a dispute came before the Court in which the wharf labourers and their employers in Sydney and Melbourne were concerned, it would, under any circumstances, be impossible to apply the award as a common rule to wharf labourers and their employers in Brisbane, Adelaide, or Fremantle. That may, or may not, be a right thing to enact; but if honorable members will look carefully at the amendment, I think that they will see that that is what it means. I should like to know how it can be argued that the wharf labourers of Brisbane enter into competition with the wharf labourers of Sydney. How can it be said that the wharf labourers of Fremantle enter into competition with those of Melbourne? The amendment is absolutely absurd when we come to reduce it to simple terms. So also

is the inclusion of the word "persons," and the reference to the products of their labour. In the case of the wharf labourers' industry, there is no tangible product which can be handled or touched. I hope that honorable members will vote on this proposal, with a full knowledge of what would be its effect. It is couched in plain language, is very well expressed, and is less open to ambiguity than was the amendment in its original form. Most certainly the products of the wharf labourers' industry do not enter into competition with one another.

Mr. POYNTON.—The products of gold, silver, or lead mines cannot come into competition with one another.

Mr. HIGGINS.—I am speaking of one particular case. I repeat that the persons whom the common rule will bind—the wharf labourers of Sydney and Brisbane—do not compete with each other. I think that this discussion might fairly be reduced to a test vote upon the question—"Are we in favour of applying the common rule to wharf labourers in other ports, when only two or more ports are interested in a dispute?" So far as I am concerned, I need hardly say that I support that view.

Mr. McWILLIAMS.—That is not the only branch of industry which will be brought under the operation of the common rule.

Mr. WATSON.—The honorable member will restrict all branches if he restricts one.

Mr. HIGGINS.—Under the amendment we could not apply the common rule to a dispute which had excited much friction and worked much damage in Sydney and Melbourne, even though we recognised that it was bound to extend to Brisbane. The result would be that though an award might be made, which was binding in Sydney and Melbourne, it would not be binding in Brisbane. What would follow? There would be a ferment in Brisbane. If the employés there saw that their fellows in Sydney and Melbourne had obtained good terms under an award they would certainly work up an agitation. Thus we should have two disputes where otherwise one only would have existed.

Mr. McWILLIAMS.—The result might be that the men would accept the award.

Mr. HIGGINS.—Then what harm can result from applying the common rule? I think that the honorable member for Franklin has adopted a consistent attitude throughout the entire discussion on this Bill. He is opposed to it tooth and nail.

Mr. McCOLL.—That is very unfair, because he has denied the statement several times.

Mr. HIGGINS.—I beg the honorable member's pardon. I was not aware of it. I should be very sorry to do the honorable member an injustice, and, I am sure, that the honorable member for Echuca was unduly warm in interjecting as he did. I think that I have made the position clear, and I hope that the division will be limited to the one issue—"Are we in favour of allowing the common rule to apply to ports which are not affected by disputes?"

Mr. DUGALD THOMSON (North Sydney).—I think that the Attorney-General has begged the whole question of the common rule. What was the argument advanced by the Minister who introduced this Bill? What has been the argument of Ministers from first to last? That it would be unfair to bind one individual by an award and not to bind his competitors. That is the only reason which has been advanced in favour of the adoption of the principle. This awkward, and, it may be, very troublesome, provision was embodied in the Bill for one reason only—that it would be unfair to competitors if one party were bound by an award of the Court whilst all other competitors in the same industry throughout the Commonwealth were not bound. The false issue which the Attorney-General seeks to make the real issue in the approaching division—the case of wharf labourers—is not a very favorable illustration, even from his own stand-point. Let us suppose that a dispute arose in Sydney and Melbourne regarding the conditions under which wharf labourers worked, and that it was brought before the Court. Would not the wharf labourers of Brisbane, Adelaide, and Fremantle have an opportunity of joining in that dispute, and of submitting their case, if they have one, to the Court? Certainly they would have.

Mr. HIGGINS.—Not unless we are going to apply the common rule.

Mr. DUGALD THOMSON.—If they were dissatisfied with their conditions they would have the opportunity of going before the Court. What constitutes a "dispute"? Simply a request for something, and a refusal. If a dispute arose between the wharf labourers of Sydney and Melbourne, could not the wharf labourers of Fremantle, Adelaide, and Brisbane put in their claim? If their request were refused, could they not join in the case before the Court? But if they

were satisfied why should the Court interfere? If they apprehended that by the application of the common rule their wages might be reduced, what right would the Court have to interfere?

Mr. HUGHES.—They do not fear that.

Mr. DUGALD THOMSON.—The Minister of External Affairs does not know what they fear, because a dispute has not yet arisen. He may be able to speak on behalf of the wharf labourers of Sydney, but he cannot speak on behalf of those of Perth and Brisbane.

Mr. WATSON.—He is President of the Waterside Workers' Federation.

Mr. DUGALD THOMSON.—No man in Australia is able to speak of the future on behalf of the wharf labourers.

Mr. HIGGINS.—Will the honorable member be good enough to show me where I begged the question?

Mr. DUGALD THOMSON. — In the first place the Government submitted this Bill to the House, and advocated the adoption of the common rule on one ground only.

Mr. HIGGINS.—And we stuck to it.

Mr. DUGALD THOMSON.—They advocated the adoption of the principle for the reason that it would be unfair to apply it to one party to a dispute, and to exempt from its operation all others engaged in that industry. This amendment merely seeks to embody in the Bill words which practically give expression to the very argument which was advanced by Ministers. When, therefore, the Attorney-General declares that the amendment would operate badly, he is begging the whole question.

Mr. HIGGINS.—That is what the honorable member calls begging the question.

Mr. DUGALD THOMSON.—I ask what argument was urged by Ministers in favour of the common rule?

Mr. WATSON. — That was one of the arguments.

Mr. DUGALD THOMSON. — What were the others?

Mr. WATSON.—The question of convenience and the necessity for re-opening the whole question.

Mr. DUGALD THOMSON.—Any sensible Judge will apply the common rule only when he finds that if he neglects to do so competitors will be prejudiced.

Mr. HIGGINS.—Then what is the use of the amendment?

Mr. DUGALD THOMSON. — All Judges are not sensible.

Mr. HIGGINS.—Does the honorable member assume that the Judge of the proposed Court will not be sensible?

Mr. DUGALD THOMSON.—I assume that all Judges are not equally sensible. That is not a very large assumption. As they are not all equally sensible, and we do not know whether the most sensible man in Australia will be chosen, an indication should be put in this Bill—

Mr. WATSON.—I am willing to accept an indication.

Mr. DUGALD THOMSON. — What is this proposal?

Mr. WATSON.—It is mandatory. It is not an indication, but a direction.

Mr. DUGALD THOMSON. — I do not see why any objection should be urged to a proposal to incorporate in the Bill a direction from the Parliament which passes it. The only case instanced by the Attorney-General was that of the wharf labourers. Why should they be disturbed if they are not dissatisfied with their conditions?

Mr. HUTCHISON.—Should we not insert a similar direction in all Commonwealth legislation?

Mr. DUGALD THOMSON. — Judges are directed in other laws. Is not this Bill full of directions? The amendment proposed is merely a direction in favour of the course which the Government themselves advocated. It expresses the avowed desire of the Ministry in connexion with the application of the common rule. This common rule provision may prove to be a very dangerous one alike for employers and employés. For example, if the wharf labourers at Fremantle are in receipt of wages very much higher than those which are paid in the eastern States, they will naturally be disinclined to enter into a dispute and to invoke the application of a common rule. Why? Because the result of an appeal to the Court might be a reduction of their wages. The same argument is applicable to the miners of Western Australia. They are receiving the highest wages in the Commonwealth, and they are certainly not working under the worst conditions. As a matter of fact they labour under better conditions than do miners elsewhere who receive a lower rate of wages. Naturally they do not desire to be brought under the operation of the common rule. When they do, it will be open to them to express their wish, and to avail themselves of an opportunity to bring the case before the Court.

Mr. KNOX.—They will be able to join in a dispute.

Mr. DUGALD THOMSON.—Yes; but the proposal is that, even where the workers and their employers are satisfied, the Court shall be allowed to apply a common rule, and grade these men with similar workers in the rest of Australia. If any alteration be made in their conditions it must result in a decrease of wages, and the men will find the clause, as it stands, an unfortunate provision. It is very much better that the right to declare a common rule should operate only in cases in which there is competition in labour, or its products. The amendment is a sensible one. It will be to the advantage of both sides, and more particularly the higher paid workers of Australia.

Mr. WATSON.—It seems to me that some honorable members do not properly appreciate the real meaning of the amendment. The branches of industry that the constitutional provision on which this Bill is based was especially designed to meet were more particularly those relating to seamen, shearers, wharf labourers, and workers of that description. Honorable members, who propose to vote for the amendment, will practically put beyond the pale of possibility the application of a common rule to either of these three classes of workers. That is the point.

Mr. McCOLL.—That is not the point.

Mr. WATSON.—I may be wrong, but that is the view I take of the amendment. It is all very well for the honorable member for North Sydney to say that it is an excellent one; but it is singular that honorable members who have, from the first, opposed the Bill, display a remarkable unanimity in the view that the amendment will be beneficial to the measure itself. From the very outset they have welcomed every proposal to restrict this measure as a heaven-born inspiration in favour of the Bill. I do not include the honorable and learned member for Corinella in this category, because I know that he has given an earnest support to the principles of the Bill, and am convinced that he believes he is doing right. Those who favour the passing of this Bill in an effective form are, however, naturally a little suspicious when they hear every declared opponent of it supporting the amendment.

Mr. KNOX.—I am prepared to exclude these special organizations.

Mr. WATSON.—If that is the general view, and the amendment is put in that form, I shall not object to it.

Mr. HIGGINS.—We will accept that offer.

Mr. WATSON.—Quite so. I have not endeavoured to draw a hard and fast line. We have already indicated that we are willing to accept the amendment, provided that those engaged in transportation are excluded from its operation, and I should also like to exclude the shearers. I have drafted an amendment, that I should be willing to submit, which provides that the Court, before declaring a common rule—

Shall pay due regard to the extent to which the industries or the persons affected enter, or are likely to enter, into competition with one another.

I am in favour of indicating to the Court, to use the term employed by the honorable member for North Sydney, the lines on which we think it ought to proceed; but why should we compel it to refrain from granting a common rule where the convenience of all parties may be in favour of it? What does this amendment mean? If the members of the shearers', seamen's, or wharf labourers' organizations desire to have a decision applied generally throughout Australia, what course will they have to pursue if this amendment be carried? They will have to join as parties to the original dispute every employer in the industry throughout Australia, and subject them to all the inconvenience which litigation involves.

Sir WILLIAM LYNE.—The result of the amendment would be to cause trouble that might otherwise be avoided.

Mr. WATSON.—That is the point. The parties affected in the districts to which the organization in question extended would be automatically joined. If the wharf labourers had a dispute, the employers at Sydney, Melbourne, Perth, and Adelaide would, no doubt, be joined as parties; but there are various other ports, where wharf labourers are employed, at which no organization exists.

Mr. McWILLIAMS.—They are very few.

Mr. HUTCHISON.—Launceston is a case in point.

Mr. WATSON.—Yes; but I am speaking of all the ports on the north-west and north-east coasts of Australia.

Sir WILLIAM LYNE.—Then there is Devonport.

Mr. WATSON.—Quite so. If the amendment were carried, the unions concerned in any dispute brought before the Court would be compelled in self-defence to

join as a party every employer in the industry whose name could be ascertained by reference to a business directory. It would be absolutely necessary for them to adopt that course, in order that none might be left out of the original award. If they failed to join them in the first instance, they would not be able at a later stage, when circumstances appeared to justify it, to ask that the common rule should be applied to Brown, Jones, or Robinson, whom they at first thought it advisable to refrain from joining.

Mr. CROUCH.—Would not the labourers at the other ports be entering into competition with those under the award?

Mr. WATSON.—I should like the honorable and learned member to consider that aspect of the matter. Competition between individuals, when considered from the abstract point of view of political economy, and the law of supply and demand, exists, no doubt, to such a degree as would render the amendment of no value as a restriction. But we have to ask ourselves whether the Court would be likely, in construing an Act of Parliament, to take that abstract view of what is meant by the word "competition." In my opinion, it would regard the word "competition" as meaning, as the honorable and learned member for Corinella said last night, something real, that is, tangible or substantial.

Mr. McCAY.—Not if the word "substantial" is to be construed as meaning something large, rather than real.

Mr. WATSON.—Let us accept the word as meaning something real. Do honorable members think that the Court would consider the word "competition" in the amendment to refer to that abstract competition, which, under our present state of civilization, exists practically between every individual?

Mr. McCAY.—I will trust the Court.

Mr. WATSON.—The honorable and learned member from time to time says that he will trust the Court, but he perpetually misapplies the term, because he demonstrates that he will not trust it. The Government are prepared to trust to the good sense and judgment of the Court in all matters. We say that there should be practically no restrictions of the power of the Court, except those which the Constitution compels us to impose. The honorable and learned member, however, seeks to fence the Court round in such a way that it will not be able to give expression to its own opinions. It will be bound, by Act

of Parliament, to refrain from extending the common rule, even although the convenience of all parties might justify that step, unless competition can be proved. I fail to see how it would be possible in the case of the seamen or wharf labourers, or, practically speaking, even in the case of the shearers, to prove the existence of competition in the sense in which that word would be regarded by the Court. The honorable member for North Sydney says that the Government have now no right to put forward this view, because the only justification we advanced for the proposal to allow of the application of the common rule was that competition would exist. That is not the only justification. It is one of the arguments in support of the principle, and I admit, a very important one, but there are other reasons. There is the question of convenience.

Sir WILLIAM LYNE. — The honorable member for North Sydney is wholly opposed to the Bill.

Mr. WATSON.—The honorable member is one of those who has consistently opposed it. I do not object to that attitude, although it is perhaps inconvenient from the stand-point of the Government.

Mr. DUGALD THOMSON.—What I said was that I was against the introduction of a Federal Arbitration Bill until the State Arbitration Acts had been more fully tested.

Mr. WATSON.—The honorable member was against the introduction of the New South Wales Bill.

Mr. DUGALD THOMSON.—I announced that I would not repeal the State Act by—

Mr. WATSON.—The honorable member was against it when it was first introduced.

Mr. DUGALD THOMSON.—Certainly, I was; I say that it has not yet been tested.

Mr. WATSON.—That is a matter of opinion.

Mr. DUGALD THOMSON.—The honorable gentleman is pointing out what he says are my views, but I am seeking to tell the Committee what they really are.

Mr. WATSON.—What the honorable member has said is not inconsistent with what I have attributed to him. He has always been hostile to this kind of legislation.

Mr. DUGALD THOMSON.—Not hostile.

Mr. WATSON.—We will say, then, that the honorable member has, so to speak,



adopted a policy of armed neutrality. The point which I wish to put is that the principle of the common rule, in my view, will be of comparatively little value, unless it is available to the classes of workers for whom this Bill was primarily intended; and, secondly, that the amendment would increase the number of disputes, and the consequent expense by compelling those unions having no opportunity to take advantage of the principle of the common rule to resort to the inclusion, as original parties, of every employer in the industry whom they could discover. That would be a most unfortunate state of affairs. It would be much better to allow the unions to join as parties to the proceedings those who are immediately concerned, and if they wish to extend the award, to come before the Court and show cause in each individual instance. We are proposing to surround this paragraph with provisions that will insure the recognition by the Court of local conditions and every factor that ought to enter into its consideration. As showing that the Government is not adopting a hard and fast line, I would point out that we have already amended this clause in a restrictive way. Without any request being advanced by honorable members, we have substituted for the words "industry affected by the award," the words, "industry in connexion with which the dispute has arisen." That shows that we do not wish to facilitate the extension of a dispute in any under-hand way, so that it would cover every branch of the industry in the Commonwealth. We have shown a proper desire, as far as possible, to confine every dispute within its original area, and, I think, that we may, with justice, expect those who favour the Bill, to meet us with a reasonable degree of liberality in this connexion.

Mr. McCAY (Corinella).—I shall not detain the Committee for more than two or three minutes, as I assume that the debate is nearing its close.

Mr. SPENCE.—I must speak again.

Mr. McCAY.—I am very sorry to hear it. I object to the assertion made by the Prime Minister that if this amendment were carried, seamen, for example, would not be able to come under a common rule. I assert that they would. There must be two parties to a dispute among these men—the seamen, and the employers of the seamen—and, having regard to the way in which ships trade between the different

ports of Australia, it is impossible to conceive of a case in which some one of the ships, under the award of the Court, would not come into competition with a ship that was not under the award. In my opinion, shearers could also be brought under the common rule, if the Court thought fit to apply it. The products of the industry of shearers are continually in competition. The common rule would also apply to coal miners, but, so far as its application to gold miners is concerned, I think that there is something to be said on either side. There is, perhaps, some doubt as to whether, under this amendment, the common rule could be made to apply to wharf labourers. But if we are to deal with specific cases and specific facts, I remind the Committee of the remark made by the Prime Minister, that the Minister of External Affairs happens to be President of the Waterside Workers' Federation. The great bulk of the men engaged in the industry are members of the unions forming that federation, and therefore members of the organization which would be a party to any dispute brought before the Court. There would be no necessity for a common rule for them, because practically every one employed in the industry is within the organization, and would come under the award of the Court. Honorable members appear to forget that my amendment applies only to a common rule, and does not limit awards in any way. Some arguments have been directed against it, as though it would limit awards.

Mr. SPENCE.—In a great many instances awards would be of no use without a common rule.

Mr. McCAY.—With respect to the industry with which the honorable member for Darling is most familiar, there can be no reasonable doubt that it would come under the common rule provisions.

Mr. BATCHELOR.—If a common rule could be applied, where is the necessity for the amendment?

Mr. McCAY.—I remind the Committee that there is a fundamental principle justifying the application of awards to people on either side who have not asked for them, and it is that somebody else may suffer injustice because they are not brought under a common rule. The injustice can only arise where there is competition, and we are here only to remedy injustice. It is not a fair comment to say that this amendment would injure the Bill.

whether it is intended to do so or not. It is not sufficient for the Prime Minister to say that I and others have no wish to injure the Bill, because I contend that what is proposed will not injure the Bill. We are laying down a principle which it is admitted on all sides the Court will have to apply. The Prime Minister says that he is willing to put in a direction that the Court must consider what I have suggested in giving a decision. He has admitted that that is one factor which should be regarded by the Court. I say that it is the fundamental basis upon which the Court should proceed. If it is wise to give such a direction as the Prime Minister suggests, it is only because that is what the Court ought to do. If we believe that the Court ought to do that, it is our duty as a Legislature to direct that it shall do it. When we use the expression "trust the Court," we mean that within the limits of the authority which we choose to confer upon the Court we should leave it a free hand. We are doing that, but when there is a clear principle which may be laid down, and of which the Legislature approves, it is the duty of the Legislature to inform the Court of its approval of that principle, and of its intention that that principle shall be adhered to. I have referred to the cases of the wharf labourers, the seamen, and the miners, and I ask the Committee to pass this amendment to give legislative form to what practically every honorable member believes to be the true basis upon which the application of the common rule should be conducted. We shall be shirking our duty if we do not take such steps in this Bill as are necessary to carry out what we believe to be a correct principle.

Mr. HUGHES (West Sydney—Minister of External Affairs).—There is one aspect of the question to which I should like to direct the attention of the Committee in connexion with wharf labourers. Competition can hardly be said to arise between wharf labourers employed in Melbourne and in Sydney, or between those employed in Sydney and in Fremantle. I am not dealing with a supposititious case, and I remind the Committee that wharf labourers at Adelaide do not belong to our federation. In one port of Western Australia, wharf labourers engaged in the industry do not belong to our federation. The honorable and learned member for Corinella has said that the basic reason for a common rule, and its application, is competition. Very well, competition in what?

Mr. McCAY.—Competition which causes the people, coming under the common rule, to be injured by being under it.

Mr. HUGHES.—If the rate of wages paid to wharf labourers in the port of Sydney is increased, and the rate paid to wharf labourers at Fremantle, or elsewhere in the Commonwealth, is not correspondingly increased, I ask honorable members to say whether the increase will not have a deterrent effect upon the shipping going to the port in which it operates, providing it is of such a character as will be felt by the shippers. Honorable members should not forget that the stevedores never pay the increase, or very rarely do so. It is the shippers who have to pay it. I will give an illustration. If men work between 8 a.m. and 5 p.m., the ordinary hours, the stevedore pays the wages; but for overtime the shipper, and not the stevedore, has to pay. It will, therefore, be seen that if an increase of wages is directed in any particular port, and the rule does not include all the ports of Australia, its effect will be in the nature of a direct embargo upon the shipping entering the port in which the rule applies. If a proposal is made to increase the wages of wharf labourers in Sydney or Melbourne the Court must consider what effect it will have, or will tend to have, upon the shipping of those ports, when some other ports are excluded from the common rule, and when, under the amendment proposed by the honorable and learned member for Corinella, on his own admission, they cannot be brought within the rule, because there is no real competition between them. Such competition as there may be cannot be said to be competition between port and port in the sense in which we use the word here, because the persons coming before the Court are employer and employé, and the stevedore cannot say that the effect of the rule would be to decrease his profits, because it would not.

Sir JOHN FORREST.—Would not the wages be the same in every port?

Mr. HUGHES.—The right honorable gentleman will permit me, with my special information on the subject, to tell him that they are not the same now. At the port of Fremantle, for instance, 1s. 6d. per hour is paid for work for which one lot of men receive 1s. an hour in the ports of Melbourne and Sydney, and another lot 1s. 3d. per hour. In the port of Brisbane for the same work they receive 1s. per hour, but when

we go up the coast to Cooktown, I believe that the rate is 1s. 6d. or 1s. 9d., and if we go round Cape York to Normanton the rate there is, or used to be, 2s. an hour for the same work. Yet if we exclude Brisbane, where the men engaged in this work are poorly paid, these amounts represent practically the same rate of wage. That is to say, they represent practically the same purchasing power. If there is any one of the ports excluded from the common rule the Court may say, "One of the effects of granting this very just application for increased wages in the ports of Sydney and Melbourne will be that persons carrying on business in the port of Adelaide, or some other port where the wharf labourers do not belong to the federation, will be able to handle cargo very much more cheaply than those engaged in the industry in Melbourne and Sydney. That will naturally tend to decrease the chance of shipping going to the ports in which the increase is allowed; especially as the increase is in many cases directly, and in every case ultimately, paid by the shippers, and not by the stevedores.

Mr. EWING.—That is a theoretical argument, but has it any practical bearing?

Mr. HUGHES.—The bearing is this: the honorable and learned member for Corinella says that there is competition in every trade but that engaged in by wharf labourers, and then he assumes that all the wharf labourers employed in Australia are members of the Waterside Workers' Federation. My word must be taken in this matter, and I say that some wharf labourers do not belong to the federation, and further, of those who are in the federation some may not desire to be brought under a special rule. The unions are autonomous bodies in the different ports, and they can only be brought together when they are all agreed. My honorable friend will understand that a dispute within the meaning of this Bill is a difference of opinion as to the pay that should be given or the conditions of work imposed. I point out that the Court of New South Wales was asked to increase the wages in the tailoring trade, and the application was met by the statement that, in Queensland, there was no factory legislation, and no method of increasing the wages or of determining the amount to be paid for each garment, and that, therefore, if the wages were increased, the trade would drift from Sydney to Brisbane. It has done so to some small extent. I point out that, if there is any way by which the members of the

Waterside Workers' Federation will be deprived of the benefit of a common rule, that the whole of the wharf labourers will be excluded from the Bill. Honorable members will agree that the Court may refuse to apply a common rule if in their opinion to do so would be to injure the shipping industry in a particular port. If it is the intention of the Committee to exclude wharf labourers, we should say so in set terms, but we should not pretend that it is our intention that they shall enjoy the benefit of this measure, when by the amendment it is proposed directly to prevent them from enjoying them. So far as the wharf labourers are concerned, I earnestly ask the Committee to accept the suggestion of the Prime Minister, which is practically to the same effect as the amendment, except that it will not be mandatory in every case upon the Court to have regard to competition, and competition alone.

Mr. WATSON.—I will propose the amendment to which I have referred if the other is defeated.

Mr. HUGHES. — Competition, as has been shown, will not directly affect this particular industry, and there are others when the honorable and learned member for Corinella has perhaps overlooked in the same position. I do say that if this measure was intended to benefit any one at all, it was the maritime labourers and shearers. The honorable and learned member for Corinella now proposes to exclude the members of a federation numbering 11,000 men from the benefits of the Bill. Perhaps more than any other, the object aimed at in this legislation was to benefit the class of men who were engaged in the great maritime strike. The Committee, after saying that it is prepared to allow maritime labourers to come under the Bill, is now deliberately being asked to exclude the most powerful body of them.

Mr. CROUCH (Corio).—I have not yet spoken on the question of the common rule, but I told the honorable and learned member for Corinella that I should probably vote for his amendment. After listening to the arguments of the Prime Minister and the Minister of External Affairs, I feel now that if we are to save the Bill at all we must vote with the Government, and I propose to do so. The provision for a common rule is really the heart of the measure, and it is not likely that it will be applied to small organizations and to the artisan classes. As the measure can apply only to disputes

COMMONWEALTH OF AUSTRALIA.

---

I N D E X

TO

PARLIAMENTARY DEBATES.

---

SESSION 1904.

---

*March 2 to December 15.*

**PART I., SPEECHES, pages iii to xlii.**

**PART II., SUBJECTS, pages xliii to lxxxi.**



# PART I.

## SPEECHES.

March 2 to December 15, 1904.

**EXPLANATION OF ABBREVIATIONS.**—*Adj.*, Motion of Adjournment; *ad. rep.*, Adoption of Report; *com.*, Committee; *cons. amds.*, Consideration of Amendments; *cons. mes.*, Consideration of Message; *dis.*, Order of the Day Discharged; *expl.*, Explanation; *int.*, Introduction; *mes.*, Message; *m.*, Motion; *m.s.o.*, Motion to Suspend Standing Orders; *obs.*, Observations; *p.o.*, Point of order; *q.*, Question; *1R.*, *2R.*, *3R.*, First, Second, or Third Reading; *recom.*, Recommended; *recons. amds.*, Reconsideration of Amendments.

**Baker, Senator Hon. Sir Richard**  
**K.C.M.G., K.C., South Australia :**

Appropriation Bill *com.*, (schedule), 8259  
Parliamentary Evidence Bill, *2R.*, 5798  
President, Election of, *obs.*, 6  
Privilege—Freedom of Speech, 1116

See PRESIDENT, The (Subjects).

**Bamford, Hon. F. W., Herbert :**

Address-in-Reply, 625  
Appropriation Bill, *2R.*, 8131  
Business of House, *q.*, 7618  
Caucus Meetings, *q.*, 4028  
Coinage, *q.*, 7489, 7523  
Conciliation and Arbitration Bill, *com.* (organization represented), 2316; (registration), 2928; *recom.*, 4244  
Defence Equipment, *q.*, 2425  
Electoral Rolls, *q.*, 6208; *supply*, 6215  
Federal Capital, *q.*, 3033  
“Honorable,” Title of, *q.*, 1255  
Immigration :  
    Domestic Servants, *q.*, 6882  
    Italian, *q.*, 2584; *supply*, 2589; *q.*, 2692  
Kanakas, Repatriation, *q.*, 79, 1785, 3035  
Ministry :  
    (Watson), Policy of, *adj.*, 1289  
    (Reid), Position of, *m.*, 5516  
Naturalization :  
    Chinese and Japanese, *m.*, 6210  
Naval Vessels, Coaling, *q.*, 3574  
New Guinea :  
    Royal Commission, *q.*, 1395  
    Mail Service, *q.*, 7412; *supply*, 8131  
    Administration, *adj.*, 8358  
New Hebrides, *supply*, 6306; *q.*, 7111  
Papua (British New Guinea) Bill, *com.* (prohibition of intoxicants), 7334, 7350, 7539  
Pearling Industry :  
    Aliens, *q.*, 3035  
    Japanese, *q.*, 2312, 2371  
    Papuan, *q.*, 2250  
Petitions, *q.*, 8306  
Postage, Penny, *q.*, 2696  
Post Office Employés :  
    Discrepancies, *q.*, 2694  
    Postmasters, *supply*, 7046  
Post Office : Woolloongabba, *q.*, 6297, 6918  
Preferential Trade, *obs.*, 631  
F.13481.—A.

Bamford, Hon. F. W.—*continued.*

Printing, Parliamentary, *q.*, 7112  
Queensland Representation, *q.*, 2017  
Questions, upon notice, *q.*, 143  
Sugar Planting :  
    Cane Field Inspection, *q.*, 6382; *supply*, 6703  
    Chinese, *q.*, 4401  
Sunday Work, Flat Top, *q.*, 4630  
Supply :  
    External Affairs, 6306  
    Home Affairs, 6597, 6619  
    Postmaster-General, 7046  
    Trade and Customs, 6703  
    Works and Buildings, 7234

**Batchelor, Hon. E. L., Boothby :**

Barracks, Sydney *q.*, 2428, 2469  
Business of House, *adj.*, 5286  
Chairman of Committees, *m.*, 685  
Commandant, Military, *adj.*, 3470  
Conciliation and Arbitration Bill, *com.* (interpretation), 2042; *recom.*, 4213; *cons. amds.*, (minimum wage and preference), 7868; *m.*, 8014  
Count Out, *q.*, 4520  
Defence Bill, 1904; *cons. amds.*, 8018  
Defence Forces, South Australia, *supply*, 7029  
Echuca Electoral Roll, *q.*, 2468  
Election Promises, *q.*, 1897  
Elections :  
    Accounts, *adj.*, 1289  
    Administration, *q.*, 1298; *m.*, 1305, 1326, 1351, 1897, 2247, 3934  
    Documents Destroyed, *q.*, 2885  
    Officers, Payments, *q.*, 2427  
    Personations, *q.*, 3294  
    Riverina, *q.*, 2017, 2105  
Electoral Act Committee, *q.*, 3934  
Electoral Rolls, *q.*, 2184, 2250, 3246, 3452, 3572, 3812, 5850; *supply*, 6220  
Federal Capital, *q.*, 1254, 1526, 2369; *m.*, 2383, *q.*, 2800, 3071, 3330, 3452; *adj.*, 3469, 3734, 3811  
Fremantle : Public Works, *q.*, 1605  
Home Affairs Department, *q.*, 2538, 2799; *supply*, 6602, 6618  
Kalgoorlie to Port Augusta Railway, *m.*, 2239, 2241; *q.*, 3171, 3247, 3569.

**Batchelor, Hon. E. L.—continued.**

- Kalgoorlie to Port Augusta Railway Survey Bill, 2R., 5619.  
 Life Assurance Companies Bill, *q.*, 8200  
 Lyndhurst Water Supply, *adj.*, 3734  
 Manufactures Encouragement Bill, *adj.*, 5586  
 2R., 8208  
 Ministry (Reid), Position of, *adj.*, 5286  
 Navigation Bill, *adj.*, 2246  
 Post Offices :  
   Werribee, *q.*, 2250  
   Woolloongabba, *q.*, 2314  
 Police, Victorian, Payments to, *q.*, 3573  
 Public Service :  
   Classification, *q.*, 1042, 2368; *adj.*, 2690,  
   3034; *q.*, 3073, 3170; *supply*, 3288, 6602,  
   6618, 6780  
   Commissioner, *adj.*, 2246  
   Female Officers, *q.*, 3173  
   Increments, *q.*, 7234, 7716, 7839  
   Letter Sorters, *q.*, 3398  
   Postal Officials, *q.*, 3034, 3170, 3171, 3173,  
   3451, 3664  
   Promotions, *q.*, 2585  
   Transferred Officers, *q.*, 2696  
 Public Service Act, *q.*, 3073  
 Queensland Representation, *q.*, 2017  
 Railway Passes, *adj.*, 170  
 Railway Rates, Preferential, *q.*, 1673, 3246  
 Seat of Government Bill, 2R., 3398; *m.*, 3478,  
 3510, 3523; *com.* (seat of government),  
 3612, 3614, 3725, 3752, 3784, 3876, 3931, 3937,  
 3943; (area) 3964, 3985, 3988  
 Statistical Department, *q.*, 1605  
 Supply, *m.*, 6762, 6766  
   Home Affairs, 6602, 6618  
   Trade and Customs, 6747, 6762, 6766, 6776,  
   6780  
   Defence, 7029  
   Postmaster-General, 7234  
   Works and Buildings, 7235  
 Tick, *q.*, 3172  
 Tobacco Industry, *m.*, 5853  
 Ventilation of House, *adj.*, 3666

**Best, Senator Hon. R. W., Victoria :**

- Carroll, Major, case of, *m.*, 3156  
 Chairman of Committees, *obs.*, 553  
 Conciliation and Arbitration Bill, *com.* (inter-  
 pretation), 6338, 6464; (rules of Court),  
 6668; (registration), 6822  
 Defence Forces, *p.o.*, 3129  
 Fraudulent Trade Marks Bill, 2R., 2749; *com.*  
 (short title), 2769; (commencement), 2770;  
 (interpretation), 2771, 2773; (false marks),  
 2776; (importation), 2777, 2780, 2787, 2792,  
 2794, 2874, 2879; *p.o.*, 3161, 3165, 3166;  
 (powers of Court), 2875, 2877; *recom.*, 3531  
 Kalgoorlie to Port Augusta Railway, *supply*,  
 2176  
 Kalgoorlie to Port Augusta Railway Survey  
 Bill, *m.*, 8460, 8463; *adj.*, 8470  
 Privilege : Freedom of Speech, *m.*, 1119, 2173,  
 2857; *q.*, 4283  
 Sea Carriage of Goods Bill, 2R., 7296; *com.*  
 (application), 7398; (construction and juris-  
 diction), 7403; (penalties), 7403  
 Seat of Government Bill, *p.o.*, 1518; *ad. rep.*,  
 2090  
 Stamps, Duty, *q.*, 3635  
 Supplementary Appropriation Bill, *com.* (Home  
 Affairs), 2176  
 Supply Bill (No. 2), *com.* (schedule), 3563

**Best, Senator Hon. R. W.—continued.**

- Trade Marks Bill, 2R., 3539; (definitions),  
 3547, 3551, 3566, 3567, 3657, 3662; (State  
 Acts), 3991; (essential particulars), 3993,  
 3996, 3997, 3998, 3999; (words forbidden),  
 4000; (particular goods), 4001; (disclaimers),  
 4001; (concurrent user), 4002; (registration),  
 4003; (application), 4003; (appeal), 4004,  
 4006; (opposition), 4007; (counter statement),  
 4007; (fee for renewal), 4009; (removal from  
 register), 4009; (trade union marks), 4112.  
*p.o.*, 4124; *recom.* (application for regis-  
 tration), 7285

**Bonython, Hon. Sir J. Langdon, Kt.,  
Barker :**

- Address-in-Reply, 535  
 Advertising Matter, Duty, *q.*, 7173, 7174  
 Cables : Revenue, *q.*, 2694, 2885, 3171.  
 Chinese in Transvaal, *m.*, 806  
 Conciliation and Arbitration Bill, *com.* (inter-  
 pretation), 1185, 2041; (registration), 3029;  
 (commencement), 3312; *recom.*, 4197  
 Customs : Landing Waiters, *q.*, 809  
 Federal Capital, *q.*, 3572  
 Fortifications, Fremantle, *q.*, 5850  
 Immigration :  
   English, *q.*, 5630  
   Japanese, *q.*, 1897  
 Kalgoorlie to Port Augusta Railway Survey  
 Bill, *m.*, 4663  
 Mail Services :  
   English Mail Boats, *q.*, 7618  
   Victoria River, *q.*, 171  
 Medals, Long Service, *q.*, 6098  
 Medical Chests, *q.*, 810, 3877, 3933  
 Ministry (Reid), Position of, *m.*, 5528  
 Patents, *q.*, 2886  
 Pilotage, *q.*, 171, 288  
 Postage :  
   Penny, *q.*, 1299, 1351  
   Printed Matter, *q.*, 6201  
 Post Office : Mount Gambier, *q.*, 7522  
 Preferential Trade, *obs.*, 535  
 Public Service :  
   Increments, *q.*, 4402, 7173  
   Long Service Leave, *q.*, 2520, 2799  
   Post and Telegraph Officials, *q.*, 2898, 3034,  
   3664  
 Spotted Fever, *q.*, 1896  
 Supply : Post and Telegraph, 7151  
 Tarcoola Telegraph Extension, *q.*, 1351  
 Tariff Commission, *obs.*, 5531; *q.*, 6595  
 Territory, Federal, *q.*, 5592

**Brown, Hon. T., Canobolas :**

- Appropriation Bill 3R., 8143, 8155  
 Appropriation (Works and Buildings) B.  
*com.* (issue and application), 7468; (sch-  
 edule), 7469  
 Banners, Consecration of, *supply*, 6897  
 Business of House, *m.*, 6299  
 Chinese in Transvaal, *m.*, 803  
 Conciliation and Arbitration Bill, 2R., *q.*  
*com.* (interpretation), 1213, 7759; *recom.*,  
 4248; *cons. amds.* (minimum wage and  
 preference), 7879, 7954, 7971  
 Deputy Postmaster-General, Sydney, *q.*, 811  
 Elections : Administration, *adj.*, 1289; *m.*, 1311,  
 1331; *supply*, 6413; *q.*, 6382, 7947  
 Electoral Divisions, *q.*, 3393  
 Federal Capital, *adj.*, 3735, 8559

**Brown, Hon. T.—continued.**

Harvesters, *m.*, 6211  
 Kalgoorlie to Port Augusta Railway Survey Bill, *2r.*, 5627  
 Lyndhurst Water Supply, *adj.*, 3735  
 Manufactures Encouragement Bill, *2r.*, 8214  
 Military Commandants: Allowances, *m.*, 1633  
 Ministry:  
     (Watson), Policy of, *m.*, 1667  
     (Reid), Position of, *m.*, 5171  
 New Guinea, *supply*, 6307, 7328  
 Papua (British New Guinea) Bill, *com.* (Lieutenant-Governor), 4677; (Legislative Council), 6510, 6515; (prohibition of intoxicants), 7544, 7547, 7557, 8606  
 People's Reform League, *supply*, 6216  
 Post Cards, Illustrated, *q.*, 8093  
 Price, Colonel, *supply*, 8143  
 Public Service:  
     Classification, *supply*, 6430, 6619, 6622  
     Increments, *adj.*, 8358, 8590  
     Public Works, *supply*, 6629  
 Seat of Government Bill, *m.*, 3496, 3520, 3604; *com.* (seat of government), 3875, 3903; (area), 3984, 3988  
 Statistician, *supply*, 6648  
 Supply, *m.*, 6574, 6757  
     Defence, 6897  
     External Affairs, 6307, 7328  
     Home Affairs, 6405, 6413, 6430, 6619, 6622, 6629, 6631  
     Parliament, 6243  
     Post and Telegraph, 7156, 7181, 7225, 7227, 7243, 7251, 7254  
     Trade and Customs, 6777, 6779, 6781  
     Works and Buildings, 7239  
 Supply Bill (No. 4), *m.*, 4924  
 Tariff, *obs.*, 5197; *supply*, 7449, 8155

**Cameron, Hon. D. N., Wilmut:**

Address-in-Reply, 680  
 Chinese in Transvaal, *m.*, 755, 791  
 Conciliation and Arbitration Bill, *com.* (commencement), 3306  
 Elections: Administration, *m.*, 1328  
 Kalgoorlie to Port Augusta Railway Survey Bill, *m.*, 4664, 4667  
 Ministry (Reid) *exp.*, 4684; *m.*, 5325  
 Navigation Bill, *m.*, 3264  
 Public Service: Classification, *supply*, 3290

**Carpenter, Hon. W. H., Fremantle:**

Address-in-Reply, 438  
 Advisory Board, Colonial, *q.*, 3392  
 Alien Immigration, *q.*, 4496  
 Appropriation (Works and Buildings) Bill, *com.* (issue and application), 7467, 7469  
 Budget, 6231  
 Coaling of Warships, *adj.*, 6530, 7204  
 Conciliation and Arbitration Bill, *com.* (interpretation), 1168, 1725, 1790; (employers not to dismiss), 2218; (on whom award binding), 2336; (powers of Court), 2489; (minimum wage and preference), 2508, 2699; (navigation), 3183; *recom.*, 4249; *q.*, 2428; *p.o.*, 7988  
 Customs Administration, Fremantle, *q.*, 3329  
 Employment, Want of, *adj.*, 3340  
 Fortifications, Fremantle, *q.*, 1605, 2019; *supply*, 2161, 4267; *q.*, 5851, 5937  
 Fraudulent Trade Marks Bill, *2r.*, 8227

**Carpenter, Hon. W. H.—continued.**

Fremantle: Public Works, *q.*, 1605  
 Guns, *q.*, 3934  
 Immigration, Alien, *m.*, 720  
 Immigration Restriction Act, *q.*, 6882  
 Isaacs, Mr., *adj.*, 6097  
 Kalgoorlie to Port Augusta Railway, *q.*, 988, 1298; *m.*, 2242; *q.*, 3569  
 Kalgoorlie to Port Augusta Railway Survey Bill, *m.*, 4664; *adj.*, 4687, 4690; *2r.*, 5622; *obs.*, 6505; *com.* (power to make survey), 7563  
 Mails: English, *q.*, 6297, 7412  
 Military Forces: Eleventh Infantry Regiment, *q.*, 587  
 Ministry (Watson), Policy of, *m.*, 1666  
 Navigation Bill, *adj.*, 2245  
 Papua (British New Guinea) Bill, *com.* (prohibition of intoxicants), 7338, 7546  
 Press Telegrams, *adj.*, 1040  
 Seat of Government Bill, *com.*, (seat of government), 3900  
 Sugar Planting, *supply*, 6725  
 Supply: *m.*, 6591  
     Supplementary Estimates, 2161  
     Trade and Customs, 6725  
     Postmaster-General, 7154  
 Supply Bill (No. 3), *m.*, 4267

**Chanter, Hon. J. M., Riverina:**

Appropriation Bill, *3r.*, 8147, 8155  
 Budget, 6103  
 Business, Private, *obs.*, 6213  
 Conciliation and Arbitration Bill, *com.* (powers of Court), 2682; (registration), 3008; *expl.*, 3245; *recom.*, 4255  
 Election, Riverina, *q.*, 2017, 2105  
 Electoral Rolls, *q.*, 7115  
 Engines, Duty on, *q.*, 7113  
 Imports: Chilled Pork, *q.*, 3072  
 Isaacs, Mr., *adj.*, 6096  
 Mail Contracts: Subletting, *adj.*, 2525  
 Manufactures Encouragement Bill, *2r.*, 8203; *m.*, 8225  
 Ministry, Position of, *m.*, 5329, 5346  
 Public Service: Classification, *q.*, 2691  
 Supply:  
     Attorney-General, 6397  
     Trade and Customs, 6701, 6715, 6716, 6736  
     Treasury, 6783, 6784, 6785  
     Postmaster-General, 7151, 7228  
 Supply Bill (No. 4), *m.*, 4925  
 Tariff Commission, *obs.*, 6103; *supply*, 7453; *exp.*, 7458; *supply*, 8155  
 Telephones, *supply*, 4925; *q.*, 7489  
 Trade, Preferential, *obs.*, 5336, 5352

**Chapman, Hon. Austin, Eden-Monaro:**

Business of House, *adj.*, 5900; *m.*, 7722  
 Commandant, Military: Travelling Allowances, *m.*, 1633  
 Conciliation and Arbitration Bill, *com.* (powers of Court), 2462, 2465; (minimum wage and preference), 2648  
 Defence, Equipment, *q.*, 2425  
 Elections: Documents Destroyed, *q.*, 2885  
 Electoral Administration, *supply*, 6249, 6400; *adj.*, 8359  
 Employment, Want of, *adj.*, 3341, 3526  
 Federal Capital, *q.*, 1254; *adj.*, 1287, 2305; *q.*, 3032, 3070, 3071; *adj.*, 3468; *q.*, 3572; *adj.*, 3730, 3809, 8556



Chapman, Hon. A.—*continued.*

- Guns, *q.*, 1042, 1123
- High Commissioner, *supply*, 2607
- Immigration, *supply*, 2607
- Kalgoorlie to Port Augusta Railway Survey Bill, 2R., 5625
- Lenahan, Major, *supply*, 3586
- Lyndhurst Water Supply, *adj.*, 3730
- Mails :
  - Contracts, *adj.*, 2533
  - Deliveries, *q.*, 2695, 2799
  - Routes, *adj.*, 8557
- Manufactures Encouragement Bill, *adj.*, 5583, 5676
- Military Forces :
  - Ammunition, *adj.*, 1040; *q.*, 1122
  - Board of Advice, *q.*, 3293
  - Carroll, Major, *q.*, 760
  - Eleventh Infantry Regiment, *q.*, 587
  - Medical School, *q.*, 587, 760
  - Mounted Rifles, *q.*, 172
  - Officers, Appointment of, *q.*, 8590
  - Price, Colonel, *q.*, 586
  - Regulations, *q.*, 760; *adj.*, 937
  - Rifles, *adj.*, 1040, 1122
  - Sheldon, Lieut., *q.*, 290
  - Tasmanian, *q.*, 457, 759
  - Uniforms, *q.*, 403
- Old Age Pensions, *q.*, 4496; *adj.*, 4681; *m.*, 5861, 6297
- Pneumatic Tube, Sydney, *q.*, 2800
- Postal Facilities, *supply*, 2608
- Preferential Trade, *m.*, 8352, 8551
- Public Service :
  - Classification, *supply*, 3288
  - Letter-sorters, *q.*, 1897
  - Telegraph Messengers, *q.*, 4402
- Rifle Team, Bisley, *q.*, 1184
- Russo-Japanese war, *q.*, 990
- Seat of Government Bill, *adj.*, 2305; *m.*, 3497, 3599; *com.* (seat of government), 3723, 3849, 3937
- Supply, *m.*, 6575; *expl.*, 6580
- Parliament, 6249
- Home Affairs, 6400
- Supply Bill (No. 2), *com.* (schedule), 3586
- Supply Bill (No. 4), *m.*, 4923
- Telegraphs : Destruction of Trees, *adj.*, 7837, 8360
- Telephones, *supply*, 4923
- Thursday Island, *q.*, 1042

Clemons, Senator Hon. J. S., *Tasmania :*

- Business of Senate, *obs.*, 545
- Chairman of Committees, *m.*, 552
- Conciliation and Arbitration Bill, *com.* (interpretation), 6461; (registration), 6977; *cons. amds.*, *p.o.*, 8059, 8064
- Federal Capital : Report, *m.*, 1467
- Harvesters, *q.*, 6786
- Military Head Covering, *q.*, 6849
- Ministry (Reid), Policy of, *m.*, 4581
- Papua (British New Guinea), *com.* (power to grant land), 7912; (prohibition of intoxicants), 7939, 8025
- Petition, Irregular, *m.*, 7667
- Privilege : Senator Weild, *p.o.*, 7360, 7471, 7472
- Reapers and Binders, *q.*, 1464
- Sea Carriage of Goods Bill, 2R., 7292; *com.* (classes prohibited), 7402; (commencement), 7403; *cons. amds.* (application), 8410

Clemons, Senator Hon. J. S.—*continued.*

- Seat of Government Bill, *p.o.*, 1521; *cons. amds.* (seat of government), 4019
- Standing Orders, *m.*, 1265
- Trade Marks Bill, *com.*, (essential particulars), 3994, 3995, 3997; (words forbidden), 4001; (use of mark), 4132, 4134; (international arrangements), 4138; (agents), 4337, 4338

Conroy, Hon. A. H. B., *Werrica :*

- Address-in-Reply, 417
- Appropriation Bill, 3R., 8146
- Business, Private, *m.*, 82
- Chinese in Transvaal, *m.*, 738, 755
- Conciliation and Arbitration Bill, *com.* (interpretation), 1222; (State authority may refer dispute), 2272; (cognisance), 2273; (certificate), 2275; (reference by organization), 2286, 2303, 2304; (equity), 2315; (on whom award binding), 2330, 2349; (awards to prevail), 2363, 4524; (orders to observe award), 2720, 2721; (registration), 2732; (commencement), 3371; (variation of agreement), 3385; (commencement), 3390; *ad. rep.*, 3392; (recovery of penalties), 4526
- Electoral Act Committee, *q.*, 3934
- Federal Capital, *adj.*, 2306, 3467
- Kalgoorlie to Port Augusta Railway Survey Bill, *m.*, 4669
- Manufactures Encouragement Bill, 2R., 5694; *com.* (short title), 8217, 8218, 8219, 8220; *m.*, 8224
- Meeting, Days of, *m.*, 80
- Ministry :
  - (Watson), Policy of, *m.*, 1657; *expl.*, 1666, 1668; *p.o.*, 4142
  - (Reid), Position of, *m.*, 5560
- Papua (British New Guinea) Bill, *com.*, (Lieutenant-Governor may act), 4680; (civil list), 4680; (prohibition of intoxicants), 7347, 7555, 7557
- Preferential Trade, *obs.*, 421, 423
- Seat of Government Bill, *com.* (seat of government), 3823
- Ships' Stores, *q.*, 2370, 2469
- Speaker, Mr., Position of, *m.*, 694

Cook, Hon. J. N. H. Hume, *Bourke :*

- Agriculture, Department of, *m.*, 6491
- Appropriation Bill, 3R., 8152
- Assurance :
  - Fire, *m.*, 2697
  - Life and Accident, *m.*, 990, 3250; *q.*, 1395
  - Public Servants, *q.*, 6564
- Children's Life Assurance Bill, *int.*, 6211
- Coinage, *m.*, 2371
- Commandant, Military :
  - Reappointment, *q.*, 5592
  - Travelling Expenses, *q.*, 1985
- Conciliation and Arbitration Bill, 2R., 897
- Contracts, Tenders, *q.*, 4498
- Debt, Public, *q.*, 3246
- Defence Bill 1904, 3R., 7519
- Defence Organization, *supply*, 6931
- Echuca Electoral Roll, *q.*, 2468
- Electoral Rolls, *adj.*, 7317
- Harvesters, *m.*, 6211
- Industrial Laws, *m.*, 3458
- Insulators, *q.*, 3172
- Kalgoorlie to Port Augusta Railway, *q.*, 3247
- Life Assurance Companies Bill, 2R., 7123; *com.* (schedule), 8330

**Cook, Hon. J. N. H. Hume.—continued.**

Manufactures Encouragement Bill, 2r, 5892, 5938  
 Military Forces: Badges and Ornaments, q., 4496, 4519  
 Ministry (Reid), Position of, m., 5066  
 New Hebrides, m., 4029, 7521  
 Papua (British New Guinea) Bill, *cons. amndts.* (prohibition of intoxicants), 8614, 8615  
 Post and Telegraph Department: Telegraph Posts, *adj.*, 3327  
 Preferential Trade, q., 5030; *obs.*, 5075  
 Public Service:  
     Classification, q., 2657; *supply*, 6611  
     Female Officers, q., 3173  
     Increments, q., 7811  
     Overtime, *adj.*, 4083  
 Railway Rates, Preferential, q., 1673  
 Sailors, Norwegian, q., 2312  
 Seat of Government Bill, 2r, 3433; *com.* (seat of government), 3937  
 Stamps, Duty, q., 587  
 Supply:  
     Home Affairs, 6611  
     Defence, 6931  
     Postmaster-General, 7145, 7180  
 Tariff, m., 3877; *exp.*, 3931; *obs.*, 6210; *supply*, 7449, 8152  
 Telephone, Warmatta, q., 6210

**Cook, Hon. Joseph, Parramatta:**

Address-in-Reply, 1r1  
 Agriculture, Department of, m., 5867  
 Budget, 6024  
 Business of House, *adj.*, 5286, 5580, 5899; m., 7727  
 Conciliation and Arbitration Bill, *com.* (commencement), 3373; (compromise), 3388, 4539; *recom.*, 4228; *cons. amnds.* (minimum wage and preference), 7845, 7875, 7953, 7969  
 Contracts, Tenders, q., 4497, 4498; *adj.*, 5743  
 Debate, Limitation of, m., 7427  
 Defence Organization, *supply*, 6948  
 Elections:  
     Administration, m., 1322; *supply*, 6397, 6410; *adj.*, 8357  
     Accounts, *adj.*, 1288  
 Employment, Want of, *p.o.*, 3333; *adj.*, 3336, 3525  
 Federal Agencies, State Taxation of, q., 6563  
 Federal Capital, *adj.*, 3732, 3736, 8558  
 Hughes, Mr., *expl.*, 4833, 4960  
 Iron, Bounties, q., 288  
 Isaacs, Mr., *p.o.*, 6088; *adj.*, 6093  
 Lenehan, Major, *supply*, 3591  
 Life Assurance Companies Bill, 2r., 7128  
 Lyndhurst Water Supply, *adj.*, 3732, 3736  
 Mail Contracts, *adj.*, 133; q., 142, 6480  
 Mail Steamers: Coloured Labour, q., 6481  
 Manufactures Encouragement Bill, 2r., 5945; *com.* (short title), 8220, 8221; m., 8225  
 Ministry:  
     (Watson) Position of, *p.o.*, 4144, 4149  
     (Reid), Position of, m., 4778; *p.o.*, 5044; *adj.*, 5286; *expl.*, 5345; *p.o.*, 5546  
 Mounted Infantry, q., 7619  
 Navigation Bill, *p.o.*, 3262; m., 3266  
 Papua (British New Guinea), Bill, *com.* (Legislative Council), 6508; (prohibition of intoxicants), 7336, 8611

**Cook, Hon. Joseph.—continued.**

Public Service:  
     Classification, *supply*, 3285  
     Clerical Division, q., 8590  
 Post and Telegraph Department:  
     Construction Overseers, q., 1299, 3451  
     Increments, *supply*, 7205, 7233  
     Post Masters, q., 3331  
     Telephone Attendants, q., 5852  
 Preferential Trade, *obs.*, 4784, 7728; m., 8353, 8536  
 Public Service, *supply*, 6422  
 Quarantine Conference, q., 3393  
 Sandford, Mr., Rebate to, *supply*, 4922  
 Sea Carriage of Goods Bill, 2r., 8307  
 Seat of Government Bill, m., 3520, 3603; *com.* (seat of government), 3761; (*p.o.*, 3947), 3954; (*arca*), 3954, 3968, 3986  
 Sugar Bounty, *supply*, 6727  
 Supply, m., 6759, 6763  
     Defence, 6948  
     Home Affairs, 6397, 6410, 6422, 6617; *p.o.*, 6430  
     Postmaster-General, 7221, 7233, 7249  
     Trade and Customs, 6727  
 Supply Bill (No. 2), *com.* (schedule), 3591  
 Supply Bill (No. 4), m., 4921  
 Tariff, *obs.*, 184; m., 4785, 6210; *adj.*, 5580; *obs.*, 6025; *supply*, 7456, 7461  
 Telephone Facilities, *supply*, 4921  
 Ventilation of House, *adj.*, 3670

**Croft, Senator J. W., Western Australia:**

Conciliation and Arbitration Bill, 2r., 5903; *com.* (interpretation), 6459; (representation of parties), 6472, 6534; (minimum wage and preference), 6559, 8068; (registration), 6814, 7097  
 Fraudulent Trade Marks Bill, *com.* (interpretation), 2772  
 Public Works: Day Labour, m., 3230  
 Trade Marks Bill, *com.* (trade union marks), 4111

**Crouch, Hon. R. A., Corio:**

Address-in-Reply, 613  
 Appropriation Bill, 2r., 8124; 3r., 8153  
 Banners, Consecration of, q., 5847, 5849, 6208; *adj.*, 6649, 6886; *p.o.*, 6887; m., 6889; *supply*, 6889, 6895, 6896  
 Business, Private, *adj.*, 832  
 Conciliation and Arbitration Bill, q., 1042; *com.* (interpretation), 1206, 1703, 1730, 1835, 2068, 2074, 2203, 2204, 2206, 2211; (awards to prevail), 2356; (powers of Court), 2456, 2489, 2650; minimum wage and preference), 2660; (orders to observe award), 2710, 2711, 2716; (registration), 2834, 2990; (disclosure of secrets), 3074, 3075; *recom.*, 4245, 4522; *p.o.*, 7990  
 Contracts, q., 4403; *adj.*, 4690; *expl.*, 4695  
 Count out, m., 6478  
 Customs Prosecutions, q., 759  
 Defence Bill, 1904, 3r., 7510  
 Defence Committee, q., 3933; *adj.*, 3068  
 Defence Department: Correspondence, *adj.*, 1255  
 Election Promises, q., 1897  
 Electoral Administration, q., 761  
 Exports: Hides, q., 2370  
 Federal Capital, *adj.*, 3463

Crouch, Hon. R. A.—*continued.*

- Flag, Commonwealth, *m.*, 1605, 1913, 1914, 2695  
 Fodder, Freight, *q.*, 5852  
 High Commissioner, *q.*, 4520  
 Langwarrin Military Reserve, *adj.*, 5215  
 Lenehan, Major, *supply*, 3587  
 Life Assurance Companies Bill 2*r.*, 7130; *com.* (limitation of amount payable), 7135, 7136  
 Mail Contracts, *q.*, 2885  
 Military Commandant :  
   Advisers of, *adj.*, 3068  
   Appointments, *adj.*, 3470  
   Cypher Cables, *q.*, 1524, 1673, 1675  
   Report, *q.*, 2693, 2798  
 Military Forces :  
   Artillerymen, *q.*, 3398; *supply*, 6969  
   Finn, Brigadier-General, *q.*, 3172  
   Militia officers, *q.*, 7840  
   Mounted Rifles, *q.*, 172  
   Ordnance Branch, *q.*, 7020  
   Price, Colonel, 8124  
   Rations, *q.*, 3877  
   Regulations, *q.*, 760, 2469  
   Religion of Troops, *adj.*, 1255; *q.*, 1396  
   Retirements, *q.*, 4632  
   Sheldon, Lieut., *q.*, 290  
   Simmons, Sergeant, *q.*, 7523  
   Volunteer Forces, *q.*, 2800, 3033, 3397  
 Ministry (Reid), Position of, *expl.*, 4685; *m.*, 4766  
 Naval Brigade, *adj.*, 3127  
 Naval Cadets, *q.*, 1397  
 New Hebrides, *q.*, 1784, 7021  
 Northern Territory, *q.*, 4139  
 Papua (British New Guinea) Bill, *com.* (civil list), 4681; (Legislative Council), 6507, 6518; *cons. amds.*, (prohibition of intoxicants), 8609, 8612, 8615, 8616  
 Police, Victorian, Payments to, *q.*, 3573  
 Potters Six, Prosecution, *q.*, 6698  
 Preferential Trade, *obs.*, 4777  
 Public Service :  
   Classification, *q.*, 2656, 3072; *supply*, 6426  
   Letter-sorters, *q.*, 2018, 3398  
   Military Titles, *adj.*, 2110; *q.*, 2371  
   Temporary Employment, *q.*, 7112  
 Queenscliff Road Grant, *supply*, 6970; *q.*, 7111, 8307  
 Questions, *adj.*, 4690; *expl.*, 4695  
 Reid, Mr., *expl.*, 5052  
 Russo-Japanese War : Australian Military Attache, *q.*, 3392  
 Sea Carriage of Goods Bill, *com.* (application) 8323  
 Seat of Government Bill, *expl.*, 3931; *com.*, (seat of government), 3945; *p.o.*, 3947  
 South African War : Honours, *q.*, 3471  
 Supply :  
   Defence, 6889, 6895, 6896, 6969, 6972  
   Home Affairs, 6426  
   Postmaster-General, 7042, 7203, 7232, 7234  
   Works and Buildings, 7235  
     Bill (No. 2), *com.* (schedule), 3587  
     Bill (No. 3), *m.*, 4267  
     *supply*, 7446, 7462, 8153  
   Telegraph Operators, *q.*, 4498  
   Recommendations for, *q.*, 2695, 2800  
     *supply*, 4267  
   Post Office, *q.*, 2250

## Culpin, Mr. M., Brisbane :

- Address-in-Reply, 192  
 Conciliation and Arbitration Bill, *com.* (interpretation), 2015; (registration), 3007; *expl.*, 3069; (commencement), 3353; *recm.*, 4209  
 Elections : Administration, *m.*, 1330  
 Kalgoorlie to Port Augusta Railway Survey Bill, 2*r.*, 5606  
 Ministry (Reid) Position of, *m.*, 4953  
 New Hebrides Mail Service, *q.*, 7307, 7412  
 Papua (British New Guinea) Bill, *com.* (prohibition of intoxicants), 7347  
 Post Office, Brisbane, *q.*, 1042, 1123  
 Preferential Trade, *obs.*, 193  
 Seat of Government Bill, *com.* (seat of government), 3923; *expl.*, 4028  
 Supply :  
   Postmaster-General, 7139, 7203  
   Works and Buildings, 7237  
 Supply Bill (No. 4), *m.*, 4930  
 Telegraph Employes, *supply*, 4930  
 Telephone Attendants, Female, *q.*, 5970

## Dawson, Senator Hon. A., Queensland :

- Address-in-Reply, 353  
 Business of Senate, *m.*, 1604  
 Carroll, Major, *m.*, 1843; *m.s.o.*, 1857  
 Chairman of Committees, *m.*, 552  
 China Oil, Duty, *q.*, 7573  
 Committees, Select : Press Reports, *m.*, 1857  
 Conciliation and Arbitration Bill, *com.* (interpretation), 6342, 6351, 6445; (registration), 6677, 6697, 6876, 6976, 6982; (adoption of rules), 7109  
 Defence Administration, *q.*, 7160  
 Defence Equipment, *q.*, 2172; *adj.*, 3146; *q.*, 3528, 3633  
 Defence Regulations, *com.* (officers' services dispensed with), 1587; (seconding), 1590, 1591, 1595, 1598, 1599; (officers under arrest), 1600  
 Drilling of Youths, Compulsory, *q.*, 1296  
 Federal Capital, *adj.*, 1604  
 Guns, *q.*, 4100, 4101  
 Military Commandant, *q.*, 4283; *m.*, 4682  
 Military Forces, *adj.*, 3149  
 Ministry (Watson), Formation of, *m.*, 1245  
 Naval Reserve, *q.*, 3529  
 Patents Office; Staff, *q.*, 1292  
 Petitions, *q.*, 5902  
 Preferential Trade, *amdt. Address-in-Reply*, 360  
 Privilege : Freedom of Speech, *m.*, 1113, 1244  
 Rifle Team, Bisley, *q.*, 1255  
 Russian Attack on British Fishing Fleet, *m.*, 6269  
 Seat of Government Bill, *m.* 1604; *ad. reply*, 2088  
 Supplementary Appropriation Bill, *com.* (Defence), 2180  
 Supply Bill (No. 2), *com.* (schedule), 3550

## Deakin, Hon. A., Ballarat :

- Aborigines, W.A., *adj.*, 939.  
 Acts Interpretation Bill, 2*r.*, 1037; *com.* (offences punishable), 1038; (aiding or abetting), 1039  
 Address-in-Reply, 25, 105, 755  
 Appropriation Bill, 2*r.*, 8130  
 Aramac, wreck, *obs.*, 489; *q.*, 719  
 Braddon, Sir Edward, Death of, *m.*, 14  
 Budget, 6004, 6127

**Deakin, Hon. A.—continued.**

- Business of House, *m.*, 81, 83; *adj.*, 336, 542; *obs.*, 642, 666, 696; *adj.*, 757, 807, 832.  
 Business, Private, *m.*, 81  
 Coinage, Decimal, *q.*, 172  
 Conciliation and Arbitration Bill, *q.*, 14, 26, 1042; *adj.*, 757; *2r.*, 762, 790, 930; *com.* (interpretation), 1045, 1681, 1828, 2043, 2056, 2058, 2069, 2072, 2203, 2205; (organization ordering members to refuse employment), 2216; (Court), 2227; (term of office), 2235; (Deputy President), 2238; (State authority may refer dispute), 2252, 2265; (award), 2317; (on whom binding), 2324; (awards to prevail), 2362; (awards not to be challenged), 4524; (powers of Court), 2385, 2407, 2421, 2478, 2483; (minimum wage and preference), 2490, 2492, 2511; (registration), 2726, 2975; (Judge), 3073; (disclosure of secrets), 3075; (organization to be represented), 3078; (navigation), 3099; *recom.*, 4029, 4232; *p.o.*, 7980  
 Copeland, Mr.; Death of, *obs.*, 2653  
 Electoral Administration, *q.*, 455, 456, 490, 586, 587, 758; *adj.*, 938, 1040  
 Federal Agencies, State Taxation of, *adj.*, 7664; *m.*, 7736  
 Federal Capital, *obs.*, 643  
 Governor-General's Establishment, *supply*, 6644  
 Immigration, Italian, *q.*, 1184, 2583; *supply*, 2586  
 Imports, British, *q.*, 759  
 Kalgoorlie to Port Augusta Railway Survey Bill, *int.*, 1126  
 Kanakas, Repatriation, *q.*, 79, 1123  
 Liberal Party, Meeting of, *p.o.*, 5062  
 Mail Contracts:  
   English, *adj.*, 134; *q.*, 142, 880  
   Sub-letting, *q.*, 988  
 Manufactures Encouragement Bill, *com.*, (short title), 8219  
 Meeting, Days of, *m.*, 80  
 Ministry:  
   (Deakin), Position of, *adj.*, 1244  
   (Watson), Formation of, *m.*, 1247; policy of, *m.*, 1286, 1331; *expl.*, 1394  
   (Reid), Position of, *m.*, 5472  
 Naturalization Act, *q.*, 490  
 New Caledonia, *q.*, 760  
 New Hebrides, *q.*, 172; *supply*, 6254  
 Newspaper Postage, *q.*, 989  
 Opium, *q.*, 761  
 Pacific Cable, *q.*, 1184  
 Papua (British New Guinea) Bill, *com.* (prohibition of intoxicants), 6520  
 Patents:  
   Publication, *q.*, 7522  
   Regulations, *q.*, 5591  
   Petitions, *obs.*, 489  
   Petriana, Wreck, *q.*, 455  
   Post Office, Brisbane, *q.*, 1042  
   Preferential Railway Rates, *q.*, 666  
   Price, Colonel, 8130  
   Press Telegrams, *adj.*, 1040  
   Preferential Trade, *obs.*, 108; *adj.*, 134; *q.*, 3932; *obs.*, 5507; *adj.*, 6255; *m.*, 8094  
 Public Service:  
   Classification, *obs.*, 2654, 2655, 2657; *adj.*, 2691  
   Post and Telegraph Associations, *q.*, 880  
   Transferred Officers, *q.*, 79  
 Victorian Officers, *supply*, 2130; *expl.*, 2249

**Deakin, Hon. A.—continued.**

- Questions upon Notice, *obs.*, 143  
 Registration of Births and Deaths, *q.*, 880  
 Rifle Team, Bisley, *q.*, 491  
 South Africa, Trade with, *q.*, 1184  
 South African War, History, *q.*, 6917  
 Speaker, Mr.:  
   Election of, *m.*, 11, 13  
   Position, *obs.*, 12; *m.*, 691  
 Standing Orders, *q.*, 403  
 Stead, Mr. W. T., *q.*, 719  
 Supply Bill (No. 1), *com.*, 2896  
 Supply:  
   External Affairs, 6254  
   Home Affairs, 6644  
   Supplementary Estimates, 2130  
 Tariff Commission, *obs.*, 5505, 6004; *m.*, 8094; *obs.*, 8618  
 Transvaal:  
   Chinese, Introduction of, *m.*, 708, 755  
   Stead, Mr. W. T., *q.*, 719  
   Watson, Mr., *m.*, Health of, *obs.*, 2866  
   Weather Bureau, *q.*, 808

**de Largie, Senator Hon. H., Western Australia:**

- Address-in-Reply, 238  
 Business of Senate, *m.*, 1603; *adj.*, 5732, 7803  
 Chairman of Committees, *adj.*, 401  
 Chinese in Transvaal, *m.*, 555  
 Conciliation and Arbitration Bill, *2r.*, 6074; *com.* (interpretation), 6334, 6371, 6458, 6464; (representation of parties), 6533; (minimum wage and preference), 6542, 8050; (registration), 6824, 6866, 7004, 7106  
 Defence Regulations, *com.* (seconding), 1594, 1599  
 Flag, Commonwealth, *m.*, 1585  
 Fraudulent Trade Marks Bill, *com.* (interpretation), 2773; (importation), 2778, 2784; (remission of forfeiture), 3534; (exportation), 3537  
 Iron Works, *m.*, 947, 1295  
 Kalgoorlie to Port Augusta Railway Survey Bill, *2r.*, 8454  
 Ministry (Reid), Policy of, *m.*, 4591  
 New Hebrides, *m.*, 4089  
 Papua (British New Guinea) Bill, *com.* (Lieutenant-Governor), 7794; (transfer of officers), 7799; (ordinance reserved), 7800; (prohibition of intoxicants), 7922, 8028, 8035  
 Petition, Irregular, *m.*, 7667  
 Russian Attack on British Fishing Fleet, *m.*, 6267  
 Sea Carriage of Goods Bill, *3r.*, 7578  
 Seat of Government Bill, *m.*, 1603; *2r.*, 1759; *com.* (seat of government), 1891, 1895  
 Senate, Sitting Days of, *m.*, 6326  
 Supply Bill (No. 3), *1r.*, 4303  
 Survey, North-west Coast, *q.*, 5706  
 Tobacco Monopoly, *m.*, 663  
 Trade Marks Bill, *com.* (trade union marks), 4195; *3r.*, 7599

**Dobson, Senator Hon. H., Tasmania:**

- Absence, Leave of, *m.*, 2173  
 Address-in-Reply, 276  
 Appropriation Bill, *1r.*, 8185; *com.* (schedule), 8272, 8274, 8295, 8299, 8384, 8392  
 Business of Senate, *m.*, 545, 647; *adj.*, 5733  
 Carroll, Major, *m.*, 1845, 3155, 3157  
 Chairman of Committees, *adj.*, 400

**Dobson, Senator Hon. H.—continued.**

- Chinese in Transvaal, *m.*, 575  
 Conciliation and Arbitration Bill, 2R, 6057;  
*com.* (interpretation), 6344, 6368; (offence  
 repeated), 6470; (minimum wage and pre-  
 ference), 6550, 6559; (registration), 6680,  
 6861, 7005; *p.o.*, 7107; (proclamation),  
 7167; 3R, 7257  
 Conference of Premiers, *q.*, 7773, 7892  
 Defence Regulations, *com.* (seconding), 1595  
 Defence : Compulsory Drilling of Youths, *q.*,  
 1296; *obs.*, 8199; *supply*, 8384, 8392  
 Election Meetings, *q.*, 1736  
 Electoral Act, *q.*, 940  
 Fraudulent Trade Marks Bill, *com.* (com-  
 mencement), 2770; (disposal of forfeited  
 goods), 2879; (discovery), 2879; (powers of  
 Court), 2881; (importation), *p.o.*, 3166  
 Kalgoorlie to Port Augusta Railway, *q.*, 4681,  
 6032  
 Kalgoorlie to Port Augusta Railway Survey  
 Bill, *q.*, 7669; *p.o.*, 8570; 2R, 8575  
 Mails : English, *q.*, 3223  
 Military Forces, *adj.*, 3143  
 Moseley Commission, *q.*, 1736  
 New Guinea, *supply*, 8295  
 Papua (British New Guinea) Bill, 2R, 7790;  
*com.* (deputies), 7798; (transfer of officers),  
 7799; (power to grant land), 7911; (pro-  
 hibition of intoxicants), 7932, 8029  
 Petition, Irregular, *m.*, 7666  
 Post Offices, *supply*, 3560, 3561  
 Preferential Railway Rates, *q.*, 8562  
 Preferential Trade, *obs.*, 283  
 Privy Council, Imperial Committee, *q.*, 7892  
 Public Works :  
   Day Labour, *m.*, 2868  
   Inspector-General, *supply*, 8299  
 Public Service : Temporary Officers, *supply*,  
 8272  
 Sea Carriage of Goods Bill, 2R, 7299; *com.*  
 (clauses prohibited), 7400; (commencement),  
 7406; 3R, 7574; *cons. amds.* (application),  
 8410  
 Seat of Government Bill, 2R, 1510, 1522,  
 1737; *com.* (short title), 1782; (seat of go-  
 vernment), 1862, 1875, 1892, 1981, 1982,  
 4023; (area), 1956, 1959, 1965; (valuation),  
 1976; *ad. rep.*, 2081  
 Sugar Bounties, *supply*, 2180; *m.*, 7076  
 Supplementary Appropriation Bill, *com.*  
 (Trade and Customs), 2180  
 Supply Bill (No. 2), *com.* (schedule), 3560,  
 3561  
 Supply Bill (No. 3), 1R, 4307  
 Tariff Commission, *supply*, 8185  
 Tobacco Industry, *q.*, 8362, 8561  
 Trade Marks Bill, *com.* (definitions), 3547,  
 3656; (registrar), 3993; (appeal), 4004, 4005,  
 4006; (register), 4009; (trade union marks),  
 4015, 4128; (effect of registration), 4129,  
 4130; (penalty), 4136, 4137, 4138

**Drake, Senator Hon. J. G., Queensland :**

- Acts Interpretation Bill, 2R, 546; *com.* (aiding  
 or abetting), 550; (regulations), 550, 551;  
*cons. amds.* (application), 1261  
 Address-in-Reply, 233  
 Appropriation Bill *com.* (schedule), 8363,  
 8364, 8365, 8366, 8367, 8369, 8370, 8380, 8390,  
 8393, 8396  
 Appropriation (Works and Buildings) Bill,  
*com.* (schedule), 7479

**Drake, Senator Hon. J. G.—continued.**

- Audit Office, *supply*, 8364  
 Blind Sea Passengers, *q.*, 939  
 Business of Senate, *m.*, 646  
 Carroll, Major, *m.*, 1844, 7372, 7673  
 Conciliation and Arbitration Bill, *com.* (mini-  
 mum wage and preference), 6538; 3R, 7257  
 Customs Administration : Refunds, *supply*,  
 8369, 8370, 8380  
 Defence Regulations (officers' services dis-  
 pensed with), 1587; (seconding), 1590, 1592,  
 1599  
 Defence : Training of Youths, *supply*, 8399  
 Electoral Administration, *supply*, 8363  
 Fraudulent Trade Marks Bill, 2R, 2101;  
*com.* (short title), 2768; (interpretation),  
 2771, 2773; (false marks), 2775, 2776; (im-  
 portation), 2789, 2794; *p.o.*, 3164, 3167; *re-*  
*com.*, 3159; (remission of forfeiture), 3533,  
 3534; (exportation), 3536; *recom.*, 3532  
 High Court :  
   Judgments, *adj.*, 1266; *q.*, 1465  
   Travelling Expenses, *supply*, 2175  
 Hutton, Major-General, *supply*, 8396  
 Mails, English, *m.*, 8568  
 Ministry : (Watson), Formation of, *m.*, 1245;  
 policy of, *m.*, 1259  
 Navigation Bill, 2R, 836  
 Papua (British New Guinea) Bill, *com.* (pro-  
 hibition of intoxicants), 8027  
 Parliamentary Evidence Bill, 2R, 5804  
 Printing Office : Gratuities, *supply*, 8365  
 Seat of Government Bill, *com.* (seat of go-  
 vernment), 1865  
 Sugar Industry, *m.*, 6171  
 Supplementary Appropriation Bill, *com.*, 2175  
 Supply Bill (No. 2), *com.* (schedule), 3559  
 Supply, Grant of, *m.*, 946  
 Trade Marks Bill 2R, 3545; *com.* (defini-  
 tions), 3566; (trade union marks), 4101; (use  
 of mark), 4131

**Edwards, Hon. G. B., South Sydney :**

- Aborigines, W.A., *adj.*, 937  
 Acts Interpretation Bill, *com.* (definitions),  
 1039  
 Chinese in Transvaal, *m.*, 799  
 Coinage, Decimal, *q.*, 172; *m.*, 1610; *adj.*,  
 1736; *m.*, 2381; *q.*, 6918; *adj.*, 7806  
 Conciliation and Arbitration Bill, 2R, 1012;  
*com.* (interpretation), 1716, 1735, 1785;  
 (powers of Court), 2552; (registration),  
 2851; *recom.*, 4240, 4522; (compromise),  
 4532  
 Customs : Shipping Patrol, *q.*, 3811  
 Defence Bill, 1904, 2R, 7495  
 Defence :  
   Council of, *q.*, 3171  
   Organization, 6937  
 Elections :  
   Administration, *m.*, 1299, 1309  
   Cost of, *q.*, 586, 807  
   Documents Destroyed, *q.*, 2885  
 Federal Agencies, State Taxation of, *m.*, 7749  
 Imports, *m.*, 881  
 Jervis Bay, Telegraphist, *q.*, 4521  
 King, Sergeant, *q.*, 6919  
 Mails : King Island, *m.*, 1627  
 Manufactures Encouragement Bill, *com.* (short  
 title), 8222  
 Navigation Bill, *m.*, 3462

**Edwards, Hon. G. B.—continued.**

Papua (British New Guinea) Bill, *com.*  
(quorum), 4680  
Post Office: Darlington, *q.*, 4521  
Preferential Railway Rates, *q.*, 666  
Preferential Trade, *adj.*, 134  
Printing, Parliamentary, *q.*, 7112  
Public Accounts Committee, *q.*, 3393.  
Public Service: Fortnightly Payments, *q.*,  
7618  
Railway Gauge, Uniform, *q.*, 2658.  
Seat of Government Bill, 2R., 3471; *m.*, 3519;  
*com.* (seat of government), 3616, 3803, 3876,  
3940  
Ships' Stores, *q.*, 2469  
Sugar Bounty, *supply*, 6714, 6733  
Supply:  
Trade and Customs, 6714, 6733  
Defence, 6937  
Water Conservation, *m.*, 1898

**Edwards, Hon. R., Oxley:**

Appropriation Bill, 2R., 8136  
Cables, Revenue, *q.*, 2585  
Chairman of Committees, *m.*, 684  
Conciliation and Arbitration Bill, *com.* (inter-  
pretation), 2026  
Customs: Shipping Patrol, *q.*, 3811  
Defences, Queensland, *supply*, 7024, 7027  
Electoral Administration, *supply*, 6402  
Electoral Rolls, Printing of, *q.*, 2250  
Kalgoorlie to Port Augusta Railway Survey  
Bill, *m.*, 4654  
Mail Contract, English, *q.*, 808, 880, 2885  
Ministry (Reid), Position of, *m.*, 5280, 5288  
New Hebrides, *supply*, 8136  
Pacific Cable, *supply*, 7044  
Papua (British New Guinea) Bill, *com.* (pro-  
hibition of intoxicants), 7545  
Price, Colonel, *supply*, 8136  
Public Service: Debts, *q.*, 3753  
Seat of Government Bill, *com.* (seat of go-  
vernment), 3928  
Shipping: Cargo, *q.*, 2959  
Supply:  
Home Affairs, 6402  
Defence, 7024, 7027, 7028  
Postmaster-General, 7044  
Works and Buildings, 7238  
Uniforms, Military, *q.*, 2469  
Woolloongabba Post Office, *q.*, 2314

**Ewing, Hon. T. T., Richmond:**

Address-in-Reply, 156  
Budget, 6240  
Chinese in Transvaal, *m.*, 723  
Conciliation and Arbitration Bill, 2R., 918;  
*com.* (interpretation), 2029; (employers not  
to dismiss), 2222; (Court), 2233; (on whom  
award binding), 2325; (awards to prevail),  
2360, 2364; (powers of Court), 2407, 2470,  
2547; (navigation), 3191; (compromise), 3386,  
3390; *cons. amds.* (registration), 8009  
High Court, *q.*, 5592  
Kalgoorlie Railway Survey Bill, *m.*, 4644  
Ministry (Reid), Position of, *m.*, 5007  
Papua (British New Guinea) Bill, *com.* (pro-  
hibition), 7345  
Parliament House, Refreshment Room, *q.*, 3811  
Preferential Trade, *obs.*, 156; *adj.*, 5580; *m.*,  
8512  
Public Service: Telegraph Messengers, *q.*,  
4402, 7410

**Ewing, Hon. T. T.—continued.**

Seat of Government Bill, *m.*, 3501, 3604;  
*com.* (Seat of Government), 3618  
Sugar Planting, *supply*, 6711  
Supply:  
Trade and Customs, 6711  
Postmaster-General, 7065  
Tariff Commission, *adj.*, 5580  
Tick, *q.*, 3172

**Findley, Senator E., Victoria:**

Address-in-Reply, 140  
Appropriation (Works and Buildings) Bill, *com.*  
(schedule), 7488  
Carroll, Major, *m.*, 6802  
Conciliation and Arbitration Bill, 2R., 5926;  
(minimum wage and preference), 6535; (re-  
gistration), 6817; *p.o.*, 3166  
Fraudulent Trade Marks Bill, 2R., 2756; (im-  
portation), 2793, 2797, 3161.  
Newspaper Postage, *q.*, 1465  
Post Offices: Sub-letting, *q.*, 1290, 1737  
Public Works: Day Labour, *m.*, 2867  
Seat of Government Bill, 2R., 1767; *com.*  
(area), 1966, 1967, 1975  
Supplementary Appropriation Bill, *com.*  
(Home Affairs), 2179  
Trade Marks Bill, *com.* (definitions), 3657;  
3R., 7598

**Fisher, Hon. A., Wide Bay:**

Address-in-Reply, 332  
Appropriation Bill, 2R., 8111, 8135  
Budget, 6235  
Business of House, *adj.*, 5896  
Chairman of Committees, *m.*, 685  
Chinese in Transvaal, *m.*, 743  
Conciliation and Arbitration Bill, *com.* (inter-  
pretation), 1043, 1242, 1712; *recom.*, 4238  
Contracts, Tenders, *adj.*, 5746; *q.*, 6699, 7522;  
*supply*, 8135; *q.*, 8591  
Customs Department, *q.*, 2539  
Drawbacks, *q.*, 2959  
Entry Clerks, *q.*, 1351  
Retirement of Officers, *q.*, 2251  
Shipping Patrol, *q.*, 3812  
Debate, Limitation of, *adj.*, 5286  
Defence Expenditure, *supply*, 7023  
Electoral Administration, *supply*, 6412  
Exports:  
Hides and Skins, *q.*, 2371  
Meat, *q.*, 3754  
Federal Agencies, State Taxation of, *q.*, 6563  
Fraudulent Trade Marks Bill, *q.*, 1896  
Immigration:  
Indian, *q.*, 5592  
Italian, *supply*, 2597  
Imports:  
Chilled Pork, *q.*, 3072  
Shoes, *q.*, 2897  
Spirits, Bottling, *q.*, 4140  
Kanakas, Repatriation, *q.*, 3573  
Manufactures Encouragement Bill, *adj.*, 5581  
Ministry (Reid), Position of, *adj.*, 5286; *m.*,  
5311  
Navigation Commission, *q.*, 2659  
New Guinea, Administration, *adj.*, 8360  
New Hebrides, *supply*, 6255  
Opium, *q.*, 1299, 2370  
Papua (British New Guinea) Bill, *com.* (ap-  
pointment), 4677; (submission of questions),  
4679; *cons. amds.* (prohibition of intoxi-  
cants), 8604

Fisher, Hon. A.—*continued.*

Patents Office, *supply*, 2157, 2168; *q.*, 2886  
 Price, Colonel, 8135  
 Public Service: Classification, *supply*, 3290  
 Revenue, *supply*, 4923, 4938  
 Rifle Clubs, *adj.*, 7212  
 Russo-Japanese War: Meat Supply, *q.*, 3754  
 Shipping:  
   Cargo, *q.*, 2799, 2959  
   Foreign, *q.*, 1351  
   Fremantle and Geraldton, *q.*, 2251  
 Ships' Stores, *q.*, 2370, 2469, 2520  
 Spirit Trade, *q.*, 3292  
 Spotted Fever, *q.*, 1896  
 Standing Orders, *m.*, 8593  
 Statistics, *q.*, 2606  
 Sugar Bounty, *q.*, 5589; *supply*, 6595, 6728;  
   *q.*, 7112; *supply*, 8112  
 Sugar Production, *supply*, 2597  
 Supply Bill (No. 4), *m.*, 4923  
 Supply, *m.*, 6773, 6777; *ad. rep.*, 7438; *m.*,  
   7443  
   External Affairs, 6255  
   Home Affairs, 6412, 6594  
   Trade and Customs, 6728, 6736, 6777  
   Defence, 7023  
   Supplementary Estimates, 2157, 2168, 2169  
 Tobacco Refuse, *q.*, 2371

Forrest, Rt. Hon. Sir John,  
G.C.M.G., *Swan*:

Address-in-Reply, 588  
 Appropriation Bill, *2r.*, 8124  
 Banking Returns, *q.*, 2537  
 Budget, 6145, 6221; *expl.*, 6297  
 Business of House, *m.*, 3891, 4282  
 Cables, Revenue, *q.*, 2312, 2584  
 Conciliation and Arbitration Bill, *com.* (inter-  
   pretation), 1140, 1716, 1796, 2037; (powers  
   of Court), 2486; (rules), 3064; (shipping),  
   3105; *q.*, 2428  
 Conciliation and Arbitration, W.A., *expl.*, 4916  
 Contracts: Day Labour, *q.*, 6564  
 Customs Department, *q.*, 2539  
 Dawson, Senator, *q.*, 1525  
 Defence Administration, *q.*, 6479; *adj.*, 6530;  
   *supply*, 6951  
 Defence Bill, 1904, *2r.*, 7490; *com.* (definition),  
   7502; (substitution of council), 7503, 7506  
 Elections:  
   Administration, *q.*, 172; *m.*, 1315; *q.*, 1351,  
   1897; *supply*, 6248, 6404  
   Cost of, *q.*, 457; *adj.*, 808  
   Expenses, *q.*, 809  
   Melbourne Election, *q.*, 490; *obs.*, 585  
   Officers, *q.*, 457, 665, 989, 1123  
   Police, Payments to, *q.*, 761  
   Statistics, *q.*, 588  
   Wimmera Election, *q.*, 666, 761, 800  
 Federal Agencies, State Taxation of, *m.*,  
   6846; *q.*, 6681, 6918  
 Federal Capital, *q.*, 1526; *m.*, 2383; *q.*, 3451;  
   *adj.*, 3466  
 Flag, Commonwealth, *m.*, 1610  
 Fremantle Defences, *supply*, 4267  
 Government Houses, *supply*, 2167  
 Home Affairs Department, *q.*, 2538, 2799  
 Immigration Restriction Act, *q.*, 1525  
 Kalgoorlie to Port Augusta Railway, *q.*, 988  
 Kalgoorlie to Port Augusta Railway Survey  
   Bill, *int.*, 1124, 4553; *adj.*, 4686, 4692; *2r.*,  
   5593; *com.* (power to make survey), 7563

Forrest, Rt. Hon. Sir John, G.C.M.G.—*continued.*

Lenchan, Major, *supply*, 3576, 3595  
 Land Settlement, *supply*, 2612  
 Mails:  
   Subsidies, *q.*, 2538  
   English, *q.*, 7217, 7307, 7412  
 Manufactures Encouragement Bill, *2r.*, 5779  
 Military Commandants, Travelling Allow-  
   ances, *m.*, 1629  
 Ministry:  
   (Watson), Formation of, *m.*, 1251; *pol.*  
   of, *m.*, 1584, 1635, 3891  
   (Reid), Position of, *m.*, 4843; *expl.*, 5161  
 Money Orders, *q.*, 2539, 3397  
 Navigation Bill, *m.*, 3272  
 Navigation Commission, *obs.*, 2467  
 Outtrim, Lt.-Col., *q.*, 1396  
 Papua (British New Guinea) Bill, *com.* (Execu-  
   tive Council), 4678; (Legislative Council),  
   6510; (prohibition of intoxicants), 7551  
 Patents Office, *q.*, 491  
 Pearl Industry, *q.*, 3246, 3451  
 Postmasters-General, Deputy, *q.*, 2696, 6918  
 Post and Telegraph Department, *q.*, 2536,  
   3451  
 Post Towns, naming of, *q.*, 5847  
 Preferential Railway Rates, *q.*, 988  
 Price, Colonel, *supply*, 8124  
 Prime Minister, Statement by, *p.o.*, 6884  
 Public Service Act, *q.*, 3073  
 Public Service:  
   Reclassification, *q.*, 1042; *supply*, 2141; *2r.*,  
   2800, 3170  
   Transferred Officers, *q.*, 3034  
 Questions, *q.*, 2520; *obs.*, 3034  
 Railway Passes, *adj.*, 170  
 Seat of Government Bill, *2r.*, 3446; *q.*, 3411;  
   *m.*, 3494, 3517, 3524, 3613; *com.* (seat of  
   government), 3709, 3939  
 Shipping:  
   Cargo, *q.*, 2799, 2959  
   Coastal, *q.*, 3172  
   Sunday Work, *q.*, 7946  
 Statistics, *q.*, 2696  
 Supply:  
   Home Affairs, 6404  
   Defence, 6951, 7030, 7031, 7032  
   Parliament, 6248  
   Postmaster-General, 7049, 7232, 7242  
   Supplementary Estimates, 2139, 2167  
   Trade and Customs, 6782, 6783; *p.o.*, 6781  
   Works and Buildings, 7239  
 Supply Bill (No. 1), *com.*, 2897  
 Supply Bill (No. 2), *com.* (schedule), 3595  
 Supply Bill (No. 3), *m.*, 4267  
 Tarcoola Gold-fields, *q.*, 2018  
 Telegraphs: Destruction of Trees, *adj.*, 588  
 Titles, Military, *q.*, 1984, 2019; *adj.*, 2166;  
   *expl.*, 2122; *supply*, 2139  
 Tobacco Trade, *m.*, 7421  
 Western Australian Legislation, *expl.*, 5161;  
   *adj.*, 5218

Fowler, Hon. J. M., *Perth*:

Address-in-Reply, 482  
 Agriculture, Department of, *m.*, 3061  
 Coinage, *adj.*, 7810  
 Conciliation and Arbitration Bill, *com.* (inter-  
   pretation), 1721, 2011, 7654; (on whom as  
   binding), 2334; (*p.o.*, 3094), (navigation),  
   3114

**Fowler, Hon. J. M.—continued.**

Debate, Limitation of, *m.*, 7432  
 Electoral Rolls, *q.*, 3812  
 Flag, Commonwealth, *m.*, 1608  
 Immigration, *supply*, 2603  
 Kalgoorlie to Port Augusta Railway Survey Bill, *int.*, 1125; *m.*, 2242, 4670; *q.*, 2247, 3171; *adj.*, 3067; *2r.*, 5594  
 Ministry (Reid), Position of, *m.*, 4812; *expl.*, 4730  
 Navigation Bill, *m.*, 3269  
 Papua (British New Guinea) Bill, *com.* (prohibition of intoxicants), 7331, 7549  
 Sea Carriage of Goods Bill, *2r.*, 8312; *com.* (bill of lading), 8329  
 Seat of Government Bill, *com.* (seat of government), 3830  
 Supply, *m.*, 6573  
     Defence, 7031  
     Post and Telegraph, 7241, 7242  
     Works and Buildings, 7239  
 Supply Bill (No. 4), *m.*, 4929  
 Telegraph Errors, *q.*, 6920  
 Telephones, *supply*, 4929  
 Titles, Military, *adj.*, 2121  
 Tobacco Industry, *m.*, 7417  
 Ventilation of House, *adj.*, 3668

**Fraser, Senator Hon. S., Victoria :**

Carroll, Major, *m.*, 1853  
 Conciliation and Arbitration Bill, *2r.*, 5906; *com.* (minimum wage and preference), 6538; registration), 7096, 7106; *3r.*, 7271  
 Defence Regulations, *com.* (officers' services dispensed with), 1588; (seconding), 1592  
 Fraudulent Marks Bill, *com.* (interpretation), 2773; (exportation), 3565  
 Kalgoorlie to Port Augusta Railway Survey Bill, *2r.*, 8443  
 Mails, English, *adj.*, 8567  
 Ministry (Reid) : Policy of, *m.*, 4603  
 Papua (British New Guinea) Bill, *com.* (prohibition of intoxicants), 8031  
 Privilege : Freedom of Speech, *m.*, 1119  
 Seat of Government Bill, *2r.*, 1776; *com.* (seat of government), 1862, 1878  
 Sugar Industry, *m.*, 6178  
 Trade Marks Bill, *com.* (trade union marks), 4105; (agents), 4338

**Frazer, Mr. C. E., Kalgoorlie.**

Address-in-Reply, 208  
 Business of House, *m.*, 7726  
 Conciliation and Arbitration Bill, *com.* (interpretation), 1992; (employers not to dismiss), 2220, 2222; (registration), 2735; (organization to be represented), 3091; commencement), 3313; *recom.*, 4164; *cons. amndts.* (minimum wage and preference), 7877; *m.*, 8014  
 Customs Officers, Broome, *q.*, 587  
 Immigration :  
     Alien, *m.*, 720; *supply*, 6783  
     Italian, *q.*, 1184; *supply*, 2600  
 Kalgoorlie to Port Augusta Railway Survey Bill, *m.*, 4645; *q.*, 8200; *adj.*, 8555  
 McLean, Mr., *expl.*, 4972  
 Ministry (Reid) :  
     Formation of, *q.*, 4519  
     Position of, *m.*, 4834

**Frazer, Mr. C. E.—continued.**

Papua (British New Guinea Bill), *com.* (prohibition of intoxicants), 7539, 8612, 8613  
 Post-office, Boulder, *q.*, 289; clock, 3754; letter delivery, 3877  
 Public Service : fortnightly salaries, *q.*, 2538  
 Public Works, *supply*, 6625  
 Returning Officer, Kalgoorlie, *q.*, 172  
 Scott, Lieutenant, *q.*, 8200  
 Standing Orders, *m.*, 8595  
 Supply :  
     Home Affairs, 6625  
     Post and Telegraph, 7240  
     Trade and Customs, 6762, 6783  
 Tobacco Industry, *m.*, 6833; *adj.*, 8229

**Fuller, Hon. G. W., Illawarra :**

Address-in-Reply, 516  
 Conciliation and Arbitration Bill, *com.* (interpretation), 1825, 1942; (commencement), 3355  
 Election, Wimmera, *q.*, 490, 586, 587, 666, 761, 809  
 Electoral Rolls, *q.*, 3452  
 Federal Capital, *adj.*, 2309; *q.*, 7307  
 High Commissioner, *supply*, 2597  
 Isaacs, Mr., *adj.*, 6096  
 Military Forces : Volunteers, *q.*, 3935  
 Ministry (Reid) : Position of, *m.*, 4904  
 Post and Telegraph, *supply*, 7182  
 Postmasters, *q.*, 3171, 3247  
 Preferential Trade, *obs.*, 522  
 Public Service, Classification, *supply*, 3286  
 Seat of Government Bill, *q.*, 3329, 3331; *com.* (seat of government), 3896  
 Shipping : Fremantle and Geraldton, *q.*, 2256  
 Supply Bill (No. 4), *m.*, 4926  
 Telephones, *supply*, 4926, 7182  
 Ventilation of House, *adj.*, 3670

**Fysh, Hon. Sir P. O., K.C.M.G., Denison :**

Aramac, wreck, *obs.*, 758  
 Defence, *supply*, 7033  
 Iris, s.s., *q.*, 760  
 Mail Contracts, *q.*, 142, 808; *adj.*, 2527  
 Mail Services : Victoria River, *q.*, 171  
 Medical Chests, *q.*, 810  
 Ministry (Reid), Position of, *m.*, 5306  
 Post and Telegraph Department :  
     Associations, 810  
     Postmistress, Somerset, *q.*, 1042  
     Sorters, *q.*, 762  
     Telegraphy and Telephony, *q.*, 810, 1184  
 Post-offices :  
     Boulder, *q.*, 289  
     Brisbane, *q.*, 1123  
     Port Pirie, *q.*, 403  
 Public Service : Promotions, *q.*, 403  
 Registration, Births and Deaths, *q.*, 810

**Gibb, Mr. J., Flinders :**

Address-in-Reply, *m.*, 681  
 Conciliation and Arbitration Bill, *com.* (interpretation), 2006  
 Ministry : (Reid), Position of, *m.*, 5101



**Givens, Senator T., Queensland:**

- Address-in-reply, *m.*, 68  
 Adjournment, Special, *m.*, 4684, 4986  
 Appropriation Bill, 1R. 8169, 2R. 8250; *com.* (Parlt.) 8255, 8263, (External Affairs) 8275, 8293, (Home Affairs) 8298, 8300, 8302, 8303, 8304, 8305, 8362, (Treasury) 8364, 8365, 8366 (Trade and Customs) 8367, (*p.o.*, 8382), 8383, (Defence) 8390, 8393, 8397, 8400, (Postmaster-General) 8401  
 Appropriation (Works and Buildings) Bill, *com.* (schedule), 7488  
 Business of Senate, *adj.*, 5735  
 Carroll, Major, Case of, *m.*, 6803  
 Chinese in Transvaal, *m.*, 571  
 Conciliation and Arbitration Bill, 2R. 6279; *com.* (interpretation), 6357, 6381, 6440, 6449; (refusal of terms of award), 6471; (representation of parties), 6474; (rules of court), 6666, 6667, 6670, 6671; (registration), 6687, 6872; (*expl.*, 6881, 7019; *cons. mes.* (interpretation), 8042; (preference) (*p.o.*, 8058, 8060), 8075, 8077  
 Easter Adjournment, *m.*, 643  
 Defence Force:  
   Instructional Staffs, *q.*, 6650, 6976, *m.*, 6786  
   Report of G.O.C., *adj.*, 3137  
 Fraudulent Trades Marks Bill, *obs.*, 8170  
 High Court Travelling Expenses, *supply*, 2175, 2176  
 Kalgoorlie to Port Augusta Railway, *q.*, 6975; 2R., 8461, 8468 (*p.o.*, 8472)  
 Kanakas in Queensland, *q.*, 7256  
 Lyne, Sir William, Charges against Senator Neild (*p.o.*, 5449)  
 Mail Service, Ocean, *p.o.*, 8562  
 Mail Subsidy, Pacific, *obs.*, 8250, 8275, 8293  
 Ministry: (Reid), Formation of, *supply*, 4288; Ministerial Statement, 4611  
 New Guinea: Craig, Mr., case of, *m.*, 5816  
 New Hebrides, *m.*, 4097  
 Overtime, Queensland Letter Sorters, *supply*, 4983  
 Papua (British New Guinea) Bill, *com.* (local option), 8030; (prohibition of intoxicants), 8034, 8406; (Legislative Council), 8406, 8407, *m. recons.*, 8408, 8409  
 Petition (*p.o.*, 5902)  
 Post Office, Cairns, *q.*, 4083  
 Preferential Trade, *obs.*, 8170  
 Public Service: Examinations, *supply*, 4982; *q.*, 5794  
   Messengers, Post and Telegraph Department, *q.*, 8562  
 Public Works: Day Labour, *m.*, 3636  
 Russian Attack on British Fishing Fleet, *m.*, 6262  
 Sea Carriage of Goods Bill, 2R., 7293, *com.* (application), 7393, 7399; commencement), 7404, 3R., 7580, *cons. amds.* (prohibition in bill of lading) 8412  
 Seat of Government Bill, *ad. rep.*, 2093; *cons. amds.*, 4020  
 Sugar Industry, *m.*, 6153; (*p.o.*, 7072), 7072; *obs.*, 8171  
 Supplementary Appropriation Bill, *com.* (Attorney-General), 2175, 2176; (Home Affairs), 2177  
 Supply Bill (No. 3), 1R. 4288  
 Supply Bill (No. 4), 1R. 4983  
 Trade Marks Bill, *com.* (essential particulars), 3994, 3995, 3998; (trade union mark), 4106; (use of mark), 4132; *obs.*, 8169

**Glynn, Hon. P. McM., Angus:**

- Acts Interpretation Bill, 2R., 1038, *com.* (summary conviction), 1038; (attempt deemed as offence), 1039; (regulations), 1039, 1040, 3R., 1043  
 Address-in-Reply, *m.*, 323  
 Budget, *m.*, 6131  
 Cable Board, Pacific, *q.*, 2693  
 Conciliation and Arbitration Bill, 2R., 881, *com.* (interpretation), 1810, 2044, 2061, 2069; (State authority may refer dispute), 2257; (disputes of which Court has cognisance), 2273; State Court to cease dealing with disputes, 2274; (certificate of registrar), 2275; (reference by organization), 2275, 2286; (agreement to have effect of award), 2314; (on whom award is binding), 2319, 2352; (award not to be challenged), 2358; (powers of Court), 2475, 2486, 2487; (minimum wage and preference), 2572, 2702; (inspection), 2703; (rules), 2707; (orders to observe award), 2719; (contravention of Part II., non-compliance with award), 2722; (registration), 2723, (*p.o.*, 2850, 2989), 3021; (navigation), 3211; *m., recom.*, 4522; *recom.* (disputes of which Court has cognisance), 4524; *cons. amds.* (preference), 7884; (registration), 8004  
 Customs Administration, *q.*, 7174  
 Defence Bill 1904, *cons. amds.*, 8018  
 Kalgoorlie to Port Augusta Railway Survey Bill, *int.*, 4667  
 Life Assurance Companies Bill, 2R., 7131; *com.*, (limitation of sum assured), 7136; (schedule), 8330  
 Locomotive Tenders, *q.*, 7944  
 Mails, English, *q.*, 8589, 8590  
 Manufactures Encouragement Bill, 2R., 8201  
 Ministry:  
   (Watson), Position of, *m.*, (*p.o.*, 4141, 4146, 4148)  
   (Reid), Position of, *m.*, 5253  
 Navigation Commission, *q.*, 2468  
 Papua (British New Guinea) Bill, *com.* (Lieutenant-Governor may act in opposition to advice), 4680; *cons. amds.* (intoxicants), 8614  
 Patents, Issue of, *q.*, 8093  
 Post and Telegraph Administration: Carriage of Stores, *adj.*, 1040; *supply*, 2143  
 Preferential Trade, *obs.*, 326; *m.*, 8476  
 Preferential Railway Rates, *q.*, 2105, 3246  
 Public Service:  
   Increments, *supply*, 2143, 2585  
   Rights, Existing and Accruing, *q.*, 5591  
 Sea-Carriage of Goods Bill, 2R., 8310; *com.* (construction and jurisdiction), 8326; (warranty), 8328  
 Sugar Bounties, *q.*, 7113, 7173, 7948  
 Tariff Commission, *obs.*, 5255  
 Water Conservation, *m.*, 2888, 3672

**Gould, Senator Hon. Lt.-Col. A. J., New South Wales:**

- Acts Interpretation Bill, 2R., 548, *com.* (regulations), 550  
 Business, Order of, *q.*, 288, 545  
 Business of Senate, *adj.*, 5732  
 Carroll, Major, Case of, *m.*, 1844; *m.s.c.*, 3155, 3156  
 Chairman of Committees, temporary, *m.*, 549  
 Chinese in Transvaal, *m.*, 559

**Gould, Senator Hon. Lt.-Col. A. J.—continued.**

Conciliation and Arbitration Bill, 2R., 5835;  
*com.* (interpretation), 6328, 6348, 6375;  
 (registration) 6980, 6986, 7106; (navigation  
 dues) (*p.o.*, 7109); 3R., 7265  
 Defence Bill 1904, *m.s.o.*, 7601; *com.* (substi-  
 tution of Council of Defence for Board of  
 Advice), 7901, 7908  
 Defence Force :  
 Regulations, *com.* (officers' services dispensed  
 with), 1588; (seconding), 1590  
 Report of G.O.C., *adj.*, 3134  
 Evidence Bill, 2R., 4339  
 Easter Adjournment, *m.*, 645  
 Fraudulent Trade Marks Bill, *ad. rep.*, 3160;  
 (*p.o.*, 3162, 3165, 3169)  
 Kalgoorlie to Port Augusta Railway Survey  
 Bill, 2R., 8448; *adj.*, 8469  
 Mail Service, Ocean, *m.*, *adj.*, 8564  
 Papers, Printing of, *obs.*, 1837  
 Papua (British New Guinea) Bill, *com.*, *m.*  
*recons.*, 8408  
 Parliamentary Evidence Bill, 2R., 5801  
 Petition, Irregular (*m.s.o.*, 7665, 7667), 7890  
 President, Election of, *m.*, 7  
 Privilege, Freedom of Speech, *p.o.*, 4355  
 Public Works : Day Labour, *m.*, 3227  
 Sea-Carriage of Goods Bill, 3R., 7586; *com.*,  
*cons. amds.*; (application), 8412  
 Seat of Government Bill, 2R., 1505; *com.* (seat  
 of government), 1859, 1861, 1864, 1874, 1879,  
 1889, 1953; (Federal territory), 1959, 1973;  
*recons.* (seat of government), 1978  
 Select Committee : Press Reports, *m.*, 1858  
 Sitting Day, Additional, *m.*, 6326  
 Sugar Industry, *m.*, 7087  
 Supply Bill (No. 3), *com.* (Defence), 4313  
 Trade Marks Bill, *m. recom.* (trade union  
 marks), 7282, 7286, 7600, 3R., 7594

**Gray, Senator J. P., New South Wales :**

Address-in-Reply, *m.*, 65  
 Appropriation Bill, 1R., 8182; *com.* (External  
 Affairs), 8282  
 Carroll, Major, Select Committee, *ad. rep.*,  
 7694  
 Conciliation and Arbitration Bill, 2R., 6084,  
 6184; *com.* (interpretation), 6448, 6463; (pre-  
 ference), 6539; (registration), 6983, 7099,  
 3R., 7276  
 Defence Force :  
 Military Schools Appropriation Bill, 8182  
 Naval Repairs, Appropriation Bill, 8182  
 Easter Adjournment, *m.*, 648  
 Mail Service, Ocean, *m. adj.*, 8565  
 Ministerial Statement, *m.*, 4393  
 Pacific Islands Mail Service, *q.*, 6152  
 Papua (British New Guinea) Bill, *com.* (local  
 option), 7940, 8023  
 Preferential Trade, *obs.*, 66  
 Public Works : Day Labour, *m.*, 3234  
 Sea-Carriage of Goods Bill, 2R., 7291; *com.*  
 (application), 7395; (commencement), 7404,  
 7407

**Groom, Hon. L. E., Darling Downs :**

Address-in-Reply, *m.*, 537  
 Agriculture, Federal Department of, *m.*, 5862  
 Business, Conduct of, *adj.*, 3066  
 Conciliation and Arbitration Bill, *com.* (inter-  
 pretation), 1067, 1735, 1830, 2198, 2210;  
 (organization ordering refusal), 2215, 2217;  
 (State authority may refer dispute), 2265;

**Groom, Hon. L. E.—continued.**

(form of award), 2316; (on whom award is  
 binding), 2340; (powers of Court), 2384, 2388,  
 2403, 2409, 2462, 2479; (obstructing Court),  
 2707; (recovery of penalties), 2709, 2710; (re-  
 gistration), 2916, 2988; (*p.o.*, 2990); (organi-  
 zation by whom represented), 3088; (naviga-  
 tion), 3378; *m. recom.*, 4193; *cons. amds.*  
 (registration) *p.o.*, 7982  
 Defence Bill 1904, *com.* (reprints of principal  
 Act), 7507  
 Defence Force :  
 Carroll, Major, Retrenchment of, *q.*, 760  
 Dwyer, M. J., case of, *supply*, 2161  
 Electoral Administration, *q.*, 7114  
 Election Expenses, *q.*, 8091  
 Export Commission, *q.*, 2314  
 Immigration, *supply*, 2591; *q.*, 5738  
 Isaacs, Mr., *Argus* Attacks on, *m.*, *adj.*, 6092  
 Life Assurance Companies Bill, 2R., 7124,  
 7134; *com.* (limitation of sum assured), 7135,  
 7136, 7137  
 Manufactures Encouragement Bill, 2R., 5757  
 Meteorological Department, *q.*, 808, 1525, 6917  
 Ministry (Reid), Position of, *m.*, 5261  
 Preferential Trade, *obs.*, 5264  
 Prosecutions, Commonwealth, *q.*, 1897  
 Public Service :  
 Classification, *adj.*, 2690  
 Supply :  
 Parliament, 6245  
 Postmaster-General, 2160, 7036  
 Trade and Customs, 6707, 6784  
 Tariff Commission, *obs.*, 5279; *q.*, 7522

**Guthrie, Senator R. S., South Australia :**

Conciliation and Arbitration Bill, *com.* (pre-  
 ference), 6548; (duty of Registrar), 6673,  
 6674; (registration), 6681, 6857, 7015; (naviga-  
 tion clauses), 7109, 7165, 7171; *cons. mes.*  
 (preference), 8048  
 Defence Regulations, *q.*, 26  
 Eastern Extension and China Telegraph Coys.,  
 Refund of Duties, *supply*, 2180  
 Fraudulent Trade Marks Bill, *com.* (prohibi-  
 tion of importation), 2784, 2791; (disposal  
 of goods), 2879  
 Immigration Restriction Act, *q.*, 1737  
 Mails :  
 Northern Territory, *q.*, 3223  
 Marriage Laws, Uniform, *q.*, 7668, 7892  
 Revenue Refunds, *supply*, 3561, 3562  
 Sea-Carriage of Goods Bill, 3R., 7575  
 Supplementary Appropriation Bill 1903-4, *com.*  
 (Post and Telegraph), 2180  
 Supplementary Appropriation (Works and  
 Buildings) Bill, 1903-4, *com.* (Defence), 2183  
 Supply Bill (No. 2), *com.* (Treasurer), 3561,  
 3562  
 Supply Bill (No. 3), *com.* (Defence), 4313

**Harper, Hon. R., Mernda :**

Duty Stamps, *q.*, 2886  
 Defence Force :  
 Medals for 1st Commonwealth Contingent,  
*q.*, 5590  
 Patents, Provisional, *q.*, 7411  
 Public Service : Increments, *q.*, 1784

**Henderson, Senator G., Western Australia :**

Address-in-Reply, *m.*, 135  
 Chinese in Transvaal, *m.*, 570  
 Conciliation and Arbitration Bill, 2*r.*, 5904;  
*com.* (interpretation), 6346, 6456; (representa-  
 tion of parties), 6476; (preference), 6545;  
 (rules of Court), 6671; (registration), 6676,  
 6696, 6804, 6987; *cons. mes.* (preference),  
 8070  
 Defence Forces, *q.*, 2172  
 Iron Works, Federal, *m.*, 1293  
 Kalgoorlie to Port Augusta Railway Survey  
 Bill, 2*r.*, 8458, 8571  
 Ministry: (Reid), Ministerial Statement, *m.*,  
 4398  
 Papua (British New Guinea) Bill, *com.* (local  
 option), 7927  
 Preferential Trade, *obs.*, 66  
 Privilege, Freedom of Speech, *m.*, 1118  
 Public Works: Day Labour, *m.*, 2865  
 Russian Attack on British Fishing Fleet, *m.*,  
 6268  
 Seat of Government Bill, 2*r.*, 1772  
 Trade Marks Bill, *com.* (union mark), 4115

**Higgins, Hon. H. B., K.C., Northern Mel-  
bourne :**

Address-in-Reply, *m.*, 296  
 Banners, Consecration of, *adj.* (*p.o.*), 6888  
 Budget, *m.*, 6122  
 Business, Disorganization of, *q.*, 6886  
 Cable Board, Pacific, *q.*, 2693  
 Conciliation and Arbitration Bill, 2*r.*, 1027,  
*com.* (interpretation), 1224, 1698, 2054, 2057,  
 2065, 2069, 2071; (repetition of offence), 2214;  
 (refusal to obey award), 2215; (organization  
 ordering refusal), 2215, 2216; (State au-  
 thority may refer dispute), 2255; (on whom  
 award is binding), 2341, 2356; (awards to pre-  
 vail over State awards), 2357; (award not to  
 be challenged), 2361, 2366; (powers of  
 Court), 2405, 2412, 2449; (minimum wage  
 and preference), 2497; (recovery of penal-  
 ties), 2709; (registration), 2973; (Judge not  
 bound to accept appointment), 3073; (trade  
 secrets), 3075; (regulations), 3077; *m.*,  
*recom.*, 4183; *recom.* (award not to be chal-  
 lenged), 4525; *cons. amds.* (interpretation),  
 7645; (preference), (*p.o.*, 7965), 7970; (re-  
 gistration), (*p.o.*, 7977)  
 Electoral Administration: Redistribution of  
 Seats, *q.*, 7114, 7173  
 English Mail Contract, *q.*, 6481, 6595, 6918  
 Federal Agencies, State Taxation of, *q.*, 1525,  
 2250, 7111  
 High Court, Fees, *q.*, 2798  
 Imperial Defence, 8306  
 Immigration Restriction Act: Administration,  
*q.*, 4519  
 India, Admission of Natives of, *q.*, 5592, 6478,  
 6563, 8092  
 Labour Caucus, *q.*, 2798  
 Laws, Commonwealth, Imperial Recognition  
 of, *q.*, 7205  
 Manufactures Encouragement Bill, 2*r.*, 5778  
 Ministry:  
 (Watson), Ministerial Statement, *m.*, 1347;  
*expl.*, 1656  
 (Reid), *expl.*, 4401; Position of, *m.*, 4792;  
*expl.*, 4825  
 Papua (British New Guinea) Bill, *com.* (Le-  
 gislative Council), 6508; *q.*, 7408

**Higgins, Hon. H. B., K.C.—continued.**

Parliament, Dissolution of, *q.*, 7488  
 Preferential Trade, *obs.*, 297  
 Premiers' Conference, *q.*, 7717  
 Producers, Legislation for, *q.*, 4630  
 Prosecutions, Commonwealth, *q.*, 1897  
 Public Service:  
 Deductions from salaries, *q.*, 2184  
 Rights, Existing and Accruing, *q.*, 5629  
 Sea-Carriage of Goods Bill, 2*r.*, 8161; *com.*  
 (prohibition in bills of lading), 8321; (*war-*  
*ranty*), 8357  
 Supply:  
 Adoption of Resolutions (*p.o.*, 7440)  
 Defence, 6960, 7025

**Higgs, Senator Hon. W. G., Queensland :**

Adjournment, Special, *m.*, 4987  
 Appropriation Bill, 1*r.*, 8175; 2*r.*, 8194, 8240  
 Appropriation Bill (Works and Buildings) Bi.,  
*m.s.o.*, 7475  
 Australian Affairs, Misstatements Abroad, *q.*,  
 7473  
 Business, Conduct of, *adj.*, 7804; order of,  
*m.*, 7893  
 Carroll, Major, Select Committee, *m.*, 1837,  
 1853, 1856, 2857, 3636, 4580; *ad. rep.*, 6788,  
 6803; *q.*, 7256, 7890, 8362, 8569; *expl.*, 7773;  
*Appropriation Bill*, 8175  
 Chairman of Committees, Appointment of,  
*m.*, 552  
 Chinese in Transvaal, *m.*, 568  
 Committees, Select: Ballot for, *p.o.*, 1298;  
 press reports, *m.*, 1856; notice of *m.* *p.o.*,  
 4580  
 Cotton Industry, *q.*, 6975  
 Fraudulent Trade Marks Bill, *m.*, *recom.*,  
 3532  
 Germany, Reprisals on, *q.*, 7255  
 Imperial Conference, *q.*, 8230  
 Lyne, Sir William, Charges against Senator:  
 Neild (*p.o.*, 5449)  
 Linotype Operators, *q.*, 7892  
 Marshall Islands, Jaluit Company, *adj.* *p.o.*,  
 7942, 7943  
 Mail Service, Ocean, *m.*, *adj.*, 8563  
 Mail Subsidy, Pacific, *Appropriation Bill*,  
 8194, 8240  
 Military Commandant, Secret Service Code,  
*m.*, 1837; minute relating to, *m.*, 4683  
 Ministry: (Reid), Formation of, 4298  
 New Hebrides:  
 Mail Matter, 1903, Volume of, *q.*, 8168  
 Rebates on Duties, *m.*, 4087  
 Settlers in, *q.*, 7890  
 Steam-ship Communication, *q.*, 7160, 7257,  
 7473, 7891; *Appropriation Bill*, 8194  
 New Guinea:  
 Aborigines, *q.*, 6532, 6849  
 Communication with, *q.*, 7473  
 Craig, Mr., Case of, *m.*, 5805, 7669  
 Pacific Cable, *q.*, 1105; *supply*, 4979  
 Pacific Island Labourers Act, Operation of,  
*q.*, 7573  
 Papua (British New Guinea) Bill, 2*r.*, 7787;  
*com.* (Legislative Council), 8407  
 Parliamentary Evidence Bill, 2*r.*, 5800  
 Petition, Irregular, *m.s.o.*, 7666  
 Privilege, Freedom of Speech, *m.*, 1117, 2793,  
 4355, 4356, 5805, *p.o.*, 7362  
 Russian Attack on British Fishing Fleet, *m.*,  
 6259, 6433, 6438

**Higgs, Senator Hon. W. G.—continued.**

Russo-Japanese War, *q.*, 5704, 5705; *adj.*, 5736  
Sitting Day, Additional, *m.*, 6326  
Sugar Industry, *q.*, 6975; *m.*, 7069; *expl.*,  
7076  
Supply Bill (No. 3), *1R.*, 4298  
Supply Bill (No. 4), *1R.*, 4979  
Wool, Greasy, Export Tax on, *q.*, 6976

**Holder, Hon. Sir F. W., K.C.M.G., Wakefield:**

Speaker, Election of, *m.*, 13

See SPEAKER, Mr. (Subjects).

**Hughes, Hon. W. M., West Sydney:**

Advisory Board, London, *q.*, 3392  
Aramac, Treatment of Passengers by, *q.*, 719  
Business, conduct of, *adj.*, 3067  
Chinese in Transvaal, *m.*, 729  
Colonial Defence Committee, communications  
from, *adj.*, 3068  
Conciliation and Arbitration Bill, *com.* (inter-  
pretation), 1087 (*p.o.* 1708, 1714), 1804,  
1931, 2204, 2205, 2206, 2208; (dismissal of  
unionists), 2219; (constitution of Court),  
2230; (State authority may refer dispute),  
2268; (reference by organization), 2290, 2295;  
(award not to be challenged), 2364; (powers  
of Court), 2387, 2394, 2414, 2418, 2441, 2455,  
2486, 2487, (minimum wage and preference),  
2493, 2501, 2700; (inspection), 2703; (orders  
to observe award), 2715; (registration), 2819,  
2836; (adoption of rules in compliance with  
conditions), 3063; (cancellation of registra-  
tion), 3064; (recovery of fines by organiza-  
tions), 3064; (navigation), 3299; *m.*,  
*recom.*, 4217; *cons. amds.* (interpretation),  
7651; (*p.o.*), 7752; (preference), 7813, 7952;  
(registration), 8003  
Customs Cases, costs, *q.*, 7175  
Immigration, *supply*, 2610  
Immigration Restriction Act, Administration:  
Instructions to Officer at Fremantle, *q.*, 1525  
Italian Labour for Sugar Plantations, *q.*,  
2583, 2584, 2692  
Japanese, Employment in Torres Straits,  
*q.*, 2312, 2371  
Lascars of P. and O. s.s. *Australia*, *q.*, 2584  
Norwegian Sailors, treatment of, *q.*, 1524,  
2312  
Kanakas, Deportation of, *q.*, 1785, 2538, 3035  
Ministry:  
(Watson), Position of, *m.*, Ministerial State-  
ment, *m.*, 1378, 1397  
(Reid), Ministerial Statement (*p.o.*), 4445;  
Position of, *m.*, 4730, *expl.*, 4810, 4812,  
4833, 4834, 4959, 5581, 5583  
Navigation Bill, Royal Commission, *m.* *p.o.*,  
3262, 3263  
New Hebrides, *q.*, 1785  
New Guinea, Shooting of Natives of, *q.*, 1299,  
1395  
Overtime, Postal Employés, *adj.*, 4083  
Pacific Cable, *q.*, 2693  
Papua (British New Guinea) Bill, *int.*, 3173;  
*com.* (Legislative Council), 5703; (import  
duties), 5703; (intoxicants), 7538, 7539  
Pearling Industry:  
Coloured Aliens Employed in, *q.*, 3035  
Papuan Employed in, *q.*, 2250, 3246, 3451

**Hughes, Hon. W. M.—continued.**

Personal Explanation, *adj.*, 1393  
Postal Employés, Letter Sorters, *q.*, 762;  
overtime, *adj.*, 4083  
Preferential Trade, *m.*, 7721  
Stelling Case, *q.*, 3071, 3172  
Trade and Customs, *supply*, 6774, 6776  
War-ships, Coaling of, *adj.*, 7520

**Hutchison, Mr. J., Hindmarsh:**

Address-in-Reply, *m.*, 222  
Appropriation Bill, *3R.*, 8154  
Budget, *m.*, 6130  
Business, Conduct of, *adj.*, 5216, 5286  
Conciliation and Arbitration Bill, *q.*, 2247;  
*com.* (interpretation), 1131, 1720, 2064, 2077;  
(dismissal of unionists), 2223; (on whom  
award is binding), 2331; (minimum wage and  
preference), 2650; (registration), 2992, 3029;  
(navigation), 3204; (compromise), 3387;  
*recom.*, 4069; *cons. amds.* (preference),  
7833; (registration), 8005  
Defence Force, *supply*, 7029  
Commissions in South Australian Forces, *q.*,  
1397  
Medical School of Instruction, *q.*, 587, 760  
Military Commandants, *m.*, 1634  
Minimum wage, Clothing Contracts, *q.*, 6564,  
6889  
Naval Training, *q.*, 5852  
Rifle Clubs, Railway Passes, *m.*, *adj.*, 7216  
Rowell, Col., Proposed appointment as Com-  
mandant of South Australia, *q.*, 5738; *sup-  
ply*, 5971  
Staff Allowances, *q.*, 2019, 2106  
Electoral Administration:  
Ballot-papers, marking of, *q.*, 758  
Elections, Conduct of, *m.*, 1307  
Expenditure, Federal, in South Australia, *q.*,  
3394  
Federal Agencies, State Taxation of, *m.*, 6842  
Kalgoorlie to Port Augusta Railway Survey  
Bill, *2R.*, 5607  
Life Assurance Companies Bill, *2R.*, 7132;  
*com.* (limitation of sum assured), 7135 (sche-  
dule), 8331  
Mail Contracts, Sub-letting of, *adj.*, 2525  
Manufactures Encouragement Bill, *2R.*, 8205;  
*com.* (short title), 8224; *p.o.*, 8225  
Ministry:  
(Watson), Ministerial Statement, *m.*, 1436  
(Reid), Position of, *m.* (*p.o.*), 5205), 5431  
Navigation Bill Commission, *m.*, 3274, 3460  
Orient Steamers at Adelaide, *q.*, 7619  
Papua (British New Guinea) Bill, *com.*  
(Legislative Council), 6514; (intoxicants),  
7543; *cons. amds.* (intoxicants), 8611, 8613  
Preferential Trade, *q.*, 6698  
Public Service:  
Classification, *q.*, 2657; *supply*, 3290  
Increments, *q.*, 2018  
Military Titles, Use of, *adj.*, 2118  
Sea Carriage of Goods Bill, *2R.*, 8319; *com.*  
(warranty), 8328, 8355; (prohibition in bills  
of lading), 8355  
Seat of Government Bill, *q.*, 3069; (seat of  
government), 3799, 3947, 3987  
Spirits, Imported, Bottling of, *q.*, 4140, 8590  
Sunday Work, Customs Department, *q.*, 7946,  
7947

Hutchison, Mr. J.—*continued.*

- Supply :  
 Defence, 7029  
 Home Affairs, 6423, 6428, 6623, 6636, 6642  
 Postmaster-General, 7044, 7151, 7233, 7250  
 Public Works, 7235  
 Trade and Customs, 6712, 6717, 6747, 6762, 6767, 6781, 6782  
 Supply Bill (No. 5), *int.*, 5971  
 Supply, Restoration of Committee, *m.*, 6572  
 Tariff Commission, *q.*, 8093; *obs.*, 8154

Isaacs, Hon. I. A., K.C., *Inul* :

- Acts Interpretation Bill, *com.* (aiding or abetting deemed an offence), 1038  
 Agriculture, Federal Department of, *m.*, 3053  
 Appropriation Bill, *3r.*, 8147, 8155  
 Argus Attacks, *m.*, *adj.*, 6088, 6098  
 Budget, *m.*, 5972, 6108  
 Business, Order of, *adj.*, 5578  
 Conciliation and Arbitration Bill, *com.* (interpretation), 1100, 2053, 2059, 2213; (on whom award is binding), 2346; (awards to prevail over State awards), 2357; (award not to be challenged), 2360, 2365; (powers of Court), 2415, 2458, 2464; (minimum wage and preference), 2641, 2649; (process against property of organization), 2710; (orders to observe award), 2712, 2717, 2720; (contravention of Part II.—non-compliance with award), 2722; (registration), 2951; (cancellation of registration), 3064; (organization, by whom represented), 3079; (compromise), 3388; (limitation of Act), 3391; *m.*, *recom.*, 4190; *cons. amds.* (registration) (*p.o.*, 7985, 7986 7991), 7995  
 Defence Force :  
 Rifle Clubs, Railway Passes, *m.*, *adj.*, 7216  
 Kalgoorlie to Port Augusta Railway Survey Bill, *int.*, 4568  
 Ministry : (Reid), Ministerial Statement, *m.*, 4453; Position of, *m.* (*expl.*, 5097), 5450  
 Papua (British New Guinea) Bill, *com.* (intoxicants), 7349, 7350; *cons. amds.* (intoxicants), 8610, 8613, 8614, 8616  
 Preferential Trade, *obs.*, 4460, 5471; *m.*, 8549  
 Riverina and Melbourne Elections, *adj.*, 8357  
 Sea Carriage of Goods Bill, *com.* (warranty), 8356; *cons. amds.* (warranty), 8554  
 Seat of Government Bill, *com.* (seat of government), 3950; (Federal territory), 3974, 3985, 3986  
 Supply :  
 Postmaster-General, 7159  
 Tariff Commission, *q.*, 5630, 7217, 7522, 8617; *obs.*, 5466, 5578; *supply*, 5972, 6108; *ways and means*, 7442, 7443, 7446; *obs.*, 7619, 8147; *m.*, 5466, 5972, 6108  
 Temporary Standing Orders, *m.*, 8599  
 Trade Marks Bill, *adj.*, 8229

Johnson, Mr. W. E., *Lang* :

- Address-in-Reply, *m.*, 194  
 Bisley, Rifle Team, *q.*, 491, 1184  
 Business, Order of, *adj.*, 5581  
 Chinese in Transvaal, *m.*, 728  
 Conciliation and Arbitration Bill, *com.* (interpretation), 1172, 2034, 2064, 2066, 2196, 2204; (dismissal of unionists), 2223; (constitution of Court), 2235; (State Court to cease dealing with dispute), 2274; (powers of Court), 2392,

Johnson, Mr. W. E.—*continued.*

- 2408, 2411, 2487; (minimum wage and preference), 2497, 2547; (inspection), 2704, 2705, 2707; (registration), 2482; (*expl.*, 2912); (navigation), 3195; (compromise), 3387; *m.*, *recom.*, 4163 (*expl.*, 4230); *cons. amds.* (interpretation), 7750; (preference), 7872, 7952, 7961  
 Defence Bill, 1904, *com.* (amendment of definition), 7501; (intoxicants), 7507  
 Defence Force, *supply*, 6909  
 Report of G.O.C., *q.*, 2898  
 Railway Rifle Corps, *q.*, 6833  
 Elections, Conduct of, *m.*, 1308  
 Electoral Administration :  
 General Motion, 1313  
 Registrars, Remuneration of, *q.*, 1123, 6298  
 Immigration, *supply*, 2598  
 Isaacs, Mr., Argus Attacks on, *m.*, *adj.*, 6092; (*expl.*, 6256)  
 Kalgoorlie to Port Augusta Railway Survey Bill, *int.*, 4658; *2r.*, 5598  
 Manufactures Encouragement Bill, *2r.*, 5764; *com.* (short title), 8222, 8224  
 Ministry :  
 (Watson), Ministerial Statement, *m.*, 1532; Position of (*p.o.*, 4145)  
 (Reid), Position of, 4746, 4760 (*expl.*, 4825, 5559)  
 Navigation Bill Commission, *q.*, 2466; *m.*, 3273  
 New Guinea, Shooting of Natives of, *q.*, 1299  
 New Hebrides, *q.*, 3672; *m.*, 3681  
 Opium, Importation of, *q.*, 761, 1299, 2370  
 Outtrim, Lt.-Col., Case of, *q.*, 1395  
 Papua (British New Guinea) Bill, *com.* (Legislative Council), 6512; (intoxicants), 6529, 7343, 7547; *cons. amds.* (intoxicants), 8605  
 Patents Act :  
 New South Wales Register, *q.*, 3397  
 Operation of, *q.*, 1122  
 Personal Explanation, *adj.*, 1395  
 Post and Telegraph Department, *supply*, 7182  
 Correspondence, *q.*, 7175  
 Letter Sorters, overtime, *q.*, 3247  
 Telephone Extension, *q.*, 1299, 2312; *supply*, 4929  
 Telephone Regulations, *m.*, 5861  
 Tenders, *m.*, 5747  
 Preferential Trade, *obs.*, 195; *m.*, 8551  
 Public Service :  
 Classification, *q.*, 2691, 2692; *supply*, 3275; (*expl.*, 3285)  
 Queen Helena, Case of the, *q.*, 7407  
 Seat of Government Bill, *2r.*, 3443; *com.* (method of selection), 3516; (seat of government), 3795  
 Supply Bill (No. 4), *int.*, 4929  
 Supply :  
 Defence, 6906 (*p.o.* 6909), 6909  
 External Affairs, 6300  
 Postmaster-General, 7182  
 Trade and Customs, 6767  
 Supply, Restoration of Committee; *m.*, 6572  
 Tobacco, Government Manufacture and Sale of, *m.*, 7419

Keating, Senator Hon. J. H., *Tasmania* :

- Appropriation Bill, *com.* (Home Affairs), 8300, 8304  
 Address-in-Reply, *m.*, 380  
 Bisley, Rifle Team, *q.*, 1255  
 Carroll, Major, case of, *m.*, 1848

**Keating, Senator Hon. J. H.—continued.**

Conciliation and Arbitration Bill, *com.* (interpretation), 6346, 6374; (representation of parties), 6475  
 Eastern Extension Telegraph Company, *q.*, 353; *supply*, 2181; *m.*, 3153  
 Fraudulent Trade Marks Bill, *2R.*, 2759; *com.* (selling with false marks), 2776; (prohibition of importation), 2785, 2795; (powers of minor Court), 2874, 2876, 2877; *recom.*, 2881; (prohibition of exportation), 3535  
 Inter-State Certificates, *q.*, 1105  
 Kalgoorlie to Port Augusta Railway Survey Bill, *2R.*, *p.o.*, 8463  
 Mails :  
   New Zealand, *q.*, 940  
   Ocean Service, *m.*, *adj.*, 8565  
   Tasmania, *q.*, 1256  
 Meteorological Department, *q.*, 3634  
 Nautical Surveys, *supply*, 2170  
 Navigation Bill, *2R.*, 974  
 Papua (British New Guinea) Bill, *com.* (local option), 8023  
 Postage Stamps, Design for, *q.*, 940  
 Preferential Trade, *obs.*, 392  
 Public Service :  
   Classification, *supply*, 3556; *q.*, 3634  
 Rent, Commonwealth Premises, *m.*, 942  
 Refunds of Revenue, *supply*, 6043  
 Sea Carriage of Goods Bill, *2R.*, 7301, *com.* (commencement), 7404  
 Seat of Government Bill, *2R.*, *p.o.*, 1520; *com.* (seat of government), 1877, 1880, 1891; *cons. amds.* (Federal territory), 4026  
 Supplementary Appropriation Bill, 1903-4, *com.* (Home Affairs), 2176, 2178, 2179, 2181  
 Supplementary Appropriation (Works and Buildings) Bill, 1903-4, *com.* (Defence), 2182, 2183  
 Supply Bill (No. 2), *com.* (Postmaster-General), 3556  
 Supply Bill (No. 5), *com.* (schedule), 6043  
 Trade Marks Bill, *com.* (definitions), 3551, 3567, 3658; (registration—State Acts), 3990, 3992; (essential particulars), 3995, 4000; (identical marks), 4002; (associated mark), 4002; (appeal), 4005; (date of registration), 4008; (renewal), 4008; (trade union mark), (*p.o.*, 4120), 4128

**Kelly, Mr. W. H., Wentworth :**

Address-in-Reply, *m.*, 304  
 Business, Order of, *m.*, 6842  
 Chinese in Transvaal, *m.*, 795  
 Conciliation and Arbitration Bill, *2R.*, 915; *com.* (interpretation), 1714, 1732, 1808, 2199, 2211; (dismissal of unionists), 2219, 2220; (President), 2235; (duty of President), 2238; (reference by organization), 2284; (form of award), 2318; (on whom award is binding), 2338; (award not to be challenged), 2359; (powers of Court), 2391, 2410, 2439, 2460; (minimum wage and preference), 2490, 2515, 2649; (contravention of Part II.—non-compliance with award), 2722; (registration), 2746, 2801; (trade secrets), 3074; (contents of books not to be disclosed), 3076; *m.*, *recom.*, 4053; (*adj.*, 4106); (*p.o.*, 4220); *cons. amds.* (preference), 7855; (*p.o.*, 7967, 7968); (registration), 8001; *ad. rep.*, 8013  
 Debate, Limitation of, *m.*, 7433

**Kelly, Mr. W. H.—continued.**

Defence Bill 1904, *com.* (intoxicants), 7507  
 Defence Force, *supply*, 6899  
 Barracks, Site for, Sydney, *q.*, 7521  
 Military Commandants, Travelling Expenses, *m.*, 1630  
 Payments on behalf of Imperial Government, 667  
 Representative with Japanese Forces, *q.*, 989  
 Victoria Barracks, Sydney, *q.*, 2469  
 Electoral Administration *m.*, 1319  
 Federal Agencies, State Taxation of, *m.*, 7732; *p.o.*, 7747  
 Italian Immigration, *supply*, 2594  
 Lenehan, Major, case of, *supply*, 3593  
 Life Assurance Companies Bill, *com.* (limitation of sum assured), 8333; (penalties), 8333  
 Kalgoorlie to Port Augusta Railway Survey Bill, *2R.*, 5595, *com.* (power to make survey) 7559, 7568  
 Manufactures Encouragement Bill, *2R.*, 5774  
 Meat, Australian Frozen, *q.*, 3754  
 Ministerial Supporters, Pledges to, *q.*, 1350, 1397  
 Ministry :  
   (Watson), Ministerial Statement, *m.*, 1526; Position of, (*p.o.*, 4147)  
   (Reid), Position of, *m.*, (*p.o.*, 5252, 5378); *expl.*, 5558  
 Ocean Freights, *q.*, 7205  
 Papua (British New Guinea) Bill, *com.* (Legislative Council), 6506; (intoxicants), 7331; (prohibition to natives), 7557  
 Preferential Trade, *obs.*, 307; *m.*, 8543  
 Printing for Public Departments, *q.*, 7218  
 Registration of Births and Deaths, *q.*, 810, 880  
 Sea-Carriage of Goods Bill, *2R.*, 8313, *com.* (prohibition in bills of lading), 8321  
 Seat of Government Bill, *adj.*, 2307; *com.* (seat of government), 3842, 3949  
 Steamer Subsidy, Western Australian, *q.*, 3672, 3934  
 Supply :  
   Defence, 6899  
   External Affairs, 6305  
   Trade and Customs, 6717, 6762 (*p.o.*, 6763, 6768)  
 Supply Bill (No. 2), *com.* (schedule), 3593  
 Supply, Restoration of Committee, *m.*, 6575  
 Tobacco, Government Manufacture and Sale of, *m.*, 5859; *adj.*, 8229  
 Ways and Means, *m.*, 7459

**Kennedy, Hon. T., Mowra :**

Address-in-Reply, *m.*, 337  
 Agriculture, Federal Department of, *m.*, 3056  
 Business, Conduct of, *adj.*, 3065, 5215, 5579, 5896; *expl.*, 5937; *m.*, 7725  
 Butter, Exportation of, *q.*, 2368  
 Conciliation and Arbitration Bill, *com.* (interpretation), 1195, 1826, 1940, 2067; (dismissal of unionists), 2221; (powers of Court), 2399, 2440; (minimum wage and preference), 2636; (registration), 2996; (adoption of rules in compliance with conditions), 3063; *m.*, *recom.*, 4168; *expl.*, 4170; *p.o.*, 4248; *cons. amds.* (interpretation), 7752; (registration), 8007  
 Electoral Administration :  
   Elections, Conduct of, *m.*, 1306  
   General Motion, 1320  
   Operation of Act, *q.*, 938

**Kennedy, Hon. T.—continued.**

Immigration, *supply*, 2594  
 Kalgoorlie to Port Augusta Railway Survey Bill, *int.*, 2239, 2243, 4569, 4632; *com.* (power to make survey), 7569  
 Ministry: (Reid), Formation of, *supply*, 4277; Position of, 5234  
 Papua (British New Guinea) Bill, *com.* (Executive Council), 4678; (Legislative Council), 4680; (intoxicants), 7330, 7553  
 Patent Office Appointments, *q.*, 491  
 Preferential Trade, *obs.*, 337  
 Public Service:  
   Customs Officers, Retirement of, *q.*, 2251  
   Increments, *supply*, 2159  
 Seat of Government Bill, *com.* (seat of government), 3834, 3874  
 Supply:  
   Home Affairs, 6603  
   Postmaster-General, 2160, 7245.  
   Trade and Customs, 6718  
 Supply Bill (No. 3), *2r.*, 4277  
 Tariff Commission, *obs.*, 5240, 7463  
 Ways and Means, *m.*, 7463

**Kingston, Rt. Hon. G. C., P.C., K.C., South Australia:**

Address-in-Reply, *m.*, 457  
 Chinese in Transvaal, *m.*, 734  
 Conciliation and Arbitration Bill, *int.*, 14  
 Preferential Trade, *obs.*, 472

**Knox, Hon. W., Kooyong:**

Address-in-Reply, *m.*, 619  
 Appropriation Bill, *2r.*, 8122; *3r.*, 8124  
 Budget, *m.*, 6227  
 Business, Conduct of, *adj.*, 3068  
 Business, Order of, *m.*, 6842  
 Cadet Forces, *q.*, 7839  
 Chinese in Transvaal, *m.*, 751  
 Coinage, Commonwealth, *m.*, 2380  
 Conciliation and Arbitration Bill, *2r.*, 1025; *com.* (interpretation), 1198, 1816, 2016, 2020; (decision according to equity and good conscience), 2316; (on whom award is binding), 2328; (powers of Court), 2391, 2410, 2415, 2447, 2479, 2484; (minimum wage and preference), 2666; (orders to observe award), 2712; (registration), 2828; (organization by whom represented), 3093; (navigation), 3218; (limitation of Act), 3388, 3389, 3991; *cons. amds.* (registration), 8010  
 Council of Finance, *m.*, 6481  
 Customs Administration:  
   Advertising Matter, Duty on, *q.*, 7174  
 Electoral Administration, *m.*, 1325  
 Elections, Conduct of, *m.*, 1306  
 Electoral Rolls, Condition of, *q.*, 5849  
 Employment, Want of, *adj.*, 3338  
 Labour Party, Loyalty of, *q.*, 3725  
 Letter-Box Clearances, *q.*, 5938, 7175  
 Mail Contracts, Oversea, *adj.*, 1288; *q.*, 7523, 8591  
 Manufactures Encouragement Bill, *2r.*, 5946  
 Ministry (Reid), Position of, *m.*, 5315  
 Navigation Bill, Commission, *q.*, 2467; *supply*, 2591; *m.*, 3268  
 Pacific Cable Agreement, *q.*, 1184  
 Papers, Printing of, *q.*, 6480; *expl.*, 7175  
 Papua (British New Guinea) Bill, *com.*, *cons. amds.* (intoxicants), 8606, 8612

**Knox, Hon. W.—continued.**

Preferential Trade, *obs.*, 620  
 Price, Col., *obs.*, 8124  
 Public Service, Classification, *q.*, 2657; *adj.*, 2691  
 Seat of Government Bill, *com.* (method of selection), 3495, 3613; (seat of government), 3920  
 Sea Carriage of Goods Bill, *2r.*, 8160; *com.* (application), 8320; (warranty), 8330, 8355; *cons. amds.* (warranty), 8554  
 Supply:  
   Defence, 6946  
   Postmaster-General, 7043  
 Telephone Transmitters, Disinfection of, *q.*, 1184  
 Tobacco Refuse, Disposal of, *q.*, 2371  
 Ventilation of Chamber, *adj.*, 3670

**Lee, Mr. H. W., Cooper:**

Address-in-Reply, *m.*, 452  
 Agriculture, Federal Department of, *m.*, 6499  
 Conciliation and Arbitration Bill, *com.* (interpretation), 1178, 1818, 2002  
 Ministry (Reid), Position of, *m.*, 4900  
 Papua (British New Guinea) Bill, *com.* (intoxicants), 7353, 7539, 7554; *cons. amds.* (intoxicants), 8601  
 Post and Telegraph Department, *supply*, 7065; Promotions, *q.*, 2585  
 Preferential Trade, *obs.*, 453  
 Tariff Commission, 4903  
 Trade and Customs, *supply*, 6701, 6736  
 Unwin, Mr., Appointment of, *q.*, 7173

**Liddell, Mr. F., Hunter:**

Address-in-Reply, *m.*, 449  
 Coinage, Commonwealth, *m.*, 2381  
 Conciliation and Arbitration Bill, *com.* (interpretation), 1810, 2039  
 Electoral Administration, *adj.*, 1288  
 Flannelette, use of, *q.*, 7948  
 Kalgoorlie to Port Augusta Railway Survey Bill, *int.*, 4650  
 Life Assurance Companies Bill, *2r.*, 7129; *com.* (limitation of sum assured), 7137; (schedule), 8331  
 Ministry (Reid), Position of, *m.*, 4947  
 Preferential Trade, *obs.*, 449  
 Seat of Government Bill, *com.* (seat of government), 3924  
 Supply:  
   Defence, 6968  
   Postmaster-General, 7045  
 Ventilation of Chamber, *adj.*, 3665, 3671; *q.*, 4520

**Lonsdale, Mr. E., New England:**

Address-in-Reply, *m.*, 442  
 Agriculture, Federal Department of, *m.*, 6496  
 Chinese in Transvaal, *m.*, 733  
 Conciliation and Arbitration Bill, *com.* (interpretation), 1126, 1813, 1824, 1834, 2012, 2054, 2060, 2065, 2195; (organization ordering refusal), 2215, 2217; (dismissal of unionists), 2218, 2220; (constitution of Court), 2232; (reference by organization), 2298; (on whom award is binding), 2332; (awards to prevail over State awards), 2357, 2358; (award not to be challenged), 2350; (power to appoint assessors), 2367; (powers

**Lonsdale, Mr. E.—continued.**

- of Court), 2392, 2402, 2440, 2487, 2488, 2489; (minimum wage and preference), 2518, 2581; 2701, 2702; (registration), 2745, 2906; (trade secrets), 3076; (disputes of which Court has cognisance), 3077; (organization by whom represented), 3087; (compromise), 3387; *m., recom.*, 4082
- Customs Revenue, *q.*, 3395
- Denton Hat Mills, *adj.*, 5046
- Employment, Want of, *adj.*, 3344
- Italian Immigrants, *supply*, 2593
- Kalgoorlie to Port Augusta Railway Survey Bill, *int.*, 4662 *2R.*, 5593; *com.* (reservation of land), 7571
- Life Assurance Companies Bill, *2R.*, 7133; *com.* (sum assured), 7137
- Manufactures Encouragement Bill, *2R.*, 5785; *com.* (short title), 8218, 8220, 8221, 8224
- Military Titles, *adj.*, 2114
- Ministry :
  - (Watson), Ministerial Statement, *m.*, 1426 (Reid), Position of, *m.* 4819, 4826
- Papua (British New Guinea) Bill, *com.* (Legislative Council), 6508 (intoxicants), 7330; *cons. amds.* (intoxicants), 8605
- Preferential Trade, *obs.*, 443; *m.*, 8507
- Public Service :
  - Classification, *q.*, 2658, 5591
  - Temporary Officers, Customs Department, *q.*, 5591
- Seat of Government Bill, *adj.*, 2309; *com.* (seat of government), 3607, 3717
- Supply :
  - Defence, 6897, 6971, 7021, 7022
  - Home Affairs, 6409, 6430, 6594
  - Postmaster-General, 2162, 7041, 7241, 7253
  - Trade and Customs, 6739
- Tariff Commission, 4831
- Tobacco, Government Manufacture and Sale of, *m.*, 7413
- Ventilation of Chamber, *adj.*, 3668

**Lyne, Hon. Sir W. J., K.C.M.G., Hume :**

- Address-in-Reply, *m.*, 525
- Agriculture, Federal Department of, *m.*, 6500
- Appropriation (Works and Buildings) Bill, *com.* (issue and application), 7467
- Bonus Commission, Report of, *q.*, 171
- Brewers' Licences, *supply*, 4920
- Budget, *m.* (*p.o.*, 6016), 6018
- Business, Conduct of, *adj.*, 5901
- Business, order of, *adj.*, 3895, 6032; *m.*, 7719; *q.*, 8090, 8091
- Cable, Pacific, *q.*, 2693
- Conciliation and Arbitration Bill, *com.* (interpretation), 1230 (*p.o.*, 1715, 1716), 1719, 1924, 2187; (powers of Court), 2448; (minimum wage and preference), 2647; (registration), (*p.o.*, 2991); *m. recom.*, 4174; *cons. amds.* (preference), 7874; (registration), 7999; *ad-opinion of reasons*, 8016
- Copeland, Mr., Death of, *obs.*, 2653
- Customs Administration :
  - British Imports, Duty on, *q.*, 666, 759
  - Broome, Customs Officers at, *q.*, 587
  - Landing Waiters, Salaries of, *q.*, 809
  - Prosecutions, *q.*, 759
  - Ships' Stores, Customs Duties on, *q.*, 403
- Sandford, Mr., Duty on steel rails charged to, *supply*, 4920; *q.*, 5590, 7115, 7489
- Defence Bill, 1904, *2R.*, 7491

**Lyne, Hon. Sir W. J., K.C.M.G.—continued.**

- Electoral Administration :
  - Compilation of Rolls, *m. adj.*, 7319
  - Provisional Lists, *q.*, 7114
  - Revision Courts, *q.*, 7173
- Riverina and Melbourne Elections, *adj.*, 8357
- Select Committee, Report of Evidence, *m.*, 1524
- Employment, Want of, *adj.*, 3346
- Federal Capital Sites, *q.*, 2369; *adj.*, 3464
- Inter-State Commission, *q.*, 5846
- Iron :
  - Bounties for Production of, *q.*, 288
  - State Development of Industry, *q.*, 2371, 3072
- Kalgoorlie to Port Augusta Railway Survey Bill, *2R.*, 5613
- Lenahan, Major, Case of, *supply*, 3577
- Locomotive Tenders, *q.*, 7944
- Mails :
  - Contracts, Subletting of, *adj.*, 2535
  - King Island, *m.*, 1626
  - Vancouver, *q.*, 3753, 3812
- Manufactures Encouragement Bill, *1R.*, 762; *2R.*, 810, 8215; *q.*, 2017, 3328, 6698, 7409, 7716, 7945, 8091, 8215; *adj.*, 3526, 5586; *m.*, 7719; *com.* (short title), 8224; (commencement), 8225
- Ministry :
  - (Watson), Position of (*p.o.*, 4150)
  - (Reid), Formation of, *supply*, 4281; Ministerial Statement, *m.*, 4507; (*expl.*, 4518); Position of (*expl.*, 4972, 5045, 5050, 5383), 4989; *p.o.*, 5044, 5047
- Murray River, Navigation of, *q.*, 2371
- Patents Act : Administration, *q.*, 290, 989, 1122
- Pilotage, Victorian, *q.*, 171, 289
- Preferential Railway Rates, *q.*, 2658, 5846
- Preferential Trade, *obs.*, 533, 4995; *supply*, 6577, 7138; *q.*, 7409, 7716, 8090; *m.*, 7719, 8110 (*p.o.*, 8110), 8351, 8486
- Public Service :
  - Classification, 2136; *supply*, 3291
  - Military Titles, Use of, *supply*, 2137
- Public Works : Delayed Payments, *supply*, 4918
- Rabbit Destruction, *q.*, 4403; *supply*, 4921
- Sea-Carriage of Goods Bill, *2R.*, 8317; *com.* (warranty), 8327
- Seat of Government Bill, *adj.*, 2307; *q.*, 3070, 3071, 3330; *com.* (method of selection), 3490, 3507; (seat of government), 3628; (*expl.*, 3698), 3719, 3720; (*p.o.*, 3722), 3752, 3784; (*expl.*, 3874, 3931), 3935; 3941, 3950
- Spirit Trade, Inter-State, *q.*, 3292
- Supply : (*p.o.*), 2132
  - Postmaster-General, 7058, 7177
  - Home Affairs, 2136, 2138, 6598, 6604, 6607, 6616
- Supply, Adoption of Resolutions, *m.*, 7438, 7439; *p.o.*, 7440, 7441
- Supply Bill (No. 2), *com.* (schedule), 3577
- Supply Bill (No. 3), *2R.*, 4281
- Supply Bill (No. 4), *int.*, 4918
- Supply Bill (No. 5), *int.*, 5971
- Supply, Restoration of Committee, *m.*, 6577
- Tariff Commission, *obs.*, 4995, 6018, 6577; *q.*, 7409; *obs.*, 7441, 7443
- Telephonic Communication, *supply*, 4919
- Tobacco Monopoly, Committee, Refusal of Witness to give Evidence, *q.*, 6564
- Victorian Penny Postage, Effects of, *supply*, 4919



**Macfarlane, Senator Hon. J., Tasmania :**

Business of Senate, *adj.*, 5733  
 Customs Duties, Tasmania, *q.*, 232, 543  
 Conciliation and Arbitration Bill, 2R., 5903;  
*com.* (interpretation), 6334; (preference), 6538,  
 6558  
 Fraudulent Trade Marks Bill, *ad. rep. p.o.*,  
 3165; *recom.* (parts), 3533; (remission of  
 forfeiture), 3534  
 Meteorology, *q.*, 7892  
 Navigation Bill, 2R., 973  
 New Hebrides: Rebates on Duties, *m.*, 4087  
 Papers, Printing of, *q.*, 1836, 1952, 2081,  
 2172  
 Queensland Customs Revenue, *q.*, 5795  
 Sea-Carriage of Goods Bill, 3R., 7575  
 Seat of Government Bill, *com.* (seat of go-  
 vernment), 1864; *recons.* (seat of govern-  
 ment), 1981  
 Supplementary Appropriation Bill 1903-4,  
*com.* (Home Affairs), 2176; (Defence), 2180  
 Wharfage Rates, Preferential, *q.*, 543

**Mahon, Hon. H., Coolgardie :**

Appropriation Bill, 2R., 8114; 3R., 8132  
 Assurance Department, Commonwealth, *m.*, 999  
 Cables, Revenue from, *q.*, 2312, 2585, 2694,  
 2885, 3171  
 Clock, Boulder City Post Office, *q.*, 3754  
 D'Abruzzi, Duc, Entertainment of, *q.*, 6595,  
 6698  
 Deputy P.M.s.G., Annual Reports of, *q.*, 2539,  
 2696  
 Duty Stamps, Sale of, *q.*, 2018, 2886, 3570,  
 3571, 3665  
 Glebe Lighting Case, *adj.*, 3328  
 Kalgoorlie to Port Augusta Railway Survey  
 Bill, *int.*, 4640; *adj.*, 4693  
 Mails :  
   Boulder City, *q.*, 3877  
   Burnie, *q.*, 1785  
   King Island, *m.*, 1625; *q.*, 3754  
   Late Fee Letter Boxes, *adj.*, 3328  
   Letter-Box Clearances, *q.*, 6297, 6481  
   Letter Deliveries, Sydney, *q.*, 2695, 2800  
   Oversea, *adj.*, 1288; *q.*, 1524, 2017, 2885  
   Subletting of Contracts, *q.*, 2312, 2584,  
   2885; *adj.*, 2530  
   Tenders for, *q.*, 3672  
   Vancouver, *q.*, 3754, 3812  
   Victorian, *q.*, 1605, 2106  
 Manufactures Encouragement Bill, 2R., 5962  
 Medicine Chests, Port Darwin Line, *q.*, 3877,  
 3933  
 Ministry: (Reid), Position of, *m.*, 5140;  
*(expl.*, 5216)  
 Money Orders, Inter-State, *q.*, 2539, 3397  
 "Other" Expenditure, *q.*, 6207  
 Outtrim, Lt.-Col., Case of, *adj.*, 1288; *q.*,  
 1395; 1396, 1605  
 Parliamentary Privileges Committee, *m.*, 832  
 Penny Postage :  
   Imperial, *q.*, 1299, 1351  
   Victorian, *q.*, 2696  
 Pneumatic Tube, Postal, *q.*, 2800  
 Political Conditions, Criticism of Australian,  
*q.*, 5969

**Mahon, Hon. H.—continued.**

Post and Telegraph Officials :  
   Acting as Registrars, *q.*, 3072, 3395, 3451  
   Debts Due to, *q.*, 3753  
   Debts Owning by, *q.*, 3753  
   Discrepancies in cash of, *q.*, 2695  
   Inspectors, *q.*, 2959  
   Letter Carriers, Victorian, *q.*, 3812  
   Letter Sorters, *q.*, 1897, 2018, 3248, 3331  
   Linemen, *q.*, 7115  
   Overtime of, *q.*, 4139  
   Railway Station-masters: Acting as, *q.*, 3172,  
   3247  
   Sunday Work of, *q.*, 3331  
   Treatment of, S.A., *q.*, 2898, 3247  
   Telegraph Construction Overseers, *q.*, 1299,  
   3451  
   Woodrow, Mr., Case of, *q.*, 7111  
 Privilege, Order of Business, *obs.*, 665  
 Public Service :  
   Annual Leave, *q.*, 756  
   Classification, *supply*, 4924  
   Increments, *q.*, 2019  
   Long Service Leave, *q.*, 2521, 2799  
   Military Titles, Use of, *q.*, 2019; *adj.*, 2114  
 Public Works :  
   Port Pirie Post-office, *q.*, 3471  
   Railway Passes, Members', *adj.*, 169  
 Speaker :  
   Election of, *m.*, 11  
   Position of, *m.*, 686, 695  
 Standing Orders, *q.*, 403  
 Supply :  
   Defence (*p.o.*, 6908), 7023  
   External Affairs, 6251, 6253, 6312, 6324  
   Home Affairs, 6427, 6601, 6621, 6623, 6626,  
   6632, 6647  
   Postmaster-General, 2163, 7035, 7056, 7184  
   Trade and Customs, 6743, 6753, 6757, 6761,  
   6771  
 Supply Bill (No. 4), 4924  
 Telegraphs :  
   Insulators, Tenders for, *q.*, 3172  
   Tarcoola Extension, *q.*, 1351, 2018  
 Telephones :  
   Melbourne—Bendigo Service, *q.*, 2369  
   Sydney Suburban Extension, *q.*, 1299, 2312  
 Tenders, Post and Telegraph Department,  
*expl.*, 4823; *m.*, *adj.*, 5738; *supply*, 6213  
 Treasurers' Conference, *q.*, 289

**Maloney, Mr. W. R. N., Melbourne :**

Appropriation Bill, 3R., 8137  
 Business, Order of, *m.*, 8019  
 Coal Resources, Protection of, *supply*, 4931  
 Conciliation and Arbitration Bill, *com.* (inter-  
 pretation), 1094, 2187; *recom.*, 4187; *cons.*  
*amds.*, 7536 (interpretation), 7756; (pre-  
 ference), 7962; (registration), 8011  
 Defence Bill 1904, *com.* (short title), 7501  
 Defence Force :  
   Military Commandants, Travelling Allow-  
   ances, *m.*, 1628, 1635  
 Electoral Administration, *m.*, 1313; *m. adj.*,  
 7315  
   Elections, Conduct of, *m.*, 1307  
   Electoral Rolls, Additions to, *q.*, 4266;  
*supply*, 4931  
 Employment, Want of, *adj.*, 3526  
 Federal Agencies, State Taxation of, *q.*, 6206  
 Government Printing Office, Overtime, *supply*,  
 4931

**Maloney, Mr. W. R. N.—continued.**

Kalgoorlie to Port Augusta Railway Survey Bill, *adj.*, 4689, 2R., 5611  
 Letter-Box Clearances, *q.*, 6008  
 Life Assurance Companies Bill, 2R., 7133  
 Manufactures Encouragement Bill, *com.* (short title), 8218  
 Ministry :  
   (Watson), Ministerial Statement, *m.*, 1572  
   (Reid), Position of, *m.*, 5020  
 Papua (British New Guinea) Bill, *com.* (Legislative Council), 6517; (intoxicants), 7351  
 Police, overtime, *q.*, 8617  
 Postcards, Pictorial, *q.*, 7618  
 Post Offices, Contract, *m.*, 4403; *supply*, 4931  
 Preferential Trade, *obs.*, 8019; *m.*, 8545  
 Private Members' Business, *q.*, 8593  
 Referendum, Cost of, *q.*, 8200  
 Rheostats, Electric, Duty on, *q.*, 6919  
 Supply :  
   Defence, 6913  
   External Affairs, 6318  
   Home Affairs, 6638, 6645  
   Postmaster-General, 7159, 7193  
   Trade and Customs, 6706  
 Supply Bill (No. 4), 4931  
 Supply, Restoration of Committee, *m.*, 6478, 6573  
 Tariff Commission, *obs.*, 5038, 7457  
 Telephonic Communication, Charges for, *supply*, 4931  
 Temporary Standing Orders, *m.*, 8594

**Matheson, Senator Hon. A. P., Western Australia:**

Appropriation Bill, 1R., 8182; *com.* (External Affairs), 8266, 8284  
 Business of Senate, *adj.*, 5734  
 Conciliation and Arbitration Bill, 2R., 5909; *com.* (registration), 6806, 6855, 6990, 7002, 3R., 7275; *cons. mes.* (registration), 8083  
 Customs Administration :  
   Japanese Goods, Seizure of, *q.*, 7364  
 Defence Bill 1904, 2R., 7701; *com.* (substitution of Council of Defence for Board of Advice), 7898, 7903; (*p.o.*, 7904), 7907  
 Defence Force :  
   Abolition of office of G.O.C., *m.*, 6439  
   Administration, Reports on, *q.*, 6786  
   Artillery and Ammunition, *q.*, 3633, 4354  
   Conversion of Guns, *q.*, 4100, 4285  
   Council of Defence, *supply*, 4297  
   Field Guns, *m.*, 3635  
   Naval and Military Boards, *obs.*, 8183; *q.*, 8230, 8570  
   Naval Repairs, *obs.*, 8182  
   Naval Reserve Regulations, *q.*, 3528, 3529  
   Presentation of Guns, *q.*, 4101, 4285  
   Report of G.O.C., *adj.*, 3141  
   Rifle Teams, Travelling Expenses, *q.*, 4283  
   Schools of Instruction, *obs.*, 8182  
 Further Supplementary Appropriation Bill (1902-3), 2R., 3564; *com.* (schedule), 3565  
 "Imperial Government," use of term, *supply*, 3558, 3559, 6042  
 Kalgoorlie to Port Augusta Railway Survey Bill, *obs.*, 8182  
 Ministry (Reid), Ministerial Statement, *m.*, 4463  
 New Hebrides, Rebates on Duties, *m.*, 4091

**Matheson, Senator Hon. A. P.—continued.**

Papua (British New Guinea) Bill, *com.* (prohibition of import duties), 7800, 7801; (disallowance of ordinances), 7801  
 Perth Post Office, *obs.*, 8183  
 Roberts, Mr. T., Picture by, *q.*, 3989  
 Seat of Government Bill, 2R., 1773  
 Supply Bill (No. 2), *m.s.o.*, 3555 (Defence), 3558, 3559  
 Supply Bill (No. 3), 1R., 4297; *com.* (Defence), 4311, 4325  
 Supply Bill (No. 5), 1R., 6042

**Mauger, Hon. S., Melbourne Ports:**

Address-in-Reply, *m.*, 16  
 Budget, *m.*, 6007  
 Business, Conduct of, *adj.*, 1461, 3067, 5162, 6298  
 Conciliation and Arbitration Bill, 2R., 1006; *com.* (interpretation), 1212, 2041; (minimum wage and preference), 2577; (navigation), 3187, 3380; *m.*, *recom.* (*adj.*, 4196), 4210  
 Customs Administration :  
   Advertising Matter, Duty on, 8092  
   Sunday Work, *q.*, 7945  
 Defence Bill 1904, *com.* (intoxicants), 7507  
 Defence Force :  
   Banners, Consecration of, *q.*, 5848, 6911  
   Gellibrand, Artillery Practice at, *adj.*, 7572  
   Minimum Wage, Clothing Contracts, *q.*, 6565  
   Naval Brigade, *adj.*, 3126  
   Regulations, *adj.*, 937  
   Supplies, Tenders for, *q.*, 4520  
 Denton Hat Mills, *adj.*, 5046  
 Electoral Administration : Poll Clerks, Remuneration of, *adj.*, 808  
 Employment, Want of, *adj.*, 3331, 3525  
 Industrial Laws, *m.*, 3452  
 Italian Boy Immigrants, *q.*, 6481  
 Kanakas, Deportation of, *q.*, 2538  
 Mail Service, Tasmania, *q.*, 7489  
 Minimum Wage, Government Contracts, *q.*, 4630  
 Ministry : (Reid), Position of, *m.* (*p.o.*, 5050, 5204, 5378, 5379), 5220; (*exp.*, 5345)  
 Navigation Bill, Commission, *m.*, 3268  
 Papua (British New Guinea) Bill, *com.* (Lieutenant-Governor), 4677; (Legislative Council), 5702; (intoxicants), 6518, 7539, (*p.o.*, 7539); 7549, 7557  
 Personal Explanation, 3244  
 Post and Telegraph Department, *supply*, 7044  
   Duty Stamps, *q.*, 3570  
   Letter Carriers, Victorian, *q.*, 3812, 3876  
   Overtime, *q.*, 4139  
   Supplies, *q.*, 4498  
 Preferential Trade, *obs.*, 17  
 Seat of Government Bill, *adj.*, 2307; *p.o.*, 3818  
 Shoes, Importation of, *q.*, 2897  
 Supply :  
   Defence, 6911, 6942  
   Home Affairs, 6423, 6429, 6630  
   Postmaster-General, 7044  
 Telephones, Fire Brigade, *adj.*, 7837  
 Tariff Commission, *obs.*, 5229; *m.*, 6007, 6210  
 Ventilation of Chamber, *adj.*, 3671

**McCay, Hon. J. W., Corinella:**

- Appropriation Bill, *3R.*, 8126  
 Business, Order of, *adj.*, 5585; 5901  
 Carroll, Major, Case of, *q.*, 8475  
 Chinese in Transvaal *m.*, 801  
 Conciliation and Arbitration Bill, *com.* (interpretation), 1161, 1710; (*p.o.*, 1715), 1936, 2046, 2078, 2188, 2205, 2208, 2209; (State authority may refer dispute), 2262; (disputes of which Court has cognisance), 2273; (reference by organization), 2279; (form of award), 2317; (on whom award is binding), 2342, 2356; (award not to be challenged), 2365; (local board report), 2367; (powers of Court), 2384, 2386, 2401, 2411, 2416, 2436, 2454, 2462, 2480, 2481, 2484; (minimum wage and preference), 2494, 2628, 2689; (registration), 2848, 2947 (*p.o.*, 2990), 3012; (variation of agreement), 3385; (limitation of Act), 3390; *m.*, *recom.*, 4029; *recom.* (registration), 4527; (compromise), 4540; *cons. amds.* (interpretation), 7632; (preference), 7819; (registration) *p.o.*, 7975, 7988, 7991  
 Defence Bill 1904, *2R.*, 7489, 7499; *com.* (amendment of definition), 7501; (Council of Defence for Board of Advice), 7504, 7507; (intoxicants), 7507, 7508; *m.s.o.*, 7509; *ad. rep.*, 7510; *3R.*, 7520; *cons. amds.*, 8017  
 Defence Force:  
 Administration and Control of, *supply*, 6383; *q.*, 6479; *adj.*, 6531  
 Army Medical Corps, Representation on Military Board, *q.*, 7618  
 Badges and Ornaments, *q.*, 4496, 4519  
 Banners, Consecration of, *q.*, 5847, 5848, 5849, 6208; *supply*, 6893, 6896, 6911  
 Barracks Site for Sydney, *q.*, 7521  
 British Officers, Engagement of, *q.*, 4403  
 Cadet Forces, *q.*, 7840  
 Council of Defence, *q.*, 8307  
 Fremantle Fortifications, *q.*, 5850, 5851, 5937  
 Gellibrand, Practice at Fort, *adj.*, 7572  
 Head-dress, *q.*, 7308  
 Hutton, Major-General, Re-appointment of, *q.*, 5593  
 King, Sergeant, G. A., Case of, *q.*, 6920  
 Loading Clip, Magazine Rifles, *q.*, 6917  
 Long Service Medals, *q.*, 6098  
 Medals for 1st Commonwealth Contingent, *q.*, 5590  
 Militia Officers, *q.*, 7840  
 Minimum Wage, Clothing Contracts, *q.*, 6565, 6889  
 Mounted Infantry Regiments, *q.*, 7619  
 Naval Training, *q.*, 5852  
 Ordnance Branch, Officials, *q.*, 7021  
 Railway Passes, Rifle Club Members, *m.*, *adj.*, 7208  
 Reorganization Scheme, *obs.*, 6594  
 Scott, Lieut., Case of, *q.*, 8201  
 Retirements from, *q.*, 4632  
 Rifle Clubs, Supply of Rifles to, *supply*, 4937  
 Rowell, Colonel, Proposed Appointment as Commandant of South Australia, *q.*, 5738  
 Supplies, Tenders for, *q.*, 4520  
 Uniforms, *adj.*, 1951, 2080  
 Kalgoorlie to Port Augusta Railway Survey Bill, *int.*, 1124  
 Life Assurance Companies Bill, *com.* (sum assured), 7135

**McCay, Hon. J. W.—continued.**

- Manufactures Encouragement Bill, *2R.*, *adj.*, 5793  
 Melbourne Election, Postal Votes, *q.*, 490  
 Melbourne-Bendigo Telephone Service, *q.*, 2369  
 Ministry: (Reid), Position of, *m.*, 5144, (*p.o.*, 5575)  
 Navigation Bill, Commission on, *m.* (*p.j.*, 3263)  
 Papua (British New Guinea) Bill, *com.*, *cons. amds.* (intoxicants), 8599, 8607, 8612, 8613, 8614, 8615, 8616  
 Preferential Trade, *obs.*, 5133  
 Price, Colonel, *obs.*, 8126  
 Seat of Government Bill, *com.* (method of selection), 3480; (seat of government), 3933, 3945; (Federal territory), 3985  
 South African War, History of, *q.*, 6917  
 Supplementary Appropriation Bill 1903-4 *com.* (foot-notes), 2171  
 Supply:  
 Defence, 6893, 6896, 6902 (*p.o.*, 6908), 6911, 6912, 6913, 6916, 6940, 6941, 6971, 6973, 7021, 7022, 7024, 7026, 7027, 7028, 7029, 7030, 7031, 7032, 7034, 7236  
 Parliament, 2166  
 Treasury, 2170  
 Supply Bill (No. 4), *int.*, 4937  
 Tariff Commission, *obs.*, 5131  
 Temporary Standing Orders, *m.*, 8598

**McColl, Hon. J. H., Echuca:**

- Address-in-Reply, *m.*, 309  
 Conciliation and Arbitration Bill, *com.* (interpretation), 1136, 1735, 1793, 1985; (powers of Court), 2461; (minimum wage and preference), 2649; (registration), 2960; (navigation), 3319; *cons. amds.*, 7754  
 Debate, Limitation of, *m.*, 7436  
 Duty Stamps, Sale of, *q.*, 2018  
 English Mail Contract, *adj.*, 8558  
 Papua (British New Guinea) Bill, *com.*, *cons. amds.* (intoxicants), 8604  
 Immigration, *supply*, 2596  
 Life Assurance Companies Bill, *2R.*, 7128; *com.* (schedule), 8331  
 Ministry: (Reid), Position of, *m.*, 5083; *expl.*, 5098  
 Preferential Trade, *obs.*, 316, 5091; *m.*, 8552  
 Public Service:  
 Classification, *adj.*, 2651  
 Military Titles, Use of, *supply*, 2132  
 Quarantine, Federal, *q.*, 3574  
 Riverina and Melbourne Elections, *adj.*, 8361  
 Seat of Government Bill, *com.* (seat of government), 3626, 3719; (Federal territory), 3988  
 Supply:  
 Defence, 2132  
 Postmaster-General, 7159  
 Trade and Customs, 6724  
 Tariff Commission, *obs.*, 7445  
 Trees, Destruction of, by Telegraph Department, *adj.*, 7838  
 Water Conservation, *m.*, 821

**McDonald, Hon. C., Kennedy:**

- Address-in-Reply, *m.*, 667  
 Appropriation Bill, *2R.*, 8113  
 Aliens in Queensland, *q.*, 6918, 6919  
 Business, Conduct of, *adj.*, 1461, 3064, 3216, 5581, 5898, 6298; *m.*, 6581, 8019; Order of, *m.*, 16 (*p.o.*, 3892, 7717), 7718

McDonald, Hon. C.—*continued.*

Carroll, Major, Case of, *q.*, 8474  
 Chairman of Committees, *m.*, 684  
 Conciliation and Arbitration Bill, *int.*, 14; *q.*, 26; *22.*, 930; *com.* (interpretation), 1238, 2010, 2073, 2077; (registration), 280; *m.*, *recom.*, 4198, 4522; *recom.* (registration), 4527; *cons. amds.*, 7535; (interpretation), 7555; (registration) (*p.o.*, 7984, 7988); (registration), 8009; *ad. rep.*, 8013; (adoption of reasons), 8016  
 Contraband of War, *q.*, 2693  
 Craig, W., Case of, *adj.*, 8358  
 Days of Meeting, *m.*, 81; *adj.*, 4282  
 Debate, Limitation of, *m.*, 7435  
 Defence Force:  
   Banners, Consecration of, *adj.* (*p.o.*, 6888); *supply*, 6894, 6895  
   Railway Passes, Members of Rifle Clubs, *m.*, *adj.*, 7206  
 Duty Stamps, Sale of, *q.*, 3664  
 Electoral Rolls, Revision of, *q.*, 5849, 6099, 7115; *supply*, 6211  
 Employment, Want of, *adj.*, 3526  
 Euryalus, Visit to, *q.*, 2468  
 Government Houses Maintenance, *supply*, 2151  
 Immigration Restriction Act:  
   Reports of Officers, *q.*, 8592  
   Regulations under, *q.*, 7619  
 Italian Labour for Sugar Plantations, *q.*, 2584; *supply*, 2593  
 Kalgoorlie to Port Augusta Railway Survey Bill, *adj.*, 4689  
 Map of Australia, *q.*, 7619  
 Minimum Wage, Postal Contracts, *q.*, 5851  
 Ministry:  
   (Watson), Ministerial Statement, *m.*, 1665;  
   Position of, *m.*, (*p.o.*, 4144, 4153), 4151;  
   Defeat of, *q.*, 4402  
   (Reid), Formation of, *supply*, 4269, 4270;  
   Ministerial Statement, *m.*, 4353; Position of, *m.*, 5414  
 Navigation Bill Commission, *adj.*, 2246; *m.*, 3270  
 Papers; Printing of, *q.*, 6479, 6480  
 Papua (British New Guinea) Bill, *com.* (meetings of Executive Council), 4678; (Legislative Council), 5702, 6506, 6513; (intoxicants), 7556; *cons. amds.*, *m.*, 8555; (intoxicants), 8607, 8611, 8613, 8614  
 Preferential Trade, *q.*, *obs.*, 667, 6564; *m.*, 7718, 8019  
 Privilege, *p.o.*, 4916  
 Public Works:  
   Wooloongabba Post Office, *adj.*, 1289  
 Queensland, Representation of, *q.*, 7112  
 Questions, Answering of (*p.o.*, 6882)  
 Refreshment Room, *q.*, 6883  
 Seat of Government, *adj.*, 8559  
 Seat of Government Bill, *adj.*, 2307; *com.* (method of selection), 3521; (seat of government), 3615  
 Standing Order 276 (*p.o.*, 6884), *q.*, 6885  
 Sunday Work, Customs Department, *q.*, 7946  
 Supply:  
   Defence, 2152, 6894, 6895, 7022, 7023  
   External Affairs, 6251, 6306, 6324, 7255, 7323, 7328  
   Home Affairs, 6418, 6431, 6594, 6609, 6615, 6630, 6631, 6632, 6634, 6637, 6642, 6643, 6646, 6649  
   Parliament, 2151, 6242, 6243, 6250  
   Postmaster-General, 7066, 7183, 7199, 7242

McDonald, Hon. C.—*continued.*

Public Works, 7236, 7238  
 Trade and Customs, 6719, 6720, 6747, 6748, 6749, 6750 (*p.o.*, 6763), 6763  
 Supply Bill (No. 3), *22.*, 4270  
 Supply, Restoration of Committee, *m.*, 6567, 6581  
 Telephone Attendants, Female, *q.*, 5970  
 Temporary Standing Orders, *m.*, 8596  
 Ways and Means, *p.o.*, 7453; *m.*, 7464

McGregor, Senator Hon. G., *South Australia:*

Acts Interpretation Bill, *cons. amds.* (application), 1261; (regulations), 1262  
 Anglo-Chinese Labour Convention, *q.*, 1292  
 Appropriation (Works and Buildings) Bill, *com.* (schedule), 7483, 7484, 7487  
 Appropriation Bill, *com.* (Parliament), 8256, 8262; (External Affairs), 8271, 8281; (Attorney-General), 8296; (Home Affairs), 8298; (Trade and Customs), 8370  
 Blind Passengers by Sea, *q.*, 1292  
 Business of Senate, *adj.*, 5446  
 Cable Conference, Pacific, *q.*, 3635  
 Cairns Post Office, *q.*, 4083  
 Carroll, Major, Case of, *m.*, 1850; *m.s.o.*, 3155, 3157  
 Chairman of Committees, Appointment of, *adj.*, 401; *m.*, 552  
 Chinese in Transvaal, *m.*, 553, 584  
 Conciliation and Arbitration Bill, *22.*, 5827; *com.* (interpretation), 6330, 6466, 6470; (representation of parties), 6473; (preference), 6561; (*p.o.*, 6562), 6660; (representation), 6676, 7000, 7017, 7018; (*p.o.*, 7020), 7107; *cons. mes.* (interpretation), 8040; (preference), 8043; (*p.o.*, 8058, 8077), 8067, 8069; *ad. rep.*, 8087  
 Days of Sitting, *m.*, 6327  
 Duty Stamps, Sale of, *q.*, 3635  
 Easter Adjournment, *m.*, 645  
 Election Meetings, Disturbance at, *q.*, 1736  
 Federal Capital:  
   Reports on Sites, *m.*, 1257; *q.*, 1291; *m.*, 1466; *obs.*, 1584  
 Fraudulent Customs Entries, *q.*, 2856  
 Fraudulent Trade Marks Bill, *int.*, 1468; *22.*, 2097, 2766; *com.* (short title), 2769; (commencement), 2770; (interpretation), 2771, 2772, 2774; (selling with false marks), 2775, 2776; (prohibition of importation), 2778, 2788, 2793; (*p.o.*, 2797), 2874; (powers of minor Court), 2875, 2877, 2878; (disposal of goods), 2879; (discovery), 2879; *recons.* (prohibition of importation), 2880; (powers of minor Court), 2881; *ad. rep.*, 3159; (*p.o.*, 3168); *32.*, 3530; *m.*, *recom.*, 3531; (prohibition of exportation), 3534, 3537, 3655  
 Further Supplementary Appropriation Bill (1902-3), *22.*, 3563, 3565; *com.* (schedule), 3566  
 Hannah v. Drake, Expenses of Case, *q.*, 1257  
 High Court, Judgments of, *adj.*, 1266; *q.*, 1465  
 Immigration Restriction Act:  
   Italians, Influx of, *q.*, 1256  
   Norwegian Sailors, *q.*, 1737  
   Prohibited Immigrants, Number of, *q.*, 3634  
 Imports, Return of, *m.*, 3225  
 Kalgoorlie to Port Augusta Railway, *q.*, 1290

McGregor, Senator Hon. G.—*continued.*

Kalgoorlie to Port Augusta Railway Survey Bill, 2R., 8464

Leather, Export of, *q.*, 2748

## Mails :

King Island, *q.*, 3223; *supply*, 3561

Oversea, *q.*, 3223, 3634

Northern Territory, *q.*, 3223

Tasmania, *q.*, 1256

Merchandise Marks Bill, *dis.*, 1246

Meteorological Department, *q.*, 3634

## Ministry :

(Deakin), Resignation of, *obs.*, 1245

(Watson), Formation of, *obs.*, 1245; Ministerial Statement, *m.*, 1257

(Reid), Formation of, *m.*, 4284; Ministerial Statement, *m.*, 4356

Moseley Commission, Report of, *q.*, 1736

Motions without Notice, *p.o.*, 1463

Navigation Bill, *dis.*, 1246

New Guinea, Shooting of Natives, *q.*, 1464, 3529, 3635

New Hebrides, *q.*, 1464, 2173

Newspaper Postage, *q.*, 1291, 1464, 2856

Notices of Motion, *p.o.*, 7573

Papers, Printing of, *q.*, 1837, 1952, 2081, 2173

Papua (British New Guinea) Bill, *com.* (Appointment of Lieutenant-Governor), 7796; (local option), 8024; *recons.*, 8408

Parliament House, Occupation of, *q.*, 3635

Pearling Industry, Papuans, *adj.*, 2884; *q.*, 3153, 3529

Petition, Irregular, *m.s.o.*, 7665

Preferential Trade, *obs.*, 4365

## Public Service :

Assurance Policies, *q.*, 2856

Classification, *supply*, 2180, 3558; *q.*, 3634

Sholl, Mr., Retirement of, *q.*, 1255, 1292

Superannuation, *q.*, 1464

Woodrow, Mr., Transfer of, *q.*, 1255, 1292

President, Election of, *m.*, 6

Privilege, Freedom of Speech, *m.*, 1115, 1244, 1245; *p.o.*, 7359

Railway Passes, Members, *supply*, 3558

Reapers and Binders, Duty on, *q.*, 1464

Revenue Refunds, *supply*, 3562, 3563

Roberts, Mr. T., Picture by, *q.*, 3989

Russian Attack on British Fishing Fleet, *m.*, 6257

Sea Carriage of Goods Bill, *com.* (goods), 7393; (obligations), 7402; (commencement), 7406, 3R., 7579

Seat of Government Bill, *int.*, 1293; 2R., 1468; (*p.o.*, 1519, 1522), 1778; *com.* (short title), 1782, 1783; (seat of government), 1859, 1861, 1863, 1872, 1874, 1892, 1894, 1896, 1952; (Federal territory), 1953, 1957, 1968, 1973, 1974; (compensation), 1977; *recons.* (seat of government), 1978, 1980, 1981, 1982; *m.s.o.*, 1983, 1984; *ad. rep.*, 2081, 2095; *cons. amds.*, (seat of government), 4018; (Federal territory), 4025, 4028

## Select Committee :

Ballot for, *p.o.*, 1297

Press Reports of, *m.*, 1858

Ships, Remeasurement of, *q.*, 3529

Standing Orders, *com. ad. rep.*, 1262

Subletting of Post Offices, *q.*, 1291, 1737; *supply*, 3560, 3561

Summer Sessions, *q.*, 1584, 1737

McGregor, Senator Hon. G.—*continued.*

Supplementary Appropriation Bill, 1903-4, 2R., 2173; *com.*, (Post and Telegraph), 2174, 2180; (Attorney-General), 2175; (Home Affairs), 2176, 2178; (Treasurer), 2180

Supply Bill (No. 1), 2R., 2873

Supply Bill (No. 2), 2R., 3556; *com.* (Parliament), 3558; (Postmaster-General), 3558, 3560, 3561; (Treasurer), 3562; 3R., 3563

Trade Marks Bill, *int.*, 3224; 2R., 3537; *com.* (definitions), 3550; *p.o.*, 3656; (registration, State Acts), 3991, 3992 (registrar), 3993; (essential particulars), 3994, 3997, 3998; (words forbidden), 4000; (particular goods), 4001; (identical marks), 4002; (concurrent user), 4002; (appeal), 4006, 4007; (notice of opposition), 4007; (renewal), 4008; (register), 4009; (removal), 4010; (trade union mark, use of), 4131; *expl.*, 4135; (penalty), 4136, 4138; (international arrangements), 4138; *recom.* (agents), 4338

## McLean, Hon. A., Gippeland :

Address-in-Reply, *m.*, 172

Agriculture, Federal Department of, *m.*, 3047

Business, Conduct of, *adj.*, 6298

Business, Progress of, *adj.*, 5162, 5220

Cane-field Inspectors, *q.*, 6382

Chairman of Committees, Appointment of, *m.*, 684

Chinese, Employment of in Sugar Planting, *q.*, 4402

Conciliation and Arbitration Bill, *com.* (interpretation), 1062, 1927, 2197, 2203; (powers of Court), 2413, 2429; (minimum wage and preference), 2506; (registration), 2912; (organization by whom represented), 3086; (navigation), 3314; *recom. p.o.*, 4221

## Customs Administration :

Advertising Matter, Duties on, *supply*, 4927, 7173, 7174, 8092

Bottling of Bulk Spirits, *q.*, 8590

Costs in Customs Cases, *q.*, 7175, 7218

Electrical Rheostats, Duty on, *q.*, 6919

Engines, Portable, Duty on, *q.*, 7113

Fish Importers, Prosecution of, *q.*, 7523

Queen Helena, Case of the, *q.*, 7408

Sandford, Mr., Refund of Duty Charged to, *q.*, 5590, 7115, 7489

Shelving and Skirting, Duty on, 7174

Sunday Work, *q.*, 4631, 7945, 7946, 7947

Temporary Officers, *q.*, 5592, 7411

## Electoral Administration :

Select Committee, Report of Evidence, *m.*, 1524, 2311, 3392

Flat Top Island, Sunday Work at, *q.*, 4631

Fraudulent Trade Marks Bill, 2R., 8226

## Immigration Restriction Act :

Administration of, *q.*, 6882

Kalgoorlie to Port Augusta Railway Survey Bill, *int.*, 4638

Lyndhurst Water Supply, *adj.*, 3738

Ministry : (Reid), Ministerial Statement, *m.*, 4418; Position of, *m.*, 4960; *expl.*, 4989

## Patents :

Issue of, *q.*, 8093

Patent Office, Publications, *q.*, 7522

Provisional, *q.*, 5591, 7411, 7717

Preferential Trade, *obs.*, 174, 4418; *m.*, 8346

Seat of Government Bill, *com.* (method of selection), 3495, 3514, 3525, 3601, 3754

**McLean, Hon. A.—continued.****Supply :**

Trade and Customs, 6713, 6716, 6743, 6746, 6747, 6778, 6779, 6780, 6781, 6782, 6783, 6784

Supply Bill (No. 4), *int.*, 4927

Tariff Commission, *obs.*, 4967

Tobacco Industry, *m.*, 5861, 6209

**McWilliams, Mr. W. J., Franklin :**

Address-in-Reply, *m.*, 337

Agriculture, Federal Department of, *m.*, 3047

Bills of Lading, Legislation, *q.*, 5851

Business, Conduct of, *adj.*, 6299; *obs.*, 6842

Conciliation and Arbitration Bill, *com.* (interpretation), 1210, 1722, 1831, 2214; (decision according to equity and good conscience), 2316; (form of award), 2318; (powers of Court), 2410, 2445, 2484; (minimum wage and preference), 2677; (compromise), 3387; *m.*, *recom.*, 4064; *cons. amds.* (preference), 7875

**Defence Force :**

Inspection of Tasmanian Forces, *q.*, 457, 758, 3293, 3393

Debate, Limitation of, *m.*, 7424

Elections, Conduct of, *m.*, 1308

Italian Immigration, *supply*, 2590

Kalgoorlie to Port Augusta Railway Survey Bill, *int.*, 4673, 2R, 5616; *com.* (power to make survey), 7566

**Mails :**

Contracts, Subletting of, *adj.*, 2536

King Island, *m.*, 1624

Manufactures Encouragement Bill, 2R, 5783

Ministry : (Reid), Position of, *m.*, 5354

Navigation Bill, Commission, *m.*, 3254

Papua (British New Guinea) Bill, *com.* (intoxicants), 7541

Preferential Trade, *obs.*, 343, 5360

Preferential Wharfage Rates, *q.*, 3934

**Public Service :**

Increments, *supply*, 2165

Military Titles, use of, *adj.*, 2120

Seat of Government Bill, 2R, 3422

South Africa, Trade with, *q.*, 1184

Sugar Mills, Queensland, *m.*, 7021

**Supply :**

Defence, 6943, 7032

External Affairs, 6311

Parliament, 6246

Postmaster-General, 2165, 7128

Trade and Customs, 6724

War Medals, South Africa, *q.*, 3573

**Millen, Senator Hon. E. D., New South Wales :**

Business of Senate, *m.*, 1601; *q.*, 6152

Carroll, Major, Case of, *m.*, 1846; *m.s.o.*, 1856

Conciliation and Arbitration Bill, *com.* (interpretation), 6331

Days of Meeting, *m.*, 26

Federal Capital : Lyndhurst site, *m.*, 1466

Fraudulent Trade Marks Bill, *m. recom.*, 3530; *recom.*, (parts), 3533

Further Supplementary Appropriation Bill (1902-3), 2R, 3563; *com.* (schedule), 3565

Lyne, Sir William, Charges against Senator Neild, *p.o.*, 5449

**Millen, Senator Hon. E. D.—continued.****Ministry :**

(Watson), Ministerial Statement, *m.*, 1260

(Reid), Ministerial Statement, *m.*, 4370

Postage on Newspapers, *p.o.*, 1291

President, Election of, *m.*, 6

Privilege, Freedom of Speech, *m.*, 4356

Revenue Refunds, *supply*, 3562

Russian Attack on British Fishing Fleet, *m.*, 6264

Seat of Government Bill, 2R, 1486; *m.*, 1600;

*com.* (short title), 1782; (seat of government)

(*p.o.*, 1863), 1876, 1883, 1893, 1895, 1952;

(Federal territory), 1953, 1960, 1964, 1965,

1966, 1968, 1975; (Compensation), 1975; *ad.*

*rep.*, 2082; *cons. amds.* (seat of govern-

ment), 4018; (Federal territory), 4027

Select Committee : Press Reports of, *m.*, 1856

Supply Bill (No. 2), *m.s.o.*, 3553; *com.* (Trea-

surer), 3562; 3R, 3562

Trade Marks Bill, *com.* (essential particulars),

3994; (trade union mark), 4014

**Mulcahy, Senator Hon. E., Tasmania :**

Address-in-Reply, *m.*, 38

Appropriation Bill, *com.* (Parliament), 8254; (Home Affairs), 8299; (Trade and Customs), 8366

Business of Senate, 1601

Chairman of Committees, Appointment of, *adj.*, 402

Conciliation and Arbitration Bill, 2R, 5923;

*com.* (interpretation), 6333, 6374, 6448 (regis-

tration), 6692, 7013, 7097, 7105; *cons. mes.*

(registration), 8085

Defence Force : Tasmania, Pay of, *adj.*, 1246

Kalgoorlie to Port Augusta Railway Survey

Bill, 2R, 8461

Navigation Bill, 2R, 982

New Hebrides : Rebates on Duties, *m.*, 4100

Papers, Printing of, *obs.*, 942

Papua (British New Guinea) Bill; *com.* (ap-

propriation for destitute natives), 7802;

(local option), 8022

Petition, Irregular, *m.s.o.*, 7666

Preferential Trade, *obs.*, 40

Privilege, Freedom of Speech, *m.*, 1117

Russian Attack on British Fishing Fleet, *m.*,

6272

Sea Carriage of Goods Bill, 3R, 7583; *com.*

*cons. amds.* (application), 8411

Seat of Government Bill, *m.*, 1601; 2R, 1768;

(*p.o.*, 1523); (seat of government), 1863, 1888,

1894; (Federal territory), 1957, 1972; *recons.*

(seat of government), 1979, 1982; *ad. rep.*,

2090; *cons. amds.* (seat of government),

4025

Select Committee : Press Reports of, *m.*, 1858

Trade Marks Bill, *com.* (essential particulars),

3997; (trade union mark), 4103; (international

arrangements), 4138

**Neild, Senator Lt.-Col. Hon. J. C., New South Wales :**

Address-in-Reply, *m.*, 46

Appropriation Bill 1R (*p.o.*, 8170); *com.* (Par-

liament), 8254; (Defence), 8389, 8391

Business of Senate, *m.*, 1602, 7892, 7895; *adj.*,

5450, 5736

Carroll, Major, Case of, *ad. rep.*, 6801

Committees, Select, notice of *m.*, 4580

Conciliation and Arbitration Bill, *com.* (inter-

pretation), 6351, 3R, 7270

Neild, Senator Lt.-Col. Hon. J. C.—*continued.*

- Defence Bill, 1904, 2R., 7695  
 Defence Force :  
   Administration, system of, *q.*, 5795  
   Carroll, Major, *m.*, 1837; *m.s.o.*, 1857  
   Equipment of, *supply*, 4310  
   Hutton, Major-General, Minute Relating to, *q.*, 4283; *m.*, 4691, 4683; Charges against, *q.*, 7361 (*p.o.*), 7362  
   Naval and Military Forces, strength of, *q.*, 834  
   Parade States, New South Wales, *m.*, 942  
   Regulations, *q.*, 833; *obs.*, 987; *m.*, 1585, 1837; *com.* (officers' services dispensed with), 1587, 1588; (seconding), 1589, 1593, 1596, 1597, 1598, 1599; (arrest, court martial), 1600  
   Rifle Regiments, N.S.W., Strength of, *q.*, 1181  
 Electoral Officers' Claims, *q.*, 1106  
 Federal Agencies, State Taxation of, *q.*, 6532  
 Flag, Commonwealth, *m.*, 1584  
 Hannah v. Drake, Expenses of Case, *q.*, 1256  
 Hours of Sitting, *m.*, 7895  
 Kalgoorlie to Port Augusta Railway Survey Bill, 2R., 8449  
 Kamimura, Admiral, Statements Attributed to by Major-General Hutton, *m.*, 4328  
 Lyne, Sir William, Charges by, *expl.*, 5448; *p.o.*, 5450; *supply*, 6033  
 Mail Service, Ocean, *m. adj.*, 8562, 8569  
 Ministerial Statement, *m.*, 4600  
 Notices of Motion, *obs.*, 7572, 7573  
 Oaths Administration Bill, *int.*, 2081  
 Old-age Pensions, *q.*, 940; *m.*, 6432  
 Papers, Printing of, *obs.*, 941  
 Papua (British New Guinea) Bill, *com.* (local option), 7925; (Government control of intoxicants), 8033  
 Parliamentary Evidence Bill, *q.*, 4354; 2R., 5795, 5804; *m.*, 7365; (*p.o.*, 7365)  
 Preferential Trade, *obs.*, 47  
 Private Business, *obs.*, 987, 1183, 4339  
 Privilege :  
   Freedom of Speech, *m.*, 1106, 1120, 1244, 4355; *q.*, 4283; *p.o.*, 6787, 7357, 7358, 7359  
   Parliamentary Documents, *obs.*, 835  
 Public Service :  
   Fortnightly Payment of Salaries, *supply*, 4985  
 Seat of Government Bill, 2R., 1494; *m.*, 1602; *com.* (seat of government), 1886; (Federal territory), 1962, 1964, 1965, 1974; *ad. rep.*, 2084  
 Select Committee : Press Reports of, *m.*, 1857  
 Stamps, Traffic in, *supply*, 4308  
 Supply, Grant of, *m.*, 942, 947  
 Supply Bill (No. 3), 1R., 4308, *com.*, (Defence), 4316, 4327  
 Supply Bill (No. 4), 1R., 4985  
 Supply Bill (No. 5), 1R., 6033

O'Keefe, Senator Hon. D. J., *Tasmania* :

- Address-in-Reply, *m.*, 255  
 Appropriation Bill, *com.* (Defence), 8389  
 Appropriation (Works and Buildings) Bill, *com.* (schedule), 7485  
 Business of Senate, *m.*, 1604; *adj.*, 7805  
 Carroll, Major, Select Committee, *m.*, 1847; *m.s.o.*, 3156; *ad. rep.*, 6803, 7689  
 Chinese in Transvaal, *m.*, 565, 793

O'Keefe, Senator Hon. D. J.—*continued.*

- Conciliation and Arbitration Bill, 2R., 5914; *com.* (registration), 6674, 6863; *expl.*, 6881  
 Defence Force :  
   Inspection of Tasmanian Forces, *q.*, 545  
   Regulations, *m.*, *com.* (seconding), 1592  
   Report of G.O.C., *adj.*, 3145  
 Federal Agencies, State Taxation of, *q.*, 6532  
 Federal Capital : Lyndhurst site, *m.*, 1467  
 Fraudulent Trade Marks Bill, 2R., 2763; *com.* (interpretation), 2773; (prohibition of importation), 2783; (prohibition of exportation), 3537  
 High Commissioner, *q.*, 5794  
 Hours of Sitting, *m.*, 7896  
 Kalgoorlie to Port Augusta Railway Survey Bill, 2R., 8572  
 Mails :  
   King Island, *q.*, 3223; *supply*, 3560  
 Ministry : Formation of, *supply*, 4291; Ministerial Statement, *m.*, 4478  
 New Hebrides : Rebate on Duties, *m.*, 4094  
 New Guinea : Craig, Mr., Case of, *m.*, 5823  
 Papua (British New Guinea) Bill, *com.* (local option), 7924  
 Parliament House, Occupation of, *q.*, 3635  
 Public Service : Classification, *supply*, 2180; *q.*, 3634  
 Privilege, Freedom of Speech, *m.*, 1118  
 Public Works : Day Labour, *m.*, 3225  
 Russian Attack on British Fishing Fleet, *m.*, 6268  
 Sea-Carriage of Goods Bill, 3R., 7586  
 Seat of Government Bill, *m.*, 1604; 2R., 1765; *com.* (Federal territory), 1958, 1967; (*com. pensionation*), 1977  
 Select Committee : Press Reports of, *m.*, 1856  
 Supplementary Appropriation Bill 1903-4, *com.* (Post and Telegraph), 2180  
 Supply Bill (No. 3), 1R., 4291  
 Trade Marks Bill, *com.* (trade union mark), 4109

O'Malley, Hon. King, *Darwin* :

- Assurance Department, Commonwealth, *m.*, 1001  
 Appropriation Bill, 3R., 8144  
 Budget, *m.*, 6027  
 Business, Order of, *m.*, 15; *adj.*, 5586  
 Conciliation and Arbitration Bill, *com.* (interpretation), 1217, 1731; (*p.o.*, 1950), 2077; powers of Court, 2409; *m.*, *recom.*, 4179; *cons. amds.* (interpretation), 7660; (registration), 8008  
 Debate, limitation of, *m.*, 7430  
 Federal Capital Sites, *q.*, 3572  
 Employment, Want of, *adj.*, 3336  
 Election Petitions, Trial of, *adj.*, 1040  
 Electoral Administration : Penguin, Voting at, *q.*, 1298  
 Defence Force : British Officers, Engagement of, *q.*, 4403  
 Italian Emigration to U.S.A., *q.*, 2584  
 Kalgoorlie to Port Augusta Railway Survey Bill, 2R., 5606; *com.* (power to make survey), 7505  
 Kell, Major, *q.*, 2368  
 Mails :  
   King Island, *m.*, 1623; *q.*, 3754  
   Burnie, *q.*, 1785  
 Manufactures Encouragement Bill, 2R., 5954

**O'Malley, Hon. King—continued.**

**Ministry :**  
 (Watson), Ministerial Statement, *m.*, 1579  
 (Reid), Ministerial Statement, *m.*, *p.o.*, 4446  
 Neild, Senator, Lt.-Col., *q.*, 2427  
 Old-Age Pensions, *obs.*, 2185; *m.*, 7115; *adj.*, 8229  
 Papua (British New Guinea) Bill; *com.* (intoxicants), 7342, 7551, 7554, 7557  
 Pay, Members', *supply*, 6567  
 Preferential Trade, *m.*, 8552  
 Public Service :  
     Debts, *q.*, 3753  
     Postmistress, Somerset, 1042  
     Military Titles, Use of, *adj.*, 2112  
 Riverina Election, Petition, *q.*, 937  
 Russian Attack on British Fishing Fleet, *q.*, 7173  
 Sea Carriage of Goods Bill, *2r.*, 8319  
 Supply :  
     Defence, 6895  
     External Affairs, 6307  
     Home Affairs, 6600  
     Parliament, 6247  
     Postmaster-General, 7037  
 Tariff Commission, *m.*, *Budget*, 6027; *q.*, 7716  
 Temporary Standing Orders, *m.*, 8597  
 Ventilation of Chamber, *adj.*, 3667

**Page, Hon. J., Maranoa :**

Address-in-Reply, *m.*, 602  
 Advertising Matter, Duty on, *supply*, 4927  
 Arms and Ammunition, *adj.*, 1040; *q.*, 1042, 1122, 1123  
 Business, Conduct of, *q.*, 7409  
 Conciliation and Arbitration Bill, *com.* (interpretation), 1204; (minimum wage and preference), 2674; (registration of organizations), 2904; *recom.*, 4261  
 Contracts, non-local tenders, *q.*, 6699  
 Defence Bill, *2r.*, 7497; *com.* (Council of Defence), 7506; (prohibition of intoxicants), 7509  
 Elections : Officers, Payments, *q.*, 2369  
 Government Printing Office, *q.*, 2369  
 Kalgoorlie to Port Augusta Railway Survey Bill, *2r.*, 5624; *com.* (survey of route), 7560, 7570  
 King's Birthday, *q.*, 6699  
 King Island : Mails, *m.*, 1624  
 Labour Caucus, *q.*, 2798  
 Lyndhurst Water Supply, *adj.*, 3736  
 Mail Contracts, Subletting of, *adj.*, 2532  
 Military :  
     Commandants' Travelling Allowances, 1631  
     Forces, Statement by Lt.-Col. Neild, *q.*, 2425  
     Hoad, Colonel, *q.*, 4028  
 Ministry : (Reid), Position of, *m.*, 5396; *expl.*, 5431  
 Petitions, *p.o.*, 490  
 Preferential Trade, *obs.*, 606  
 Price, Colonel, *q.*, 586  
 Public Service :  
     Allowances, *supply*, 4928; *q.*, 5851  
     Increments in Public Service Commissioner's office, *supply*, 6420  
     Leave, *q.*, 6699  
     Promotions, *q.*, 403  
     Salaries, *adj.*, 2244  
     Sorters and Letter Carriers, *q.*, 5851  
     Telegraph Messengers, *q.*, 7410  
     Use of Military Titles, *m.*, 2118

**Page, Hon. J.—continued.**

Rifle Clubs, *adj.*, 7212  
 Russo-Japanese War, Military Attache, *q.*, 4028  
 Seat of Government Bill, *com.* (seat of government), 3944  
 Supply (1904-5), *m.*, 6583, 6768, 6770, 6777  
 Supply Bill (No. 4), *m.*, 4927  
 Supply :  
     Attorney-General, 6396  
     Defence, 6898, 6912, 7034  
     External Affairs, 6252, 6253, 6304  
     Home Affairs, 6399, 6420, 6425, 6596, 6612, 6614, 6626  
     Parliament, 6250  
     Postmaster-General, 7149, 7236, 7238  
     Trade and Customs, 6750  
 Treasurer, Reported Resignation of, *q.*, 6699  
 Trees, Destruction of, *adj.*, 7838  
 Wilks, Mr., Alleged Speech by, *q.*, 6088

**Pearce, Senator Hon. G. F., Western Australia :**

Address-in-Reply, *m.*, 260  
 Adjournment, *m.*, 7804  
 Alien Restriction Administration, *q.*, 4581, 7574  
 Appropriation (Works and Buildings) Bill, *1r.*, 7475; *com.* (short title), 7479; (schedule), 7480, 7483, 7485  
 Appropriation Bill, *1r.*, 8177; *com.* (Parliament), 8259, 8260; (External Affairs), 8266, 8268, 8283; (Home Affairs), 8298  
 Blind Sea Passengers, *q.*, 939, 1292  
 Blue-Jackets and Lumpers, *q.*, 6033  
 Business, Order of, *obs.*, 987; *m.*, 1182; *adj.*, 5732, *q.*, 5902  
 Chinese in Western Australia, *q.*, 7160  
 Cigars : Importation into Victoria, *q.*, 353  
 Conciliation and Arbitration Bill, *2r.*, 6043; *com.* (interpretation), 6366, 6447, 6449, 6457, 6458, 6459, 6462, 6469; (representation of parties at hearing), 6532; (minimum wage and preference), 6555, 6563, 6651; (registration of organizations), 6683, 6851, 6996, 7020, 7094; (navigation clauses), 7170; *cons. amts.*, 8044, 8055; *p.o.*, 8056, 8062, 8064; (minimum wage and preference), 8063, 8065, 8070  
 Customs Officials, *q.*, 5704  
 Defence Bill, *com.* (Council of Defence), 7902  
 Defence :  
     Administration, *q.*, 3528  
     Regulations, *m.*, 1594, 1596, 1597  
 Easter Adjournment, *m.*, 645  
 Elections : Federal and State, *q.*, 1736  
 Federal Capital, Lyndhurst Site, *m.*, 1465  
 Fraudulent Trade Marks Bill, *2r.*, 2760; *com.* (interpretation), 2770, 2771, 2772; (prohibited imports), 2781, 2792; *recom.*, *p.o.*, 3163, 3167, 3R., 3532; *recom.* (prohibited imports), 3533; (prohibited exports), 3534  
 Immigration Restriction Act, *q.*, 939, 1256  
 Imports, *m.*, 3224  
 Imports and Exports, *q.*, 4328  
 Japanese Goods, *q.*, 7364, 7574  
 Kalgoorlie to Port Augusta Railway, *q.*, 1290, 4462, 5704  
 Kalgoorlie to Port Augusta Railway Survey Bill, *2r.*, 8430; *adj.*, 8471



**Pearce, Senator Hon. G. F.—continued.**

Leather, Export of, *q.*, 2748  
 Life Assurance Companies Bill, *q.*, 8362  
 Military Forces: *adj.*, 3130, 3152; Major Carroll, Case of, *m.*, 7693  
 Ministry:  
   (Deakin), Position of, *q.*, 1104  
   (Reid), Policy of, *m.*, 4375  
 Navigation Bill, 2R., 960  
 Neild, Senator: Select Committee, *p.o.*, 4355; *obs.*, 7470  
 New Hebrides, *m.*, 4084, 4097  
 Old-age Pensions, *m.*, 6433  
 Papers, Printing of, *q.*, 5704  
 Papua (British New Guinea) Bill, *com.* (appointment of Lieutenant-Governor), 7796; (transfer of officers), 7799; (Legislative Council), 7799; (import duties), 7800; (ordinances), 7801; (public revenues and money), 7802; (intoxicants and opium), 7912, 8020, 8032, 8405, 8406  
 Parliamentary Evidence Bill, 2R., 5799  
 Patents Office, Staff, *q.*, 1292  
 Petition, Irregular, *m.*, 7667  
 Post and Telegraph Department:  
   Deputy Postmaster-General, Western Australia, *q.*, 1255, 1292  
   Contracts, *q.*, 134  
 Preferential Trade, *obs.*, 274  
 Public Works, Day Labour, *m.*, 2857, 3641; *p.o.*, 3234  
 Public Servants and Politics, *q.*, 4327  
 Questions without Notice, *p.o.*, 231  
 Russian Attack on British Fishing Fleet, *m.*, 6265  
 Savings Bank, *q.*, 543  
 Sea-Carriage of Goods Bill, *com.* (application of Act), 7397  
 Seat of Government Bill, 2R., 1490; *p.o.*, 1519; *m.*, 1601; *com.* (seat of government), 1783, 1860, 1864, 1883; *recom.*, 1978; (area of Federal territory), 1959, 1965; *cons. amds.*, 4021  
 Silver Coinage, *q.*, 6279  
 Standing Orders, *m.*, 1263  
 Sugar Industry, *m.*, 7085  
 Summer Sessions, *q.*, 1584, 1737  
 Supply Bill (No. 3), 1R., 4285; *com.* (Defence), 4311  
 Tobacco Monopoly, *m.*, 649, 1296  
 Trade Marks Bill, *q.*, 6649; 2R., 3546; *com.* (interpretation), 3549, 3551, 3567, 3663; (trade union marks), 4010; *p.o.*, 3656, 4118, 4119, 4127, 4132; *recom.* ("Trade union" and "trade union mark"), 4336, 4337; *recom.*, 7283 (*p.o.*, 7595), 7596

**Phillips, Hon. P., Wimmera:**

Electoral Rolls, *q.*, 2184  
 Nitrogen Fertilizer, *q.*, 6833  
 Victorian Mail Services, *q.*, 1604, 2106

**Playford, Senator Hon. T., South Australia:**

Address-in-Reply, *m.*, 361; *obs.*, 545  
 Adjournment, Special, *m.*, 987, 1181  
 Buckley, Captain P. N., *q.*, 939  
 Business, Order of, *m.*, 400, 402, 546  
 Butter Substitutes, *q.*, 543  
 Chinese in Transvaal, *m.*, 581  
 Cigars: Importation into Victoria, *q.*, 353

**Playford, Senator Hon. T.—continued.**

Conciliation and Arbitration Bill, 2R., 6187; *com.* (interpretation), 6373, 6446; (minimum wage and preference), 6658; (registration of organizations), 6809, 7013, 7104; 3R., 7280; *cons. amds.*, 8047  
 Customs Duties, Tasmania, *q.*, 543  
 Defence Regulations, *q.*, 26; *obs.*, 834, 2874; *m.*, 1590, 1592, 1599  
 Easter Adjournment, *m.*, 643, 648  
 Eastern Extension Telegraph Company, *q.*, 353  
 Elections: Officers, Payments, *q.*, 1106  
 Electoral Act, *q.*, 940  
 Federal Capital, *q.*, 544  
 Fraudulent Trade Marks Bill, 2R., 2764  
 Further Supplementary Appropriation Bill, 1903-4, 2R., 3564  
 Immigration Restriction Act, *q.*, 835, 939  
 Inter-State Certificates, *q.*, 1105  
 Iron Works, Federal, *m.*, 956  
 Military:  
   Carroll, Major, Case of, *m.*, 1852  
   Forces, *adj.*, 3139  
   Inspection, Tasmania, *q.*, 545  
   Volunteer Regiments, *q.*, 1182  
 Ministry, Position of, *q.*, 1104  
 Naval Forces, *q.*, 804  
 Navigation Bill, *q.*, 542  
 New Zealand Mails, *q.*, 940  
 Old-age Pensions, *q.*, 940  
 Pacific Cable, *q.*, 543, 1105  
 Papers, Printing of, *obs.*, 941  
 Papua (British New Guinea) Bill, *com.* (intoxicants and opium), 8025  
 Postage Stamps, Designs for, *q.*, 940  
 Post-offices, Contracts for, *q.*, 134  
 Preferential Trade, *obs.*, 366  
 Preferential Wharfage Rates, *q.*, 543  
 President, Election of, *obs.*, 6  
 Privilege, *m.*, 1114, 1245  
 Public Works, Day Labour, *m.*, 2863  
 Quarantine, Department of, *q.*, 353  
 Questions without notice, *p.o.*, 231  
 Savings Bank, *q.*, 543  
 Sea-Carriage of Goods Bill, 3R., 7581  
 Seat of Government Bill, *m.*, 1602; *ad. rep.*, 2091; *cons. amds.*, 4026  
 Standing Orders, *m.*, 233, 942, 1262, 3554  
 Supplementary Appropriation Bill, 1903-4, 2R., 2174  
 Supply, Grant of, *m.*, 945  
 Tobacco Monopoly, *m.*, 659

**Poynton, Hon. A., Grey:**

Address-in-Reply, *m.*, 164  
 Agriculture, Department of, *m.*, 6502  
 Appropriation Bill, 3R., 8140  
 Budget, *m.*, 6106  
 Conciliation and Arbitration Bill, *com.* (interpretation), 1721, 2008; (term of office of ordinary members), 2236; (on whom award to be binding), 2320; (powers of Court), 2442; (registration of organizations), 2910; (oversea shipping), 3363; *m.*, 4155; *cons. amds.* (interpretation), 7662, 7748; (minimum wage and preference to unionists), 7957, *m.*, 8014  
 Elections:  
   Administration, *supply*, 6404  
   Invalid, *n.*, 809  
   Officers, Payments of, *q.*, 989

Poynton, Hon. A.—*continued.*

Federal Agencies, State Taxation of, *q.*, 1524, 6563, 6596; *m.*, 6847  
 Fraudulent Trade Marks Bill, *q.*, 1896  
 Immigration, *q.*, 6481  
 Kalgoorlie to Port Augusta Railway, *m.*, 2242  
 Kalgoorlie to Port Augusta Railway Survey Bill, *m.*, 2242, 4652; *2R.*, 5594  
 Mail Contracts, Subletting of, *q.*, 988, 2312, 2584, 2885, 5851; *adj.*, 2521  
 Manufactures Encouragement Bill, *2R.*, 8209; *com.* (short title), 8220, 8224  
 Military :  
     Commandants' Travelling Allowances, *m.*, 1628  
     Head Dress, *q.*, 7307  
 Ministry :  
     (Watson), Policy of, *m.*, 1421  
     (Reid), Position of, *m.*, 5245  
 Paper, Printing of, *q.*, 6480  
 Patent Office, *q.*, 989  
 Post and Telegraph Department :  
     Overtime, South Australia, *q.*, 1289  
     Port Pirie, Post-office, *q.*, 403, 3471  
     South Australian Officers, *q.*, 3247  
 Preferential Railway Rates, *q.*, 2106  
 Preferential Trade, *obs.*, 165; *m.*, 8496  
 Public Service :  
     Excise Officers, South Australia, *q.*, 7411  
     Increments, *supply*, 6424; *q.*, 7410, 8093  
     Salaries, *q.*, 2184  
     Transferred Officers, *q.*, 79  
 Questions to Private Members, *q.*, 7410  
 Rifle Clubs, *adj.*, 7211  
 Seat of Government Bill, *m.*, 3606; *com.* (seat of government), 3942  
 Standing Orders, *m.*, 8598  
 Supply (1904-5), *m.*, 6573  
 Supply :  
     Home Affairs, 6404, 6424  
     Trade and Customs, 6780  
     Postmaster-General, 7037, 7230, 7233, 7239, 7250  
 Tariff Commission, *supply*, 6106

Pulsford, Senator Hon. E., *New South Wales :*

Acts Interpretation Bill, *com.* (regulations), 552  
 Address-in-Reply, *m.*, 377  
 Adjournment, Easter, *m.*, 644  
 Appropriation (Works and Buildings) Bill, *com.* (schedule), 7486  
 Appropriation Bill, *1R.*, 8176; (External Affairs), 8269, 8271, 8284; (Home Affairs), 8363; (Trade and Customs), 8370  
 Business, *adj.*, 5734; *m.*, 7806  
 Chinese in Transvaal, *m.*, 567  
 Conciliation and Arbitration Bill, *2R.*, 6193, *com.* (interpretation), 6447; (representation of parties at hearing), 6533; (minimum wage and preference), 6547; *3R.*, 7281  
 Fraudulent Trade Marks Bill, *m.*, 3158; *re-com.*, *p.o.*, 3161; *3R.*, 3530; *m.*, 3532; *recom.* (prohibited exports), 3534, 3537, 3654, 3655  
 Further Supplementary Appropriation Bill, 1903-4, *2R.*, 3564  
 Immigration Restriction Act, *q.*, 3634  
 Imports, *m.*, 3225  
 Kalgoorlie to Port Augusta Railway Survey Bill, *2R.*, 8446  
 Ministry, Policy of, *m.*, 5706

Pulsford, Senator Hon. E.—*continued.*

Navigation Bill, *q.*, 542  
 Oversea Mails, *q.*, 3634  
 Papua (British New Guinea) Bill, *com.* (intoxicants and opium), 7922  
 Petition, Irregular, *m.*, 7666  
 Preferential Trade, *obs.*, 378; *q.*, 7357; *m.*, 8231  
 Russian Attack on British Fishing Fleet, *m.*, 6259  
 Seat of Government Bill, *2R.*, 1763; *com.* (determination of seat of government), 1881, 1890; (area of Federal territory), 1955, 1968  
 Sea-Carriage of Goods Bill, *2R.*, 7291; *com.* (definition), 7393; (certain clauses prohibited in bills of lading), 7400; (commencement of Act), 7403, 7404, 7405; *3R.*, 7584  
 Ships, re-measurement of, *q.*, 3529  
 Trade Marks Bill, *com.* (interpretation), 2551; *recom.*, 7283

Quick, Hon. Sir John, Kt., *Bendigo :*

Acts Interpretation Bill, *com.* (aiding and abetting), 1039  
 Agriculture, Department of, *m.*, 3035, 6504  
 Apples, Australian, *q.*, 3450  
 Appropriation (Works and Buildings) Bill, *com.*, 7467  
 Bills of Lading for Perishable Products, *q.*, 6382  
 Conciliation and Arbitration Bill, *2R. adj.*, 930; *com.* (interpretation), 1074; (industrial dispute), 2260; (powers of the Court), 2274; (on whom award shall be binding), 2329; (award not to be challenged), 2364; (minimum wage and preference), 2646, 2663, 2698; (registration of organizations), 3016  
 Defence Bill, *2R.*, 7494; *com.* (short title), 7501, 7502  
 Elections, Administration, *q.*, 3246  
 Federal Agencies, State Taxation of, *q.*, 6479, 7111  
 Ministry, Position of, *m.*, 5041, 5053  
 Oversea Mail Contracts, *q.*, 1524, 7113  
 Outtrim, Lieut.-Col., *q.*, 1605  
 Pacific Cable, *q.*, 2692  
 Price, Colonel, *supply*, 7440  
 Produce Depot, London, *q.*, 3573  
 Protectionist Party, *expl.*, 4973  
 Public Service, Classification, *q.*, 2655  
 Seat of Government Bill, *m.*, 3600  
 Supply :  
     Parliament, 2134  
     Home Affairs, 6398  
     Defence, 7031  
     Postmaster-General, 7244  
 Telegraph Messengers, *q.*, 7410

Reid, Rt. Hon. G. H., P.C., K.C., *East Sydney :*

Address-in-Reply, *m.*, 83  
 Adjournment, Special, *m.*, 4686  
 Appropriation (Works and Buildings) Bill, *com.* (issue and application of), 7466  
 Appropriation Bill, *3R.*, 8150, 8155  
 Australia, Map of, *q.*, 7619  
 Australia, Political Conditions, *q.*, 5970  
 Banking and Insurance, *q.*, 8592  
 Bills of Lading, *q.*, 5851, 6382  
 Braddon, Death of Sir Edward, *m.*, 15  
 Budget, 5982, 6108; *adj.*, 6150

Reid, Rt. Hon. G. H., P.C., K.C.—*continued.*

Business, Order of, *m.*, 4266, 4403; *adj.*, 4822, 4916, 5578, 5587; *expl.*, 5937; *obs.*, 6203, 6505; *q.*, 6886, 7408; *obs.*, 7423; *m.*, 7437, 7438, 7617, 7720, 7722, 8018, 8019, 8090, 8091, 8110

Commonwealth Laws, *q.*, 7205

Coinage, *q.*, 7489, 7716; *adj.*, 7809

Conciliation and Arbitration Bill, *com.* (interpretation), 1096, 1237, 1800; *recom.*, 4521; (minimum wage and preference), 2685, 2688, 2689, 2697, 2700; (registration of organizations), 2808, 2820, 2931, 2991, 3025, 3029; (employment of counsel), 3084; (oversea shipping), 3208, 3296, 3383; (conformity to common rule), 3384; *adj.*, 4197; *recom.* (interpretation), 4521; (award not to be challenged), 4524, 4525; (powers of Court), 4526, 4527; (application for cancellation), 4532; (resignation pending dispute), 4532; (contempt of Court), 4532; (trade secrets), 4532; (schedule B), 4532; (penalties), 4532; (jurisdiction), 4532; *2nd recom.* (interpretation), 4542; *cons. amds.* (interpretation), 7524, 7620, 7621; (minimum wage and preference), 7763, 7882, 7965; (registration of organizations); (*p.o.*, 7987, 7990), 7992, *m.*, 8012, 8015

Count Out, *expl.*, 4519, 4520; *m.*, 6478

Decimal Coinage, *q.*, 6918

Defence Administration, *q.*, 3293

Duc D'Abruzzi, *q.*, 6595, 6698, 6699

Duty Stamps, *q.*, 3571

## Elections :

Administration, *m.*, 1328, *q.*, 4266

Conduct of, *m.*, 1304

Expenses of, *q.*, 8091, 8474

Rolls, *q.*, 5849; *supply*, 6218

Emigration Scheme : Cotton Growing, *q.*, 5630

English Mail Contract, *q.*, 6480, 6481, 6595, 8591

Estimates, *obs.*, 6883, 6884-5

Federal Agencies, State Taxation of, *q.*, 6479,

6563, 6596, 6882, 6918, 7111; *m.*, 6845

Federal Capital, *q.*, 3070, 7307; *adj.*, 8560

Flannelette, *q.*, 7948

Fodder Freight, *q.*, 5852

Government Contracts, *q.*, 4403, 5590

Higgins, Mr., attendance of, *obs.*, 4401

High Commissioner, *q.*, 4520

High Court, *q.*, 5592

Hindoo Races, *q.*, 5592, 6478

Home Rule for Ireland, *q.*, 8092

Immigration, *q.*, 5738, 6481

Immigration Restriction Act, *q.*, 4497, 4519; *expl.*, 4758, 4811; *q.*, 5970, 6478, 6563, 6882-3, 6919, 7619, 8092

Imperial Defence, *q.*, 8307

Kalgoorlie to Port Augusta Railway, *m.*, 1126; *q.*, 8200

Kalgoorlie to Port Augusta Railway Survey Bill, *m.*, 4674; *2R.*, 5595; *com.* (survey of route), 7560, *2R.*, 7571

King's Birthday, *q.*, 6609, 6786

Labour Caucus, *q.*, 2798

Lepers in Queensland, *q.*, 6919, 7411

Life Assurance Companies Bill, *q.*, 8200

Locomotive Tenders, *q.*, 7944, 7945

Mail Service, South Pacific, *q.*, 7111

Manufactures Encouragement Bill, *q.*, 5590, 6698, 7945; *obs.*, 5702; *2R.*, 5884; *adj.*, 5867; *com.* (short title), 8218

Map of Australia, *q.*, 7619

Marshall Islands, *q.*, 6595

Reid, Right Hon. G. H., P.C., K.C.—*continued.*

Military Banners, *q.*, 6649

Military : Sergeant J. F. Simmons, *q.*, 7523

## Ministry :

(Deakin), Resignation of, *m.*, 1250; Defeat of, *q.*, 4685

(Watson), Policy of, *m.*, 1352; Position of, *p.o.*, 4141, 4143, 4146, 4148; *m.s.o.*, 4152; Defeat of, *q.*, 4402

(Reid), New Administration, *obs.*, 4265; Policy of, *m.*, 4340; *adj.*, 4690, 4694, 4695; Formation of, 4519; Position of, *m.*, 4707; *expl.*, 4758; *p.o.*, 5113

New Guinea, Administration of Justice, *adj.*, 8361

New Guinea Mail Service, *q.*, 7412

New Hebrides : Mail Service, *q.*, 7021, 7307, 7412, 7521; French annexation proposal, *q.*, 7947, 8476

New South Wales, Finances of, *expl.*, 5046

Nitrogen Fertilizer, *q.*, 6833

Old-Age Pensions, *q.*, 4496, 4681

Papua (British New Guinea) Bill, *2R.*, 4676; *com.* (office of Lieutenant-Governor), 4677; (appointment of officers), 4677; (power to grant land), 4678; (submission of questions to Council), 4679; (Legislative Council), 4680, 5702, 5703, 6506, 6511, 6516; (Civil List), 4681; (meetings of Executive), 6505; (prohibition of intoxicants), 6526, 7554, 7556, 7558; *cons. amds.*, 8600, 8606

Parliament, Dissolution of, *q.*, 7488

Parliamentary Papers, *q.*, 8593

Parliamentary Refreshment Room, *q.*, 6883

Police Overtime, *q.*, 8617

Preferential Trade, *obs.*, 101, 4347, 4729, 6204, 6256, 8018-9, 8230; *q.*, 5630, 6504, 6608, 7409, 7716, 8090, 8306; *m.*, 8334, 8351, 8549, 8550

Premiers' Conference, *q.*, 7717

Private Members' Business, *q.*, 8593

## Public Service :

Increments, *q.*, 7411, 7716, 7839, 8094, *adj.*, 8361

Fortnightly Payments, *q.*, 7618

Queenscliff Road Grant, *q.*, 7111, 8307

Queensland Representation, *q.*, 7112

Rabbit Destruction, *q.*, 4403

Railway Rates, *q.*, 5846, 5847, 5971

Referendum, *q.*, 8200

Rifle Clubs, *adj.*, 7213

Russian Attack on British Fishing Fleet, *q.*, 5969, 7173; *m.*, 6296

Rust in Wheat, *q.*, 6700

Sea-Carriage of Goods Bill, *2R.*, 8156; *com.* (application of Act), 8320; (bills of lading), 8321, 8322, 8327, 8329; *recom.*, 8354, 8355; *cons. amds.*, 8553, 8554

Seat of Government Bill, *p.o.*, 3484; *m.*, 3484, 3502, 3519, 3522, 3607; *com.* (seat of government), 3620, 3939, 3945; (area of Federal territory), 3954, 3983, 3986; *q.*, 3935

Select Committee : Evidence, *q.*, 6564

Silver Coinage, *q.*, 7523

Sittings of the House, *q.*, 7618; *m.*, 7812

Six Potters Prosecution, *q.*, 6608

Socialism, Ministerial Attitude towards, 4520

Speaker, Election of, *m.*, 11; *obs.*, 13

Standing Orders, *m.*, 8093, 8475, 8593

Sugar Bounty Act, *q.*, 5589, 6595, 7948

Sugar Bounties, *q.*, 7113, 7173

Poynton, Hon. A.—*continued.*

Federal Agencies, State Taxation of, *q.*, 1524, 6563, 6596; *m.*, 6847  
 Fraudulent Trade Marks Bill, *q.*, 1896  
 Immigration, *q.*, 6481  
 Kalgoorlie to Port Augusta Railway, *m.*, 2244  
 Kalgoorlie to Port Augusta Railway Survey Bill, *m.*, 2242, 4652; *2R.*, 5594  
 Mail Contracts, Subletting of, *q.*, 988, 2312, 2584, 2885, 5851; *adj.*, 2521  
 Manufactures Encouragement Bill, *2R.*, 8209; *com.* (short title), 8220, 8224  
 Military:  
     Commandants' Travelling Allowances, *m.*, 1628  
     Head Dress, *q.*, 7307  
 Ministry:  
     (Watson), Policy of, *m.*, 1421  
     (Reid), Position of, *m.*, 5245  
 Paper, Printing of, *q.*, 6480  
 Patent Office, *q.*, 989  
 Post and Telegraph Department:  
     Overtime, South Australia, *q.*, 1289  
     Port Pirie, Post-office, *q.*, 403, 3471  
     South Australian Officers, *q.*, 3247  
     Preferential Railway Rates, *q.*, 2106  
     Preferential Trade, *obs.*, 165; *m.*, 8496  
 Public Service:  
     Excise Officers, South Australia, *q.*, 7411  
     Increments, *supply*, 6424; *q.*, 7410, 8093  
     Salaries, *q.*, 2184  
     Transferred Officers, *q.*, 79  
 Questions to Private Members, *q.*, 7410  
 Rifle Clubs, *adj.*, 7211  
 Seat of Government Bill, *m.*, 3606; *com.* (seat of government), 3942  
 Standing Orders, *m.*, 8598  
 Supply (1904-5), *m.*, 6573  
 Supply:  
     Home Affairs, 6404, 6424  
     Trade and Customs, 6780  
     Postmaster-General, 7037, 7230, 7233, 7239, 7250  
 Tariff Commission, *supply*, 6106

Pulsford, Senator E., *New South Wales:*

Acts Interpretation Bill, *com.* (regulations), 552  
 Address-in-Reply, *m.*, 377  
 Adjournment, Easter, *m.*, 644  
 Appropriation (Works and Buildings) Bill, *com.* (schedule), 7486  
 Appropriation Bill, *1R.*, 8176; (External Affairs), 8269, 8271, 8284; (Home Affairs), 8363; (Trade and Customs), 8370  
 Business, *adj.*, 5734; *m.*, 7896  
 Chinese in Transvaal, *m.*, 567  
 Conciliation and Arbitration Bill, *2R.*, 6193, *com.* (interpretation), 6447; (representation of parties at hearing), 6533; (minimum wage and preference), 6547; *3R.*, 7281  
 Fraudulent Trade Marks Bill, *m.*, 3158; *re-com.*, *p.o.*, 3161; *3R.*, 3530; *m.*, 3532; *recom.* (prohibited exports), 3534, 3537, 3654, 3655  
 Further Supplementary Appropriation Bill, 1903-4, *2R.*, 3564  
 Immigration Restriction Act, *q.*, 3634  
 Imports, *m.*, 3225  
 Kalgoorlie to Port Augusta Railway Survey Bill, *2R.*, 8446  
 Ministry, Policy of, *m.*, 5706  
 Navigation Bill, *q.*, 542

Pulsford, Senator E.—*continued.*

Oversea Mails, *q.*, 3634  
 Papua (British New Guinea) Bill, *com.* (in-toxicants and opium), 7922  
 Petition, Irregular, *m.*, 7666  
 Preferential Trade, *obs.*, 378; *q.*, 7357; *m.*, 8231  
 Russian Attack on British Fishing Fleet, *m.*, 6259  
 Seat of Government Bill, *2R.*, 1763; *com.* (determination of seat of government), 1881, 1890; (area of Federal territory), 1955, 1968  
 Sea-Carriage of Goods Bill, *2R.*, 7291; *com.* (definition), 7393; (certain clauses prohibited in bills of lading), 7400; (commencement of Act), 7403, 7404, 7405; *3R.*, 7584  
 Ships, re-measurement of, *q.*, 3529  
 Trade Marks Bill, *com.* (interpretation), 2551; *recom.*, 7283

Quick, Hon. Sir John, Kt., *Bendigo:*

Acts Interpretation Bill, *com.* (aiding and abetting), 1039  
 Agriculture, Department of, *m.*, 3035, 6504  
 Apples, Australian, *q.*, 3450  
 Appropriation (Works and Buildings) Bill, *com.*, 7467  
 Bills of Lading for Perishable Products, *q.*, 6382  
 Conciliation and Arbitration Bill, *2R. adj.*, 930; *com.* (interpretation), 1074; (industrial dispute), 2260; (powers of the Court), 2274; (on whom award shall be binding), 2329; (award not to be challenged), 2364; (minimum wage and preference), 2646, 2663, 2698; (registration of organizations), 3016  
 Defence Bill, *2R.*, 7494; *com.* (short title), 7501, 7502  
 Elections, Administration, *q.*, 3246  
 Federal Agencies, State Taxation of, *q.*, 6479, 7111  
 Ministry, Position of, *m.*, 5041, 5053  
 Oversea Mail Contracts, *q.*, 1524, 7113  
 Outtrim, Lieut.-Col., *q.*, 1605  
 Pacific Cable, *q.*, 2692  
 Price, Colonel, *supply*, 7440  
 Produce Depot, London, *q.*, 3573  
 Protectionist Party, *expl.*, 4973  
 Public Service, Classification, *q.*, 2655  
 Seat of Government Bill, *m.*, 3600  
 Supply:  
     Parliament, 2134  
     Home Affairs, 6398  
     Defence, 7031  
     Postmaster-General, 7244  
 Telegraph Messengers, *q.*, 7410

Reid, Rt. Hon. G. H., P.O., K.C., *East Sydney:*

Address-in-Reply, *m.*, 83  
 Adjournment, Special, *m.*, 4686  
 Appropriation (Works and Buildings) Bill, *com.* (issue and application of), 7466  
 Appropriation Bill, *3R.*, 8150, 8155  
 Australia, Map of, *q.*, 7619  
 Australia, Political Conditions, *q.*, 5970  
 Banking and Insurance, *q.*, 8592  
 Bills of Lading, *q.*, 5851, 6382  
 Braddon, Death of Sir Edward, *m.*, 15  
 Budget, 5982, 6108; *adj.*, 6150

Reid, Rt. Hon. G. H., P.C., K.C.—*continued.*

Business, Order of, *m.*, 4266, 4403; *adj.*, 4822, 4916, 5578, 5587; *expl.*, 5937; *obs.*, 6203, 6505, *q.*, 6886, 7408; *obs.*, 7423; *m.*, 7437, 7438, 7017, 7720, 7722, 8018, 8019, 8090, 8091, 8110

Commonwealth Laws, *q.*, 7205

Coinage, *q.*, 7489, 7716; *adj.*, 7809

Conciliation and Arbitration Bill, *com.* (interpretation), 1096, 1237, 1800; *recom.*, 4521; (minimum wage and preference), 2685, 2688, 2689, 2697, 2700; (registration of organizations), 2808, 2820, 2931, 2991, 3025, 3029; (employment of counsel), 3084; (oversea shipping), 3208, 3296, 3383; (conformity to common rule), 3384; *adj.*, 4197; *recom.* (interpretation), 4521; (award not to be challenged), 4524, 4525; (powers of Court), 4526, 4527; (application for cancellation), 4532; (resignation pending dispute), 4532; (contempt of Court), 4532; (trade secrets), 4532; (schedule B), 4532; (penalties), 4532; (jurisdiction), 4532; *and recom.* (interpretation), 4542; *cons. amds.* (interpretation), 7524, 7620, 7621; (minimum wage and preference), 7763, 7882, 7965; (registration of organizations); (*p.o.*, 7987, 7990), 7992, *m.*, 8012, 8015

Count Out, *expl.*, 4519, 4520; *m.*, 6478

Decimal Coinage, *q.*, 6918

Defence Administration, *q.*, 3293

Duc D'Abruzzi, *q.*, 6595, 6698, 6699

Duty Stamps, *q.*, 3571

## Elections:

Administration, *m.*, 1328, *q.*, 4266

Conduct of, *m.*, 1304

Expenses of, *q.*, 8091, 8474

Rolls, *q.*, 5849; *suppl.*, 6218

Emigration Scheme: Cotton Growing, *q.*, 5630

English Mail Contract, *q.*, 6480, 6481, 6595, 8591

Estimates, *obs.*, 6883, 6884-5

Federal Agencies, State Taxation of, *q.*, 6479,

6563, 6596, 6882, 6918, 7111; *m.*, 6845

Federal Capital, *q.*, 3070, 7307; *adj.*, 8560

Flannelette, *q.*, 7948

Fodder Freight, *q.*, 8552

Government Contracts, *q.*, 4403, 5590

Higgins, Mr., attendance of, *obs.*, 4401

High Commissioner, *q.*, 4520

High Court, *q.*, 5592

Hindoo Races, *q.*, 5592, 6478

Home Rule for Ireland, *q.*, 8092

Immigration, *q.*, 5738, 6481

Immigration Restriction Act, *q.*, 4497, 4519; *expl.*, 4758, 4811; *q.*, 5970, 6478, 6563, 6882-3, 6919, 7619, 8092

Imperial Defence, *q.*, 8307

Kalgoorlie to Port Augusta Railway, *m.*, 1126; *q.*, 8200

Kalgoorlie to Port Augusta Railway Survey Bill, *m.*, 4674; *2d.*, 5595; *com.* (survey of route), 7560, *2d.*, 7571

King's Birthday, *q.*, 6699, 6786

Labour Caucus, *q.*, 2798

Lepers in Queensland, *q.*, 6919, 7411

Life Assurance Companies Bill, *q.*, 8200

Locomotive Tenders, *q.*, 7944, 7945

Mail Service, South Pacific, *q.*, 7111

Manufactures Encouragement Bill, *q.*, 5590, 6698, 7945; *obs.*, 5702; *2d.*, 5884; *adj.*, 5847; *com.* (short title), 8218

Map of Australia, *q.*, 7619

Marshall Islands, *q.*, 6595

Reid, Right Hon. G. H., P.C., K.C.—*continued.*

Military Banners, *q.*, 6649

Military: Sergeant J. F. Simmons, *q.*, 7523

## Ministry:

(Deakin), Resignation of, *m.*, 1250; Defeat of, *q.*, 4685

(Watson), Policy of, *m.*, 1352; Position of, *p.o.*, 4141, 4143, 4146, 4148; *m.s.o.*, 4152; Defeat of, *q.*, 4402

(Reid), New Administration, *obs.*, 4265

Policy of, *m.*, 4340; *adj.*, 4690, 4694

4695; Formation of, 4519; Position of,

*m.*, 4707; *expl.*, 4758; *p.o.*, 5113

New Guinea, Administration of Justice, *adj.*, 8361

New Guinea Mail Service, *q.*, 7412

New Hebrides: Mail Service, *q.*, 7021, 7307,

7412, 7521; French annexation proposal, *q.*,

7947, 8476

New South Wales, Finances of, *expl.*, 5046

Nitrogen Fertilizer, *q.*, 6833

Old-Age Pensions, *q.*, 4490, 4681

Papua (British New Guinea) Bill, *2d.*, 4670,

*com.* (office of Lieutenant-Governor), 4677;

(appointment of officers), 4677; (power to

grant land), 4678; (submission of questions to

Council), 4679; (Legislative Council), 4680,

5702, 5703, 6506, 6511, 6516; (Civil List,

4681; (meetings of Executive), 6505; (prova-

tion of intoxicants), 6526, 7554, 7556, 7558;

*cons. amds.*, 8600, 8606

Parliament, Dissolution of, *q.*, 7488

Parliamentary Papers, *q.*, 8593

Parliamentary Refreshment Rooms, *q.*, 6663

Police Overtime, *q.*, 8617

Preferential Trade, *obs.*, 101, 4347, 4729, 4841,

6250, 8018-9, 8230; *q.*, 5630, 6504, 6698, 7409,

7716, 8090, 8306; *m.*, 8334, 8351, 8549, 8550

Premiers' Conference, *q.*, 7717

Private Members' Business, *q.*, 8593

## Public Service:

Increments, *q.*, 7411, 7716, 7839, 8094, *adj.*, 8361

Fortnightly Payments, *q.*, 7618

Queenscliff Road Grant, *q.*, 7111, 8307

Queensland Representation, *q.*, 7112

Rabbit Destruction, *q.*, 4403

Railway Rates, *q.*, 5846, 5847, 5971

Referendum, *q.*, 8200

Rifle Clubs, *adj.*, 7213

Russian Attack on British Fishing Fleet, *q.*,

5969, 7173; *m.*, 6296

Rust in Wheat, *q.*, 6700

Sea-Carriage of Goods Bill, *2d.*, 8156; *com.*

(application of Act), 8320; (bills of lading,

8321, 8322, 8327, 8329; *recom.*, 8354, 8355;

*cons. amts.*, 8553, 8554

Seat of Government Bill, *p.o.*, 3484; *m.*, 3485;

3502, 3519, 3522, 3607; *com.* (seat of go-

vernment), 3620, 3939, 3945; (area of Federa-

territory), 3954, 3983, 3986; *q.*, 3935

Select Committee: Evidence, *q.*, 6564

Silver Coinage, *q.*, 7523

Sittings of the House, *q.*, 7618; *m.*, 7812

Six Potters Prosecution, *q.*, 6698

Socialism, Ministerial Attitude towards, *q.*,

4520

Speaker, Election of, *m.*, 11; *obs.*, 13

Standing Orders, *m.*, 8093, 8475, 8593

Sugar Bounty Act, *q.*, 5589, 6595, 7948

Sugar Bounties, *q.*, 7113, 7173

**Smith, Hon. Sydney—continued.**

- Mail Contracts :
  - English Mails, *q.*, 6298
  - Minimum Wage, *q.*, 5851
  - Subletting of, *q.*, 5851
  - Tasmanian Service, *q.*, 7489
  - Tenders, *q.*, 6918, 7113, 7307, 7412, 7522, 8200; *adj.*, 8559, 8589, 8590
- Mail Steamers :
  - At Adelaide, *q.*, 7618; *obs.*, 8590
  - Coloured Labour on, *q.*, 6481
- Military Forces, Statements by Lt.-Col. Neild, *q.*, 2425, 2426
- Navigation Bill Commission, *m.*, 3272
- Ocean Freights, *q.*, 7205
- Post and Telegraph Department :
  - Appointment of Officers, *q.*, 8590
  - Correspondence, *q.*, 7175
  - Deputy Postmaster-General, Western Australia, *q.*, 6918
  - Increments, *q.*, 7206
  - Letter Clearances, *q.*, 5938, 6098, 6099, 6297, 6481, 7175
  - Mail Branch, *q.*, 5852
  - Mr. Unwin, *q.*, 7173
  - Mr. Woodrow, *q.*, 7111
  - Post Cards, *q.*, 7618, 8093
  - Postal Towns, *q.*, 5847
  - Printed Postal Matter, *q.*, 6201, 6202
  - Revenue, *q.*, 6298, 6382, 7112, 7717
  - Supplies, *expl.*, 5160
  - Telegraph Linemen, *q.*, 7115
  - Telegraph Messengers, *q.*, 4402, 7410
  - Telegraph Operators, *q.*, 4498
  - Telegraphic Errors, *q.*, 6920
  - Telegraphist, Jervis Bay, *q.*, 4521
  - Telephone Attendants, *q.*, 5852, 5970
  - Telephone Extension, *supply*, 4936
  - Trees, Destruction of, *adj.*, 7839
  - Warmatta Telephone, *q.*, 6210, 7489
  - Woolloongabba Post-office, *q.*, 6297
- Preferential Trade, *obs.*, 511
- Public Service :
  - Classification Scheme, *supply*, 3289
  - Increments, *q.*, 8590
  - Leave, *q.*, 6699
- Seat of Government Bill, *m.*, 3409, 3511, 3521; *com.* (seat of government), 3695, 3875
- Socialism, *q.*, 4630
- Supply Bill (No. 4), *m.*, 4936
- Supply :
  - Postmaster-General, 7193, 7201, 7202, 7223, 7228, 7231, 7239, 7248
- Tenderers :
  - Exemptions from Duty, *q.*, 7522; *obs.*, 7858
  - Preference to, *q.*, 5590, 8591; *adj.*, 5750

**Spence, Hon. W. G., Darling :**

- Agriculture, Department of, *m.*, 5870
- Budget, *m.*, 6099
- Business, *q.*, 7720
- Children, State Control of, *expl.*, 4988
- Chinese in Transvaal, *m.*, 746
- Chinese on Cable Steamer, *q.*, 760
- Coinage, *adj.*, 7811
- Conciliation and Arbitration Bill, *com.* (interpretation), 1798, 1819, 1944, 2048, 2062, 2066, 2102, 2210; (organization ordering its members to refuse to offer or accept employment), 2216; (industrial dispute), 2267; (reference by organization), 2283; (on whom award is to be binding), 2326; (award not

F. 13481.—B.

**Spence, Hon. W. G.—continued.**

- to be challenged), 2360; (powers of Court), 2390, 2398, 2412, 2420, 2437, 2457; (minimum wage and preference), 2614; (power of inspection), 2704, 2706; (registration of organizations), 2742, 2824, 2920; (employment of counsel), 3082; (over-sea shipping), 3220, 3360; (offer to compromise), 3388; (schedule B), 3391; *m.*, 4056; *cons. amds.* (interpretation), 7636; (minimum wage and preference), 7826, 7882, 7886; (registration of organizations), 7984; *m.*, 8012, 8017
- Debate, Limitation of, *m.*, 7433
- Elections : Administration, *q.*, 7114, 7521; 7716; *adj.*, 7308
- Kalgoorlie to Port Augusta Railway Survey Bill, 2R., 5599
- Manufactures Encouragement Bill, 2R., 5874
- Ministry : Policy of, *m.*, 4427; Position of, *m.*, 4866, 4882
- Old-age Pensions, *m.*, 7121
- Papua (British New Guinea) Bill, *com.* (prohibition of intoxicants), 7548
- Parliament House, Ventilation of, *adj.*, 3667
- Preferential Trade, *obs.*, 4428, 4883
- Public Service Classification, *supply*, 3283
- Seat of Government Bill, 2R., 3428; *m.*, 3494, 3522; *com.* (seat of government), 3601, 3943, 3945; (area of Federal territory), 3984, 3986
- Sittings of the House, *m.*, 7812
- Supply :
  - Defence, 6965, 6974
  - External Affairs, 6308
  - The Parliament, 6245
  - Postmaster-General, 7039, 7204, 7221, 7226, 7246
- Tariff Commission, *obs.*, 4883; *supply*, 6099; *ways and means*, 7452
- Tenders, Local, Preference to, *adj.*, 5748

**Stewart, Senator Hon. J. C., Queensland :**

- Acts Interpretation Bill, *com.* (aiding and abetting), 549
- Address-in-Reply, *m.*, 394
- Appropriation (Works and Buildings) Bill, 1R., 7474; *com.* (schedule), 7479, 7480, 7484, 7487
- Appropriation Bill, 1R., 8183; *com.* (The Parliament), 8253, 8257, 8259, 8262, 8263; (External Affairs), 8264, 8266, 8271, 8274; Attorney-General), 8296, 8298; (Home Affairs), 8298, 8300, 8305, 8363, 8401; (Treasury), 8364; (Defence), 8397, 8399
- British New Guinea, *m.*, 5824
- Business, *adj.*, 5445, 5732; *q.*, 8231, 8362
- Conciliation and Arbitration Bill, 2R., 5731; *com.* (interpretation), 6360, 6468; (rules of Court), 6666, 6668, 6672; (registration of organizations), 6694, 7008; *cons. amds.*, 8051; (registration of organizations), 8086
- Defence Bill, *com.* (amendment of definition), 7897; (non-commissioned officers), 7897; (seniority of officers), 7898; (Council of Defence), 7910
- Mail Contracts, *adj.*, 8567
- Papua (British New Guinea) Bill, *ad. rep.*, 8409
- Preferential Trade, *obs.*, 396
- Public Service :
  - Examinations, *supply*, 4983
  - Letter Carriers, *supply*, 4985

**Stewart, Senator Hon. J. C.—continued.**

- Queen Victoria Memorial, *q.*, 8168
- Russian Attack on British Fishing Fleet, *m.*, 6257, 6273
- Sea-Carriage of Goods Bill, *3r.*, 7588
- Sittings of Senate, *m.*, 7894
- Sugar Industry, *m.*, 7081
- Supplementary Appropriation Bill, *com.*, 2178
- Supply Bill (No. 4), *1r.*, 4983

**Storrer, Mr. D., Bass :**

- Address-in-Reply, *m.*, 23
- Adjournment, Special, *m.*, 2243
- Agriculture, Department of., *m.*, 3060
- Budget, 6234
- Conciliation and Arbitration Bill, *m.*, 930; *com.* (interpretation), 1240, 2001, 2079, 2200; (disclosure of trade secrets), 3076; *m.*, 4243
- Elections : Conduct of, *m.*, 1309
- Federal Agencies, State Taxation of, *q.*, 2250
- Kalgoorlie to Port Augusta Railway Survey Bill, *m.*, 4656; *2r.*, 5626; *com.* (survey of route), 7570
- Land Settlement, *supply*, 2606
- Life Assurance Companies Bill, *2r.*, 7134
- Mails, King Island, *m.*, 1628
- Ministry :
  - (Watson), Policy of, *m.*, 1667
  - (Reid), Policy of, *adj.*, 4353
- Parliament House, Ventilation of, *adj.*, 3670
- Papua (British New Guinea) Bill, *com.* (prohibition of intoxicants), 7329, 7550
- Preferential Trade, *obs.*, 24
- Public Service : Increments, *supply*, 6429
- Seat of Government Bill, *m.*, 3524, 3606; *com.* (seat of government), 3723
- Supply (1904-5), *m.*, 6583
- Supply :
  - Home Affairs, 6429
  - Trade and Customs, 6748, 6782
  - Postmaster-General, 7140
- Tariff Commission, *obs.*, 7458
- Unemployed, *adj.*, 3339

**Story, Senator W. H., South Australia :**

- Conciliation and Arbitration Bill, *2r.*, 6289
- Consumptive Immigrants, *q.*, 6032
- Military :
  - Army Service Corps, *q.*, 4284
  - Ordnance Department, *q.*, 5706

**Styles, Senator Hon. J., Victoria :**

- Adjournment, Special, *m.*, 4987
- Appropriation Bill, *com.* (Parliament), 8255, 8264; (External Affairs), 8289; (Defence), 8392
- Carroll, Major, case of, *m.*, 7692
- Kalgoorlie to Port Augusta Railway Survey Bill, *2r.*, 8419; *m.*, 8462
- Ministry : Policy of, *m.*, 4378
- Papua (British New Guinea) Bill, *com.* (appointment of Lieutenant-Governor), 7795, 7797; (appointment of officers), 7798
- Preferential Trade, *obs.*, 4383
- Privilege, *m.*, 1119
- Public Works : Day Labour, *m.*, 2866
- Seat of Government Bill, *2r.*, 1746; *com.* (area of Federal territory), 1955, 1960

**Symon, Senator Hon. Sir J. H., K.C.M.G., K.C., South Australia :**

- Adjournment, Special, *m.*, 987, 4683, 4986, 4987, 6532, 6849, 7172, 7805; *adj.*, 5445
- Australian Affairs, *q.*, 7473
- Appropriation (Works and Buildings) Bill, *1r.*, 7475; *2r.*, 7477; *com.* (short title), 7479; (schedule), 7481, 7484, 7486
- Appropriation Bill, *2r.*, 8186; *com.* (Parliament), 8254, 8259, 8261, 8263, 8264; (External Affairs), 8265, 8267, 8268, 8273, 8275, 8290; (Attorney-General), 8297; (Home Affairs), 8298, 8299, 8300, 8301, 8403; (Trade and Customs), 8366, 8373, 8384; (Defence), 8395
- Blue Jackets and Lumpers, *q.*, 6033
- British New Guinea, *m.*, 5809
- Business, Order of, *m.*, 1182-83, 7892, 7893, 7894, 8231, 8362; *adj.*, 5732, 6088; *q.*, 5902; *obs.*, 6151
- China Oil, *q.*, 6279, 6432, 6650, 7256, 7554, 7890
- Chinese in Western Australia, *q.*, 7160, 7574
- Conciliation and Arbitration Bill, *2r.*, 5710, 6291; *com.* (interpretation), 6331, 6352, 6354, 6441, 6453, 6465; (penalty if offence repeated), 6471; (employers or employees refusing to offer or accept employment), 6471; (organization entitled to be represented), 6472; (minimum wage and preference), 6562, (*p.o.*, 6652), 6653; (rules of Court), 6667, 6669, 6671; (industrial registrar), 6673, 6674; (registration of organizations), 6674, 6825, 6827, 6850, 6993, 7018, (*p.o.*, 7019), 7099; (adoption of rules by proclaimed organizations), 7109; (navigation clauses), 7160; *cons. amds.*, 8036; *p.o.*, 8055, 8056, 8058, 8060, 8063, 8064; (minimum wage and preference), 8066; *ad. rep.*, 8089
- Cotton Industry, *q.*, 6975
- Customs Officers, *q.*, 5704
- Customs Revenue, *q.*, 5795
- Days of Meeting, *q.*, 26; *m.*, 6325, 6327
- Defence Administration, *q.*, 7160, 8230
- Defence Bill, *2r.*, 7602; *com.* (Inspector-General and Director of Naval Forces), 7897; (non-commissioned officers), 7897; (seniority of officers), 7898; (Council of Defence), 7899, 7904, 7909
- Evidence Bill, *2r.*, 4338
- Federal Agencies, State Taxation of, *q.*, 6522
- Federal Capital : Lyndhurst Site, *m.*, 1400, *q.*, 6786
- Fraudulent Trade Marks Bill, *m.*, 1468
- Harvesters, *q.*, 6786
- High Commissioner, *q.*, 5792
- Immigration Restriction Act : Administration, *q.*, 4581, 7574
- Immigrants, consumptive, *q.*, 6032
- Imperial Conference, *q.*, 8131
- Japanese Goods, *q.*, 7364, 7574
- Kalgoorlie to Port Augusta Railway, *q.*, 4462, 4681, 5704, 6032, 6975, 8168
- Kalgoorlie to Port Augusta Railway Survey Bill, *2r.*, 8414; *p.o.*, 8465; *adj.*, 8473
- Kanakas, *q.*, 7256
- Life Assurance Companies Bill, *q.*, 8362
- Linotype Operators, *q.*, 7892
- Mail Contracts, *adj.*, 8566
- Mail Services, Islands, *q.*, 8168
- Marriage Laws, *q.*, 7669, 7892
- Marshall Islands, *q.*, 7256; *m.*, 7371

Symon, Senator Hon. Sir J. H., K.C.M.G.,  
K.C.—*continued.*

Metric System of Weights and Measures, *q.*,  
6325

Military :

Administration, *q.*, 6786

Army Service Corps, *q.*, 4285

Artillery and Warlike Stores, *q.*, 4354

Council of Defence, *q.*, 5795

Guns, Conversion and Purchase of, *q.*,  
4285

Guns, Obsolete, *q.*, 4285

Head Covering, *q.*, 6849

Instructional Staffs, *q.*, 6650, 6976

Major-General Hutton, *q.*, 4283; *m.*, 4682,  
4683

Major Carroll, Case of, *m.*, 6803, 6804; *q.*,  
7256, 7257, 7890, 8362, 8570

Ordnance Department, *q.*, 5706

Ministry : Formation of, *obs.*, 4284; policy of,  
*m.*, 4328, 5706

Motions without Notice, *obs.*, 1463

Naval Board, *q.*, 8570

Navigation Bill, *2R.*, 859

New Guinea : Aborigines, *q.*, 6532, 6849

New Hebrides, *q.*, 6153, 7160, 7257, 7474,  
7891, 8168

North-West Coast Survey, *q.*, 5706

Pacific Cable, *supply*, 4986; *q.*, 5705

Pacific Island Labourers Act, *q.*, 7573

Pacific Islands Mail Service, *q.*, 6153

Papua (British New Guinea) Bill, *2R.*, 7612,  
7792; *com.* (short title), 7792, 7793; (ap-  
pointment of Lieutenant-Governor), 7795,  
7797, 7798; (transfer of officers), 7799;  
(Legislative Council), 7799; (import duties),  
7800; (ordinances), 7802; (public revenues  
and money), 7802; (consolidated revenue  
fund), 7803; (power to grant land), 7911;  
(intoxicants and opium), 7935, 8021, 8033,  
8405, 8406; (Legislative Council), 8407

Parliamentary Evidence Bill, *2R.*, 5797, 5804

Parliamentary Library, *q.*, 5705

Petition, Irregular, *q.*, 7665

Preferential Railway Rates, *q.*, 8562

Preferential Trade, *obs.*, 4332; *q.*, 7357

Premiers' Conference, *q.*, 7773, 7892

Public Service :

Assurance Policies of Officers, *q.*, 4283, 6650

Examinations, *supply*, 4985; *q.*, 5794

Pensions, *q.*, 6976

Public Servants and Politics, *q.*, 4382

Queen Victoria Memorial, *q.*, 8168

Rifle Teams, Travelling Expenses of, *q.*, 4283

Russian Attack on British Fishing Fleet, *m.*,  
6257, 6276, 6436

Russo-Japanese War, *q.*, 5705; *adj.*, 5737

Sea Carriage of Goods Bill, *2R.*, 7286, *com.*  
(definition), 7390; (application of Act), 7396,  
7399; (certain clauses prohibited in bills of  
lading), 7401, (contracts) 7403, (penalties)  
7403, (commencement of Act), 7403, 7407;  
*3R.*, 7590; *cons. amds.*, 8409, 8412

Seat of Government Bill, *2R.*, 1477, *p.o.*, 1517,  
1523; *com.* (short title), 1783; (seat of  
government), 1784

Select Committee; Case of Senator Lt.-Col.  
Neild, *obs.*, 7358, 7359, 7360, 7361, 7364

Select Committee, *obs.*, 4581

Silver Coinage, *q.*, 6279, 6325

Sittings of the House, *m.*, 7894, 7896

Symon, Senator Hon. Sir J. H., K.C.M.G.,  
K.C.—*continued.*

Statistician, Commonwealth, *q.*, 6531

Sugar Duties, *q.*, 6975; *m.*, 7090; *q.*, 8168

Supply Bill (No. 3), *1R.*, 4310; *2R.*, 4310; *com.*  
(Defence), 4323, 4327

Supply Bill (No. 4), *1R.*, 4985

Supply Bill (No. 5), *1R.*, 6042; *2R.*, 6043,  
*com.*, 6043

Tobacco Monopoly, *q.*, 8362, 8562

Trade Marks Bill, *q.*, 6650, *recom.* ("Trade  
Union," and "Trade Union Mark"), 4335,  
4336; (registration), 4338, *recom.*, 7283, 7284,  
7599

Wool, Export Tax on, *q.*, 6976

**Thomas, Hon. J., Barrier :**

Address-in-Reply, *m.*, 633

Conciliation and Arbitration Bill, *com.* (regis-  
tration of organizations), 2648, 2831; *expl.*,  
4231

Debate, Limitation of, *m.*, 7427

Drawbacks, *q.*, 2959

Elections : Administration, *q.*, 2247

High Court, *q.*, 5592

Immigration Restriction Act : Administration,  
*q.*, 2584

Iron Bonus Commission, *q.*, 171

Mails, Carriage of, *q.*, 8200, 8589, 8591

Manufactures Encouragement Bill, *2R.*, 5769,  
*com.* (short title), 8223

Military : Ordnance Branch Officials, *q.*, 7020

Ministry :

(Watson), Defeat of, *q.*, 4402

(Reid), Position of, *m.*, 5105; *expl.*, 5113

Navigation Bill, Commission, *q.*, 2659

New Hebrides Mail Service, *q.*, 7021

Papua (British New Guinea) Bill, *com.* (pro-  
hibition of intoxicants), 7546, 7556

Patents, *q.*, 7717

Postal Inspectors, *q.*, 2959

Preferential Trade, *obs.*, 637

Public Service Classification, *q.*, 2368

Standing Orders, *m.*, 8595

Stead, Mr. W. T., *q.*, 719

Supply (1904-5), *m.*, 6565, 6582

Supply :

Postmaster-General, 7140, 7200, 7202, 7219,  
7227, 7228, 7254

Tariff Commission, *q.*, 7206; *obs.*, 7461

**Thomson, Mr. David, Capricornia :**

Address-in-Reply, *m.*, 515

Conciliation and Arbitration Bill, *com.* (inter-  
pretation), 2199; (registration of organiza-  
tions), 3015; *m.*, 4259; *cons. amendments*  
(interpretation), 7759

Elections : Administration, *q.*, 4403

Kalgoorlie to Port Augusta Railway Survey  
Bill, *2R.*, 5623

Manufactures Encouragement Bill, *2R.*, 5959

Ministry : Position of, *m.*, 5561

Rifle Clubs, *adj.*, 7210

Seat of Government Bill, *com.* (seat of go-  
vernment), 3926

Supply Bill (No. 4), *m.*, 4930

Supply :

External Affairs, 6323

Postmaster-General, 7236



**Thomson, Hon. Dugald, North Sydney:**

Address-in-Reply, *m.*, 125  
 Advertising Matter, Duty on, *supply*, 4930  
 Appropriation Bill, *com.*, 7467, 7469  
 British Imports, Duties on, *g.*, 666, 759  
 Business, Conduct of, *adj.*, 1461  
 Chinese in Transvaal, *m.*, 720  
 Coinage, *m.*, 2377  
 Commonwealth Contracts, Day Labour, *g.*, 6564  
 Commonwealth Stock, *g.*, 585  
 Conciliation and Arbitration Bill, *2R.*, 791, 900, *com.* (interpretation), 1709, 1727, 1818, 2049, 2066, 2077, 2078, 2185, 2204, 2205; (penalty in case offence repeated or continued), 2214; (State Court to cease dealing with dispute on request of the Court), 2274, 2295, 2304; (reference by organization), 2280, 2294; (on whom award is to be binding), 2335; (powers of Court), 2402, 2450, 2464, 2466, 2482, 2485; (minimum wage and preference), 2496, 2539, 2646, 2647; (power of inspection), 2705; (registration of organizations), 2737; (employment of counsel), 3089; (offer to compromise), 3388; (limitation of Act), 3390; (schedule B), 3391  
 Customs House, Sydney, *g.*, 1351  
 Elections:  
   Administration, *g.*, 490, 4403, 7113, 7114, 7115, 7173, 7716; *adj.*, 7320; *g.*, 7521, 7947; *m.*, 1319; *supply*, 6413  
   Officers, Payments to, *g.*, 6383  
   Registrars, *g.*, 6298  
   Rolls, *g.*, 5849, 5850, 6099, 6208; *supply*, 6217  
   Reorganization of Department, *g.*, 8592  
   English Mail Service, *g.*, 2017  
   Federal Capital, *adj.*, 643, 756, 2310; *g.*, 5592, 5630  
   Foreign Shipping, *g.*, 1351  
   Immigration Restriction Act: Administration, *g.*, 6919  
   Kalgoorlie to Port Augusta Railway, *m.*, 1123, 1126, 2243  
   Kalgoorlie to Port Augusta Railway Survey Bill, *m.*, 4542; *2R.*, 5593, 5628  
   Life and Accident Assurance, *m.*, 1003  
   Lyne, Sir W., Charges by, *p.o.*, 5045  
   Ministry: (Watson), Policy of, *m.*, 1407  
   Minimum Wage, *g.*, 4630  
   Navigation Bill Commission, *expl.*, 2659; *m.*, 3262  
   Printing, *g.*, 7218  
 Post Offices:  
   Darlington, *g.*, 4521  
   Woolloongabba, *g.*, 6918  
   Mount Gambier, *g.*, 7522  
 Preferential Railway Rates, *g.*, 988  
 Preferential Trade, *obs.*, 125  
 Public Service:  
   Administration, *g.*, 7112  
   Classification, *g.*, 5591, 7619  
   Increments, *g.*, 4402, 4632, 5591, 5630, 7173, 7811  
   Life Assurance, *g.*, 6564  
 Seat of Government Bill, *2R.*, 3417; *m.*, 3488, 3515, 3523; *com.* (seat of government), 3719, 3752, 3937; (area of Federal territory), 3978  
 Supply Bill (No. 2), *com.* (schedule), 3582

**Thomson, Hon. Dugald—continued.**

Supply:  
 Home Affairs, 6413, 6424, 6425, 6596, 6597, 6598, 6602, 6622, 6624, 6626, 6630, 6631, 6633, 6634, 6646, 6648  
 Parliament, 2133  
 Postmaster-General, 7235, 7236, 7237, 7239, 7252  
 Trade and Customs, 2168, 2169, 6784

**Trenwith, Senator Hon. W. A., Victoria:**

Acts Interpretation Bill, *com.* (regulations), 551  
 Address-in-Reply, *m.*, 27  
 Appropriation Bill, *com.* (Parliament), 8262; (External Affairs), 8293; (Home Affairs), 8302, 8304; (Trade and Customs), 8380, *p.o.*, 8382  
 Business, Order of, *m.*, 1183; Conduct of, *adj.*, 5477  
 Conciliation and Arbitration Bill, *com.* (interpretation), 6334, 6356; (minimum wage and preference), 6660; (registration of organizations), 6693, 6812, 6826; *cons. amds.*, 8050; *p.o.*, 8057; (registration of organizations), 8085; *ad. rep.*, 8087  
 Defence Regulations, *m.*, 1588, 1591, 1598  
 Fraudulent Trade Marks Bill, *com.* (prohibited imports), 2789; *2R.*, 3532  
 Kalgoorlie to Port Augusta Railway Survey Bill, *m.*, 8470  
 Lyne, Sir William, Charges by, *p.o.*, 5449  
 Military:  
   Carroll, Major, Case of, *m.*, 1851  
 New Hebrides, *m.*, 4095  
 Petition, Irregular, *m.*, 7665  
 Preferential Trade, *obs.*, 24  
 Sea-Carriage of Goods Bill, *com.* (application of Act), 7398; *2R.*, 7577  
 Seat of Government Bill, *m.*, 1601; *com.* (seat of government), 1860, 1866, 1878, 1882, 1894; *recom.*, 1978, 1981; (area of Federal territory), 1961, 1969; *recom.*, 1979, 1982; (valuation of land within Federal territory), 1977; *m.*, 1984; *ad. rep.*, 2091; *cons. amds.*, 4022  
 Standing Orders, *m.*, 1266  
 Sugar Industry, *m.*, 6181  
 Supply Bill (No. 3), *2R.*, 4295  
 Trade Marks Bill, *com.* (Trade Union Marks), 4016, 4129, 4130, 4135, 4137

**Tudor, Hon. F. G., Yarra:**

Address-in-Reply, *m.*, 414  
 Appropriation (Works and Buildings) Bill, *com.* (issue and application of), 7466  
 Conciliation and Arbitration Bill, *m.*, 4253; *cons. amds.* (interpretation), 7652; (minimum wage and preference), 7868  
 Elections:  
   Administration, *g.*, 3573, 7113; *adj.*, 7311; *supply*, 6402  
   Returning Officers' Allowances, *g.*, 6352  
   Rolls, *g.*, 3572; *supply*, 6217  
 Electrical Rheostats, *g.*, 6919  
 Government Contracts, *g.*, 4403, 5590  
 Immigration Restriction Act, *g.*, 6882  
 Military Banners, Consecration of, *g.*, 6208  
 Ministry:  
   (Watson), Control by Caucus, *g.*, 1306  
   (Reid), Position of, *m.*, 5290

**Tudor, Hon. F. G.—continued.**

Papua (British New Guinea) Bill, *com.*,  
(Legislative Council), 6508  
Public Service :  
Classification Scheme, *supply*, 3287  
Increments, *supply*, 6426; *q.*, 7839  
Post and Telegraph Employés Associations,  
*q.*, 810, 880, 1288  
Supply (1904-5), *m.*, 6572, 6764  
Supply :  
Defence, 6974  
The Parliament, 6250  
External Affairs, 6251, 6255  
Home Affairs, 6402, 6426, 6599, 6615, 6619,  
6634, 6641, 6645, 6647  
Postmaster-General, 7147, 7200, 7245  
Trade and Customs, 6742 (*p.o.*, 6745), 6746  
Tariff Commission, *obs.*, 7459

**Turley, Senator H., Queensland :**

Appropriation Bill, *com.* (Parliament), 8258;  
(External Affairs), 8285; (Home Affairs),  
8302, 8304; (Trade and Customs), 8367,  
8371, 8376; *p.o.*, 8382  
China Oil, *q.*, 6279, 6432, 6650, 7256, 7890  
Conciliation and Arbitration Bill, *2R.*, 6196;  
*com.* (interpretation), 6377; (rules of Court),  
6668; (registration of organizations), 6688,  
6859, 6987; *cons. amds.*, 8053; (minimum  
wage and preference), 8067; *p.o.*, 8076,  
8080; (registration of organizations), 8083;  
*ad. rep.*, 8088  
Easter Adjournment, *m.*, 648  
Kalgoorlie to Port Augusta Railway Survey  
Bill, *m.*, 8458, 8459, 8466; *adj.*, 8473  
Russian Attack on British Fishing Fleet, *m.*,  
6271  
Sea-Carriage of Goods Bill, *com.* (applica-  
tion of Act), 7396, 7400; *3R.*, 7585; *cons.*  
*amds.*, 8409, 8411  
Seat of Government Bill, *m.*, 1603; *2R.*, 1774;  
*com.* (seat of government), *recom.*, 1980

**Turner, Rt. Hon. Sir G., P.C., K.C.M.G.,  
Balaclava :**

Assurance, Life and Accident, *m.*, 1005  
Australian Contingents, *q.*, 667  
Budget, 5631  
Commonwealth Salaries, *q.*, 4631  
Commonwealth Stock, *q.*, 586  
Count Out, *m.*, 6477  
"Other" Expenditure, *q.*, 6207  
Papers, Printing of, *q.*, 6479, 6480  
Public Service : Increments, *supply*, 6421  
Sugar Production, Queensland, *q.*, 6202-3;  
*obs.*, 6381  
Supply (1904-5), *m.*, 6580  
Supply :  
Attorney-General, 6397  
Defence, 6383  
External Affairs, 6321  
Home Affairs, 6421, 6593  
The Parliament, 6242, 6249  
Supply Bill (No. 3), *m.*, 4266, 4268  
Supply Bill (No. 4), *m.*, 4918, 4938  
Supply Bill (No. 5), *m.*, 5971  
Tariff Commission, *supply*, 5673  
Treasurers' Conference, *q.*, 289

**Walker, Senator Hon. J. T., New South  
Wales :**

Address-in-Reply, *m.*, 62  
Adjournment, *m.*, 7805  
Appropriation Bill, *2R.*, 8249; *com.* (External  
Affairs), 8274; (Home Affairs), 8299, 8302  
British New Guinea, *q.*, 7891  
Business, *adj.*, 647, 5735, 7805, 7896  
Conciliation and Arbitration Bill, *2R.*, 5841;  
*com.* (interpretation), 6343; (organization  
entitled to be represented), 6474; (minimum  
wage and preference), 6535, 6548; (registra-  
tion of organizations), 6816, 6985, 7105; *3R.*,  
7280  
Defence Bill, *com.* (Council of Defence),  
7904  
Federal Capital, Lyndhurst Site, *m.*, 1466;  
*adj.*, 1604  
Federal Ironworks, *m.*, 1295  
Kalgoorlie to Port Augusta Railway Survey  
Bill, *2R.*, 8447  
Meteorology, *q.*, 7892  
Military :  
Carroll, Major, Case of, *m.*, 1853, 3158.  
Forces, *adj.*, 3137  
Ministry, Policy of, *m.*, 4369  
Navigation Bill, *2R.*, 979  
New Guinea, *q.*, 7891  
New Hebrides, *m.*, 4090  
Papua (British New Guinea) Bill, *2R.*, 7786;  
*com.* (appointment of Lieutenant-Governor),  
7795; (transfer of officers), 7798; (prohibi-  
tion of intoxicants), 7799, 8407; (consoli-  
dated revenue fund), 7802; (intoxicants and  
opium), 7928  
Preferential Trade, *obs.*, 63  
President, Election of, *m.*, 6  
Public Service :  
Superannuation, *q.*, 1464  
Public Works, Day Labour, *m.*, 2862  
Quarantine, Department of, *q.*, 353  
Sea-Carriage of Goods Bill, *2R.*, 7301  
Seat of Government Bill, *2R.*, 1743; *com.*  
(seat of government), 1784, 1864, 1886; (area  
of Federal territory), 1953, 1958, 1972; *cons.*  
*amds.*, 4019  
Senate, Powers of, *adj.*, 544-7  
Statistician, Commonwealth, *q.*, 6531  
Sugar Industry, *m.*, 7079; *obs.*, 7356  
Supplementary Appropriation Bill, 1902-3, *2R.*,  
3564  
Supply Bill (No. 2), *com.* (schedule), 3558  
Supply Bill (No. 3), *1R.*, 4301  
Trade Marks Bill, *recom.*, 7283, 7558

**Watkins, Hon. D., Newcastle :**

Adjournment, Special, *m.*, 2244  
Business, *m.*, 8019  
Conciliation and Arbitration Bill, *com.* (regis-  
tration of organizations), 3018; (over-sea  
shipping), 3217; *m.*, 4206; *cons. amds.*  
(minimum wage and preference), 7840, 7962;  
*m.*, 8014  
Elections, Officers, Payments to, *obs.*, 1289  
High Commissioner, *q.*, 3292  
Kalgoorlie to Port Augusta Railway Survey  
Bill, *m.*, 4660; *2R.*, 5593  
Ministry :  
(Watson), Position of, *p.o.*, 4151  
(Reid), Position of, *m.*, 5365  
Norwegian Sailors, *q.*, 1523  
Preferential Trade, *obs.*, 8019

Watkins, Hon. D.—*continued.*

## Public Service :

- Classification Scheme, *adj.*, 2651
- Postal Officials, *q.*, 3072, 3395, 3451
- Railway Rates, *q.*, 5846
- Ships' Stores, Taxation of, *q.*, 403, 2520
- Supply (1904-5), *m.*, 6765
- Supply :
  - Defence, 7027
  - Postmaster-General, 7047

Watson, Hon. J. C., *Bland :*

- Address-in-Reply, *m.*, 143
- Adjournment, Special, *m.*, 2244, 3891, 3895, 4282, 4688, 6299
- Agriculture, Department of, *m.*, 6497
- Appropriation (Works and Buildings) Bill, *com.* (issue and application of), 7465
- Appropriation Bill, 3<sup>r</sup>, 8152
- Australian Apples, *q.*, 3450
- Banking Returns, *q.*, 2537
- Braddon, Death of Sir Edward, *m.*, 15
- British Warships, Coaling of, *q.*, 3574
- Budget, *m.*, 5998, 6111; *adj.*, 6151
- Business, Order of, *obs.*, 696; *adj.*, 3469, 5578; *p.o.*, 3893; *m.*, 2886, 4155, 4197; Conduct of, 1287, 1462; *obs.*, 6205; *q.*, 6886, 7408; *obs.*, 7423; *m.*, 7721
- Butter Exportation, *q.*, 2368
- Caucus Meetings, *q.*, 4028
- Chinese in Transvaal, *m.*, 696, 755, 806
- Coinage, *m.*, 2375; *obs.*, 2184; *q.*, 7716
- Coloured Aliens, *q.*, 2538
- Conciliation and Arbitration Bill, *q.*, 2247; *expl.*, 2249; *com.* (interpretation), 1057, 1676, 1732, 1733, 1735, 1828, 1832, 1917, 2051, 2055, 2063, 2068, 2074, 2079, 2203, 2204, 2205, 2206, 2212; (constitution of Court), 2224; (term of office of ordinary member), 2235, 2237; (salaries of members of Court), 2238; (industrial dispute), 2251, 2272, 2273, 2274; (reference by organization), 2278, 2301; (agreement to have effect of award), 2315; (organization entitled to be represented), 2316; (form and continuance of award), 2316; 2317, 2318; (on whom award is to be binding), 2321, 2356, 2423; (award not to be challenged), 2358; (power to appoint assessors), 2366; (powers of Court), 2307, 2384, 2400, 2408, 2409, 2410, 2411, 2416, 2452, 2460, 2462, 2465, 2466, 2476, 2479, 2480, 2481, 2482, 2489; (minimum wage and preference), 2489, 2490, 2491, 2497, 2564, 2650, 2684, 2689, 2690, 2697, 2699, 2700; (power of inspection), 2704, 2705, 2706; (recovery of penalties), 2708; (process against property of organizations), 2710; power to make orders, 2711, 2720; (enforcement of awards), 2721; (disability upon contravention), 2721, 2722; (registration of organizations), 2724, 2939, 2991, 3023, 3027, 3029, *p.o.*, 2990; (disclosure of trade secrets), 3074; (employment of counsel), 3077, 3093; (over-sea shipping), 3094, 3294, 3382; (breach of agreement), 3384; (conformity to common rule), 3384; (limitation of preference), 3386; (limitation of Act), 3389; (schedule B), 3391; *m.*, 4020, 4043; *adj.*, 4196; *recom.*, 4522; *cons. amds.* (interpretation), 7533, 7620, 7621, 7755; (minimum wage and

Watson, Hon. J. C.—*continued.*

- preference), 7761, 7855, 7881, 7968; (registration of organizations), 7972 (*p.o.*, 7976), 7987, 7989, 7990, 7998; *m.*, 8011
- Contraband of War, *q.*, 2694
- Copeland, Mr. Henry, Death of, *obs.*, 2633
- Count Out, *m.*, 6477
- Customs Administration, *q.*, 3329, 3395, 3471, 7218
- Customs Officials, *q.*, 2183
- Defence Administration, *q.*, 1255, 1396, 1397, 3171, 3293, 8307
- Elections :
  - Administration, *q.*, 455, 456; *m.*, 1313, 3573; *adj.*, 7213, 7315
  - Divisions, Electoral, *q.*, 3893
  - Expenses, of *adj.*, 8357; *q.*, 8474
  - Rolls, *q.*, 5850; *supply*, 6218
- Electoral Committee, *m.*, 3392
- Electoral Department : Re-organization of, *q.*, 8592
- Export Commission, *q.*, 2314
- Federal Capital, *adj.*, 757, 2310; *q.*, 3032, 3069, 3329, 3330, 3452, 3572
- Federal Expenditure in South Australia, *q.*, 3394
- Flag, Australian, *m.*, 1609; *q.*, 2696
- Fremantle, Fortification of, *q.*, 2019
- Government Printing Office, *q.*, 2369
- H.M.S. *Euryalus*, *adj.*, 2368; *q.*, 2468
- High Commissioner, *q.*, 3292
- Iron Industry, *q.*, 2371, 3072
- Isaacs, Mr., Newspaper Attack on, *adj.*, 6094
- Japanese, Exclusion of, *q.*, 1897
- Kalgoorlie to Port Augusta Railway, *q.*, 1298, 2248; *m.*, 2242
- Kalgoorlie to Port Augusta Railway Survey Bill, *m.*, 4545
- Kanakas, Repatriation of, *q.*, 3329
- Labour Caucus, *q.*, 2798
- Labour Party's Loyalty, *q.*, 3725
- Letter Carriers, Victoria, *q.*, 3877
- Mails, Oversea Subsidies, *q.*, 2538; Contract, English, *q.*, 6480
- Manufactures Encouragement Bill, *q.*, 2017, 3329
- Marshall Islands, *q.*, 6595
- Meteorological Department, *q.*, 1525
- Military :
  - Attaché, Japan, *q.*, 3392; 4028
  - Carroll, Major, Case of, *q.*, 8475
  - Commandants' Travelling Allowances, *m.*, 1682, 1985
  - Cypher, *q.*, 1524, 1673
  - Field Guns, *q.*, 3934
  - Finn, Brigadier-General, *q.*, 3172
  - Forces, Statement by Lt.-Col. Neild, *q.*, 2425, 2426, 2427
  - Hutton, Major-General's, Report, *q.*, 2633, 2798, 2898
  - Promotions, *q.*, 2653, 2692
  - Queensland Forces, *q.*, 4140
  - Rank and Service, *q.*, 2469
  - Staff Allowances, *q.*, 2010, 2106
  - Tasmanian Forces, *q.*, 3293, 3393
  - Uniforms, *adj.*, 1952, 2080; *q.*, 2469
  - Victorian Forces, *q.*, 3398
- Ministerial Supporters, *q.*, 1397

Watson, Hon. J. C.—*continued.*

## Ministry :

- (Deakin), Resignation of, *obs.*, 1247  
 (Watson), New Administration, 1247, 1253;  
 Policy of, 1267, 1350, 1669; Caucus, Control of, *q.*, 1396; Retention of Office by, *q.*, 3032; Position of, *p.o.*, 4143, 4146; *m.*, 4264, 4265; Resignation of, *adj.*, 4265  
 (Reid), New Administration, *obs.*, 4266; Policy of, *adj.*, 4353; *m.*, 4404; Position of, *m.*, 4685, 4696, 5563  
 Murray River Navigation, *q.*, 2371  
 Naval Forces, *q.*, 1397; *adj.*, 3128  
 Navy and Army Rations, *q.*, 3877  
 Navigation Bill Commission, *q.*, 2466, 2467, 2468; *supply*, 2602; *m.*, 3264  
 New Hebrides, *q.*, 1785, 3672, 3688  
 Northern Territory, *q.*, 4139  
 Pacific Cable, *q.*, 2692, 2693  
 Papua (British New Guinea), Bill, *com.* (Legislative Council), 6509; (prohibition of intoxicants), 6528, 7548; *cons. amds.*, 8601  
 Parliamentary Refreshment Room, *q.*, 3811  
 Patent Register, New South Wales, *q.*, 3397  
 Petitions, *obs.*, 489  
 Preferential Railway Rates, *q.*, 2105, 2106, 2658  
 Preferential Trade, *obs.*, 147, 6206; *q.*, 3932; *m.*, 8350, 8528  
 Preferential Wharfage Rates, *q.*, 3934  
 Produce Depot, London, *q.*, 3573  
 Public Accounts Committee, *q.*, 3393  
 Public Debts, consolidation of, *q.*, 3246  
 Public Service :  
   Classification Scheme, *adj.*, 2651; *q.*, 2654, 2655, 2656, 2657, 2658, 2691, 2692, 2800  
   Fortnightly Payments, *q.*, 2538  
   Military Titles, *q.*, 1985, 2371; *m.*, 2132  
   Increments, *q.*, 1784  
   Overtime, South Australia, *obs.*, 1290  
   Victorian Officers, *expl.*, 2249  
 Quarantine, *q.*, 3393, 3574  
 Russian Attack on British Fishing Fleet, *q.*, 5969; *m.*, 6297  
 Seat of Government Bill, *m.*, 3512, 3520, 3597; *q.*, 3935; (seat of government), 3938, 3953  
 Sitings of the House, *m.*, 7812  
 Socialism, Ministerial Attitude towards, *q.*, 4520  
 South African Contingents, *q.*, 1526  
 South African Honours, *q.*, 3471, 3573  
 Speaker, Election of, *m.*, 11; *obs.*, 13  
 States Governments, Services to, *q.*, 3934  
 State Life Assurance, *q.*, 1395; *m.*, 3248  
 State Subsidies to Coastal Steamers, *q.*, 3672, 3934  
 Supplementary Appropriation Bill 1903-4, *com.*, 2171  
 Supplementary Estimates, *adj.*, 2016  
 Supply (1904-5), *m.*, 6570, 6753, 6775, 6776  
 Supply Bill, *obs.*, 2695  
 Supply Bill (No. 1), *m.*, 2886  
 Supply Bill (No. 2), *m.*, 3574; *com.*, (schedule), 3578  
 Supply Bill (No. 3), *m.*, 4267  
 Supply Bill (No. 4), *m.*, 4918  
 Supply :  
   Defence, 2170, 6920, 7021  
   External Affairs, 6253  
   Home Affairs, 6599, 6633, 6636, 6646  
   Parliament, 2123, 2146, 2166, 6242  
   Postmaster-General, 7219, 7252  
   Trade and Customs, 2168, 2169, 2170, 6700, 6748

Watson, Hon. J. C.—*continued.*

- Tariff Commission, *obs.*, 5998, 7445; *q.*, 7524, 8093; *obs.*, 8152  
 Titles, *q.*, 2695, 2800  
 Trade Marks Bill, *q.*, 6697; *adj.*, 8229  
 Unemployed, *adj.*, 3351, 3527  
 Uniform Railway Gauge, *q.*, 2658  
 Volunteer Forces, *q.*, 2800, 3033, 3397, 3935  
 Want of Confidence Debate, *adj.*, 5287

Webster, Mr. W., *Gwydir:*

- Address-in-Reply, *m.*, 290  
 Appropriation Bill, 3<sup>r</sup>, 8133  
 Appropriation (Works and Buildings) Bill, *com.*, 7466  
 Budget, *m.*, 6030  
 Business, Order of, *m.*, 7729, 8018  
 Chinese in Transvaal, *m.*, 805  
 Conciliation and Arbitration Bill, *com.* (interpretation), 1186, 2039, 2190; (term of office of ordinary members), 2236; reference by organization), 2300; (award not to be challenged), 2360; (powers of Court), 2433, 2478; (minimum wage and preference), 2671; (registration of organizations), 3012; *m.*, 4078; *cons. amds.*, 7534, 7648, 7857, 7887, 7948, 7967 (registration of organizations), 8002; *m.*, 8014  
 Defence Bill, *com.* (prohibition of intoxicants), 7509  
 Elections : Officers, Payments to, *obs.*, 1289; *q.*, 7948  
 Estimates, *expl.*, 6883, 6884, 6885  
 Federal Agencies, State Taxation of, *m.*, 6848  
 Federal Capital, *adj.*, 2309  
 Kalgoorlie to Port Augusta Railway Survey Bill, *m.*, 4675  
 Life Assurance Companies Bill, 2<sup>r</sup>, 7132  
 Lyndhurst Water Supply, *adj.*, 3739  
 Mail Tenders, *q.*, 3672  
 Manufactures Encouragement Bill, *q.*, 5589; 2<sup>r</sup>, 5789; *com.* (short title), 8222; *adj.*, 5900  
 Ministry :  
   (Watson), Policy of, *expl.*, 1393, 1672; *m.*, 1448; Position of, *m.s.o.*, 4140  
   (Reid), Position of, *m.*, 5531  
 New Hebrides, *q.*, 7947  
 Papua (British New Guinea) Bill, *com.* (Legislative Council), 6509, 6516; (prohibition of intoxicants), 7355, 7537, 7558  
 Parliament House, Sanitation, *adj.*, 2245  
 Penny Postage, *supply*, 4933  
 Preferential Trade, *obs.*, 293, 7729  
 Rust in Wheat, *q.*, 6699  
 Seat of Government Bill, 2<sup>r</sup>, 3436, *m.*, 3501, 3519, 3524, 3600; *com.* (seat of government), 3724, 3740, 3945, 3946; (area of Federal territory), 3987  
 Supply (1904-5), *m.*, 6582, 6586, 6760, 6772, 6777  
 Supply Bill (No. 3), 2<sup>r</sup>, 4273  
 Supply Bill (No. 4), *m.*, 4932  
 Supply :  
   Home Affairs, 6504, 6613, 6615, 6620  
   External Affairs, 6310, 6318, 7326  
   Parliament, 2158  
   Postmaster-General, 7062, 7176, 7177, 7202, 7224  
   Trade and Customs, 6739, 6752  
 Tariff Commission, *obs.*, 6030, 7449, 7464  
 Telephone Extension, *supply*, 4932  
 Trees, Destruction of, *adj.*, 7838  
 Unemployed, *adj.*, 3338  
 Want of Confidence Debate, *adj.*, 5286; *expl.*, 5560  
 White Ocean Policy, *q.*, 7206

**Wilkinson, Hon. J., Moreton :**

Address-in-Reply, *m.*, 608  
 Budget, 6144  
 Butter-boxes, Timber for, *supply*, 4935  
 Coloured Aliens, *q.*, 2538  
 Conciliation and Arbitration Bill, *com.* (interpretation), 1155; (minimum wage and preference), 2701  
 Customs Drawbacks, *q.*, 2959  
 Kanakas, Repatriation of, *q.*, 1122, 3329, 3573  
 Lepers in Queensland, *q.*, 6919, 7411  
 Military :  
   Geelong Mounted Rifles, *q.*, 172  
   Queensland Forces, *q.*, 4140  
   Uniforms, *q.*, 403  
 Ministry, Position of, *m.*, 5098  
 Naturalization Act, *q.*, 490  
 Papua (British New Guinea) Bill, *com.* (Legislative Council), 6509; (prohibition of intoxicants), 7547, 7552  
 Patents Act : Administration, *q.*, 290  
 Post and Telegraph Revenue, *q.*, 6298, 6382, 7112, 7717  
 Rifle Clubs, *supply*, 4935; *adj.*, 7214  
 Seat of Government Bill, *com.* (seat of government), 3944  
 Supply Bill (No. 4), *m.*, 4933  
 Statistical Department, *q.*, 1605  
 Supply :  
   Defence, 7026  
   Home Affairs, 6628  
   Postmaster-General, 7143, 7237  
   Trade and Customs, 6709  
   Parliament, 2155  
   External Affairs, 6309  
 Telegraphing and Telephoning, Simultaneous, *q.*, 810  
 Telephone Extension, *supply*, 4934  
 Thursday Island Coaling Station, *q.*, 1042  
 Unemployed, *adj.*, 3340

**Wilks, Hon. W. H., Dalley :**

Address-in-Reply, *m.*, 212  
 Alien Immigration, *supply*, 2604  
 Bills of Lading, *q.*, 5851  
 Conciliation and Arbitration Bill, *com.* (interpretation), 1151, 1720, 1820; (reference by organization), 2299; (minimum wage and preference), 2513; (registration of organization), 2965; *m.*, 4072  
 Elections, Impersonation, *q.*, 3294  
 Federal Capital, *adj.*, 2307  
 Lyndhurst Water Supply, *adj.*, 3729  
 Manufactures Encouragement Bill, *adj.*, 5896; 2*r.*, 5948  
 Navigation Bill Commission, *m.*, 3259  
 New Hebrides, *m.*, 5873  
 Old Age Pensions, *m.*, 7123  
 Papua (British New Guinea) Bill, *com.* (prohibition of intoxicants), 6524, 7350  
 Preferential Trade, *obs.*, 215  
 Sea Carriage of Goods Bill, 2*r.*, 8316  
 Seat of Government Bill, *com.* (seat of government), 3775; (area of Federal territory), 3982  
 Tenders, Local, *q.*, 5852  
 Tobacco Industry, *m.*, 5895

**Willis, Hon. H., Robertson :**

Alien Immigration, *supply*, 2601  
 Conciliation and Arbitration Bill, *com.* (interpretation), 1201, 2036, 2201; (powers of Court), 2483; *expl.*, 2521; (minimum wage and preference), 2627; (registration of organizations), 2926; (employment of counsel),

**Willis, Hon. H.—continued.**

3092; (over-sea shipping), 3323, 3327; *expl.*, 4228; *cons. amds.* (interpretation), 7658  
 Customs Officials, *q.*, 2183  
 Debate, Limitation of, *m.*, 7431  
 Duty Stamps, *q.*, 3665  
 Elections : Administration, *q.*, 457  
 Flag, Australian, *m.*, 1608  
 Hansard, *q.*, 3069  
 Kalgoorlie to Port Augusta Railway Survey Bill, 2*r.*, 5609  
 Labour Party, *expl.*, 5589  
 Lyndhurst Water Supply, *adj.*, 3738  
 Ministry :  
   (Watson), Retention of Office by, *q.*, 3031  
   (Reid), position of, *m.*, 5371, 5383  
 New Caledonia, *q.*, 760  
 New Hebrides, *q.*, 171-2, *m.*, 3687  
 Newspaper Postage, *q.*, 989  
 Public Service : Military Titles, *m.*, 2122  
 Seat of Government Bill, *com.* (seat of government), 3813  
 Papua Bill, *com.* (prohibition of intoxicants), 7341  
 Parliament House, Ventilation of, *adj.*, 3669  
 Preferential Trade, *obs.*, 5379, 5385,  
 Supply :  
   Parliament, 2144  
   Home Affairs, 6625  
 Supply Bill (No. 2), *com.* (schedule), 3589  
 Tariff Commission, *obs.*, 5376  
 Trees, Destruction of, *adj.*, 7838

**Wilson, Mr. J. G., Corangamite :**

Chinese in Transvaal, *m.*, 1796  
 Conciliation and Arbitration Bill, 2*r.*, 926; *com.* (interpretation), 1734, 1788; (organization ordering its members to refuse or accept employment), 2217; (employers not to dismiss employes on account of award), 2219; (powers of Court), 2429; (registration of organizations), 3000; (offer to compromise), 3388  
 Days of Meeting, *q.*, 81  
 Defence Bill, *com.* (prohibition of intoxicants), 7508  
 Elections, Expenses of, *adj.*, 8358  
 Kalgoorlie to Port Augusta Railway Survey Bill, 2*r.*, 5598  
 Papua (British New Guinea) Bill, *com.*, (prohibition of intoxicants), 7546  
 Parliament House, Sanitation, *adj.*, 2245  
 Seat of Government Bill, 2*r.*, 3409  
 Supply :  
   Defence, 6972  
   Parliament, 2152  
   Trade and Customs, 2169

**Zeal, Senator Hon. Sir W. A., K.C.M.G. Victoria :**

Appropriation Bill, *com.* (Parliament), 8256  
 Carroll, Major, Case of, *m.*, 7688  
 Kalgoorlie to Port Augusta Railway Survey Bill, 2*r.*, 8441  
 Public Works : Day Labour, *m.*, 2865  
 Supplementary Appropriation Bill, 1903-4, *com.*, 2178, 2182  
 Supplementary Appropriation (Works and Buildings) Bill, *com.*, 2183  
 Trade Marks Bill, *recom.* (registration), 4358

## PART II.

# SUBJECTS.

### BILLS.

#### CONSTITUTION.

#### DEFENCE.

#### DIVISIONS.

#### EXTERNAL AFFAIRS.

#### GOVERNMENT.

#### HOME AFFAIRS.

#### JUSTICE, ADMINISTRATION OF.

#### PAPERS.

### PARLIAMENT—

#### • House of Representatives.

#### Senate.

#### PETITIONS.

#### POSTMASTER-GENERAL.

#### RULINGS—

#### President, The.

#### Speaker, Mr.

#### Chairmen of Committees.

#### TRADE AND CUSTOMS.

#### TREASURER.

EXPLANATION OF ABBREVIATIONS.—*Adj.*, a adjournment; *ad. rep.*, adoption of report; *amdt.*, amendment; *com.*, committee; *cons. amds.*, consideration of amendments; *cons. mes.*, consideration of message; *expl.*, explanation; *m.*, motion; *m.s.o.*, motion to suspend standing orders; *obs.*, observations; *q.*, question; *recom.*, recommitted; *2r.*, second reading.

### BILLS.

#### ACTS INTERPRETATION BILL.

##### Senate:

Bill read a first time, 9; second reading moved, 546; debated, 548; Bill read a second time, 549; considered in Committee, 549, 550; reported, 552; report adopted, 664; Bill read a third time, 836; Bill returned from House of Representatives with amendments, 1105; amendments considered, 1261; report adopted, 1262; assent reported, 2749

##### House of Representatives:

Bill received from Senate and read a first time, 937; second reading moved, 1037; Bill read a second time, and considered in Committee, 1038; reported and report adopted, 1040; third reading moved, debated, and Bill read a third time, 1043; message from Senate, 1287; assent reported, 2305.

#### APPROPRIATION BILL.

##### House of Representatives:

*Int.*, 7441; *m.s.o.*, 7465; order of leave, 7465; Bill read a first time, 7470; second reading moved and debated, 8111; Bill read a second time and reported, 8122; third reading moved and debated, 8122; motion to adjourn debate moved and debated, 8147; withdrawn, 8155; Bill read a third time, 8156

##### Senate:

Bill received from House of Representatives and first reading moved, 8090; de-

#### BILLS—continued.

bated, 8169; Bill read a first time, 8186; *m.s.o.* and second reading moved, 8186; debated, 8194, 8240; Bill read a second time, 8253; considered in Committee, 8253, 8362; report adopted; Bill read a third time, 8404; Royal assent, 8588

#### APPROPRIATION (WORKS AND BUILDINGS) BILL.

##### House of Representatives:

*Int.*, 7441; *m.s.o.*, 7465; order of leave, Bill read a first and second time, and considered in Committee, 7465; report adopted, and Bill read a third time, 7470; assent reported, 7520

##### Senate:

Bill received from House of Representatives, read a first time, and *m.s.o.*, 7474; second reading moved, 7477; Bill read a second time, and considered in Committee, 7479; report adopted, and Bill read a third time, 7488; assent reported, 7573

#### CONCILIATION AND ARBITRATION BILL.

##### House of Representatives:

Bill read a first time, 14; second reading moved, 762; debated, 881, 1006; Bill read a second time, 1037; considered in Committee, 1037, 1043, 1126, 1185, 1676, 1681, 1785, 1914, 1985, 2020, 2185, 2251, 2314, 2384, 2428, 2469, 2539, 2614, 2659, 2697, 2801, 2899, 2959, 3063, 3073, 3173, 3294, 3353; reported, 3392; motion to re-commit certain clauses, 4029; amendment

## BILLS—continued.

to omit clause 48 from clauses proposed to be recommitted, 4043, 4155, 4197; amendment agreed to, 4264; motion as amended debated, 4521; agreed to, 4523; *recom.*, 4523; report adopted, standing orders suspended, and Bill read a third time, 4542; Bill returned from Senate with amendments, 7356; consideration of amendments, 7524, 7620, 7747, 7812, 7840, 7948; resolutions reported, 8011; report adopted, 8015; motion as to reasons for disagreeing to certain amendments, 8015; agreed to, 8017; message from Senate, 8200

*Senate:*

Bill received from House of Representatives and read a first time, 4580; second reading moved, 5710; debated, 5827, 5903, 6043, 6184, 6279; Bill read a second time, 6296; considered in Committee, 6296, 6327, 6439, 6532, 6651, 6804, 6849, 6976, 7094, 7160; report adopted, 7172; third reading moved and debated, 7257; Bill read a third time, 7282; message from House of Representatives, *m.s.o.* and *cons. mes.*, 8036; resolutions reported and adoption of report moved and debated, 8087; report adopted, 8090; Royal assent, 8588

## DEFENCE BILL, 1904.

*House of Representatives:*

Bill presented and read a first time, 6848; second reading moved, 7489; debated, 7490; Bill read a second time and considered in Committee, 7501; reported and *m.s.o.*, 7509; report adopted and third reading moved, 7510; Bill read a third time, 7520; returned from Senate with amendments, 8017; amendments agreed to, 8018; assent reported, 8306

*Senate:*

Bill received from House of Representatives and read a first time, and *m.s.o.*, 7601; second reading moved, 7602; debated, 7695; Bill read a second time, 7715; considered in Committee, 7715, 7897; *m.s.o.*, report adopted, and Bill read a third time, 7911; assent reported, 8230

## EVIDENCE BILL.

*Senate:*

Order of leave, and Bill read a first time, 4083; second reading moved, 4338; Bill read a second time, and considered in committee, 4339

## FRAUDULENT MARKS ON MERCHANDISE BILL.

*Senate:*

Order of leave, and Bill read a first time, 942; order of day for second reading discharged, 1246

## FRAUDULENT TRADE MARKS BILL.

*Senate:*

Order of leave, and Bill read a first time, 1468; second reading moved, 2097; debated, 2101, 2749; Bill read a second time, 2768; considered in Committee,

## BILLS—continued.

2768, 2874; reported, 2882; *ad. rep.* moved, 3158; *recom.*, 3161, 3242, 3244; reported and report adopted, 3244; third reading moved, 3530; motion withdrawn, 3531; Bill recommitted, 3532, 3654; reported and report adopted, 3655; Bill read a third time, 3990

*House of Representatives:*

Bill received from Senate and read a first time, 4083; second reading moved, 8226; debated, 8227; Bill read a second time, and considered in Committee, 8229

## FURTHER SUPPLEMENTARY APPROPRIATION BILL (1902-3).

*House of Representatives:*

Message, 3569; motion for appropriation, 3575; agreed to, and resolution reported and adopted, 3576; *m.s.o.*, and order of leave, 3576; Bill presented and passed through all its stages, 3596; assent reported, 3753

*Senate:*

Bill received from House of Representatives, and *m.s.o.*, 3553; Bill read a first time, 3563; second reading moved and debated, 3563; Bill read a second time and considered in Committee, 3565; reported, report adopted, and Bill read a third time, 3566; assent reported, 3790

## HIGH COMMISSIONER BILL.

*House of Representatives:*

Order of leave, and Bill read a first time, 1006

## KALGOORLIE TO PORT AUGUSTA RAILWAY SURVEY BILL.

*House of Representatives:*

Message, 1042; motion for appropriation moved and debated, 1123, 2239, 4542, 4632; agreed to, 4676; resolution reported and adopted, order of leave, and Bill read a first time, 4676; second reading moved and debated, 5593; Bill read a second time, 5629; considered in Committee, 5629, 7559; report adopted and Bill read a third time, 7571

*Senate:*

Bill received from House of Representatives and read a first time, 7601; second reading moved, 8414; debated, 8410; debate adjourned, 8458; motion for resumption of debate moved, 8458; debated, 8459; agreed to, 8469; debate on second reading resumed, 8570; interrupted by prorogation, 8587

## LIFE ASSURANCE COMPANIES BILL.

*House of Representatives:*

Order of leave, 6211; Bill read a first time, 6381; second reading moved, 7122; debated, 7127; Bill read a second time, 7135; considered in Committee, 7135, 8330; recommitted, reported, report adopted, and Bill read a third time, 8333

**BILLS—continued.**

*Senate:*

Bill received from House of Representatives and read a first time, 8306

**MANUFACTURES ENCOURAGEMENT BILL.**

*House of Representatives:*

Order of leave and Bill read a first time, 762; message, 791; motion for appropriation agreed to, and resolution reported and adopted, 821; second reading moved, 810; debated, 5676, 5757, 5874, 5938, 8201; Bill read a second time and considered in Committee, 8217

**NAVIGATION AND SHIPPING BILL.**

*Senate:*

Bill read a first time, 649; second reading moved, 836; debated, 859, 960; order of day discharged, 1246

**PARLIAMENTARY EVIDENCE BILL.**

*Senate:*

Order of leave, and Bill read a first time, 2081; second reading moved, 5795; debated, 5797; amendment to refer Bill to Standing Orders Committee, 5801; amendment withdrawn, 5804; Bill read a second time and referred to Standing Orders Committee, 5805; report of Standing Orders Committee presented and ordered to be printed, 7306

**PAPUA (BRITISH NEW GUINEA) BILL.**

*House of Representatives:*

Message, 2799; motion for appropriation agreed to, and resolution reported and adopted, order of leave and Bill read a first time, 3173; second reading moved, 4676; Bill read a second time and considered in Committee, 4677, 5702, 6505, 7329, 7536; report adopted and Bill read a third time, 7559; Bill returned from Senate, with amendments, 8555; *cons. amdts.*, 8599

*Senate:*

Bill received from House of Representatives, read a first time, and *m.s.o.*, 7601; second reading moved, 7612; debated, 7773; Bill read a second time, 7792; considered in Committee, 7792, 7911, 8020, 8405; reconsidered, and passed through its remaining stages, 8409

**SEA-CARRIAGE OF GOODS BILL.**

*Senate:*

Order of leave, 6976; Bill read a first time, 7069; second reading moved, 7286; debated, 7291; Bill read a second time, 7306; considered in Committee, 7306, 7390; reported, 7407; report adopted, 7488; third reading moved and debated, 7574; Bill read a third time, 7593; returned from House of Representatives with amendments, 8306; *cons. amdts.*, 8409; message from House of Representatives, 8561; Royal assent, 8588

**BILLS—continued.**

*House of Representatives:*

Bill received from Senate, and read a first time, 7664; second reading moved, 8156; debated, 8160, 8307; Bill read a second time and considered in Committee, 8320; reported, 8330; recommitted, 8354; report adopted and Bill read a third time, 8357; message from Senate considered, 8553

**SEAT OF GOVERNMENT BILL.**

*Senate:*

Order of leave, and Bill read a first time, 1293; second reading moved, 1468; debated, 1477 (amendment to lay aside Bill "for the present," 1517; ruled out of order, 1522), 1600, 1737; amendment, that Bill be read a second time "this day six months," 1743; amendment negatived, and Bill read a second time, 1782; considered in Committee, 1782, 1859, 1952; reported, and standing orders suspended, 1983; motion to adopt report, 2081; amendment to recommit, 2082; amendment negatived and report adopted, 2097; Bill read a third time, 2173; returned from House of Representatives with amendments, and amendments considered, 4018; assent reported, 4327

*House of Representatives:*

Bill received from Senate and read a first time, 2239; second reading moved, 3398; amendment to secure alteration of Constitution, 3409, 3471; amendment negatived, and Bill read a second time, 3478; motion as to method of selection and districts, 3478, 3597; Bill considered in Committee, 3614, 3689, 3740, 3754, 3812, 3896 (ballot, 3936), 3936; reported, 3989; report adopted, *m.s.o.*, and Bill read a third time, 4029; assent reported, 4265

**SUPPLEMENTARY APPROPRIATION BILL, 1903-4.**

*House of Representatives:*

Bill read a first and second time, 2171; considered in Committee, 2171; report adopted and Bill read a third time, 2172; assent reported, 2305

*Senate:*

Bill received from House of Representatives, standing orders suspended, and Bill read a first time, 2173; second reading moved, 2173; debated, Bill read a second time, and considered in Committee, 2174; report adopted, and Bill read a third time, 2182; assent reported, 2749

**SUPPLEMENTARY APPROPRIATION (WORKS AND BUILDINGS) BILL 1903-4.**

*House of Representatives:*

Bill passed through all its stages, 2172; assent reported, 2305



## BILLS—continued.

*Senate:*

Bill received from House of Representatives, read a first and second time, and considered in Committee, 2182; report adopted, and Bill read a third time, 2183; assent reported, 2749

## SUPPLY BILL (No. 1).

*House of Representatives:*

Message, 2885; motion for appropriation agreed to, 2886; resolution reported and adopted, *m.s.o.*, order of leave, Bill read a first and second time and committed *pro forma*, 2887; considered in Committee, 2896; Bill reported and passed through its remaining stages, 2897; assent reported, 2897

*Senate:*

Bill received from House of Representatives and read a first time, 2873; *m.s.o.*, Bill read a second time, and considered in Committee, 2873; report adopted, and Bill read a third time, 2874; assent reported, 3129

## SUPPLY BILL (No. 2).

*House of Representatives:*

Message, 3569; motion for appropriation agreed to, 3574; resolution reported and adopted, *m.s.o.*, order of leave, Bill read a first and second time, and considered in Committee, 3576; Bill reported and passed through its remaining stages, 3596; assent reported, 3753

*Senate:*

Bill received from House of Representatives and read a first time, 3553; standing orders suspended, 3553; Bill read a second time and considered in Committee, 3556; report adopted, and third reading moved, 3562; Bill read a third time, 3563; assent reported, 3990

## SUPPLY BILL (No. 3).

*House of Representatives:*

Message and motion for appropriation agreed to, 4266; resolution reported and adopted, standing orders suspended, order of leave, Bill read a first time, and second reading moved, 4269; Bill read a second time and passed through its remaining stages, 4282; assent reported, 4340

*Senate:*

Bill received from House of Representatives, and first reading moved, and debated, 4285; Bill read a first time, standing orders suspended, and second reading moved, 4310; Bill read a second time, and considered in Committee, 4311; report adopted, and Bill read a third time, 4327; assent reported, 4327

## SUPPLY BILL (No. 4).

*House of Representatives:*

Message and motion for appropriation agreed to, 4918; resolution reported and adopted, and standing orders suspended,

## BILLS—continued.

4937; order of leave, and Bill passed through all its stages, 4938; assent reported, 5114

*Senate:*

Bill received from House of Representatives, and first reading moved, and debated, 4973; Bill read a first time, and passed through its remaining stages, 4986; assent reported, 5450

## SUPPLY BILL (No. 5).

*House of Representatives:*

*Int.*, 5971; Bill presented and passed through all its stages, 5972; assent reported, 6381

*Senate:*

Bill received from House of Representatives, standing orders suspended, and first reading moved and debated, 6033; Bill read a first and second time and passed through its remaining stages, 6043; assent reported, 6325

## TRADE MARKS BILL.

*Senate:*

Order of leave, and Bill read a first time, 3224; second reading moved, 3537; debated, 3539; Bill read a second time and considered in Committee, 3547, 3566, 3655, 3990, 4101; reported, 4139; recommitment, 4335; reported, 4338; motion to recommit for reconsideration of new clause, 7282; amendment to recommit clauses, 72 to 77, 7283; amendment negatived; and motion agreed to, 7284; reported, 7286; report adopted, 7488; third reading moved, and amendment to recommit certain clauses, 7594; amendment withdrawn and Bill read a third time, 7601

*House of Representatives:*

Bill received from Senate, and read a first time, 7664

## BILLS LAFSED.

*House of Representatives:*

Motion for adoption of temporary standing order proposed, 8593; debated, 8594; agreed to, 8599

## CONSTITUTION.

## ALTERATION OF:

*House of Representatives:*

Amendment by Mr. Wilson to 22 of Sect. of Government Bill for an alteration of section 125 of, 3409; negatived, 3478

Motion by Mr. Mauger that a Bill should be passed for the alteration of the Constitution to enable the Parliament to enact uniform industrial laws, 3452

*Senate*

Question by Senator Dobson as to whether the Government propose to amend the Constitution to permit nationalization of tobacco industry, 8362, 8561

## DEFENCE.

### ADMINISTRATION.

#### *House of Representatives:*

*Obs.* by Mr. Crouch as to earlier answers to letters, 1255, 3068; questions as to use of secret code by General Officer Commanding, 1524, 1673; officials of ordnance branch, 7020; Queenscliff Road grant, 7111, 8307

Question by Sir Langdon Bonython, as to South Australian long service medals, 6098

*Obs.* by Mr. McCay as to administration and control of Defence Forces, 6383

*Obs.* by Sir John Forrest, as to report of General Officer Commanding on Government defence proposals, 6530; by Mr. McCay, 6531

Question by Mr. Salmon as to representation of Army Medical Corps on Military Board, 7618

*Obs.* by Mr. Mauger as to artillery practice at Fort Gellibrand, 7572

#### *Senate:*

Motion by Senator Higgs for papers relating to use of secret code by General Officer Commanding, 1837

Question by Senator Dawson as to re-appointment of Major-General Hutton, 4283

Questions by Senator Matheson as to report of departmental committee appointed by Senator Dawson, 6786; by Senator Dawson, 7160

Question by Senator Neild as to use of German pattern head covering, 6849

*Obs.* by Senator Pulsford as to naval defence, 8176

*Obs.* by Senator Gray as to establishment of military school, 8182

*Obs.* by Senator Pearce as to Naval and Military Boards, 8183

Question by Senator Matheson as to professional member of Naval Board holding a State command, 8230; by Senator Pearce, 8570

Notice of motion by Senator Matheson as to abolition of office of General Officer Commanding, withdrawn, 6439

### ARMS AND AMMUNITION.

#### *House of Representatives:*

Questions by Mr. Page as to re-rifling of guns, 1042, 1123; *obs.* as to ammunition reserve, and supply of rifles, 1040; question, 1122

Question by Mr. Carpenter as to distribution of obsolete field guns, 3934

Question by Mr. Salmon as to magazine rifle loading clip, 6917

#### *Senate:*

Question by Senator Pearce as to equipment of batteries, 3528

Question by Senator Matheson as to obsolete field guns and ammunition, 3633; motion for return as to field guns, 3635; question as to cost of conversion of guns, 4100, 4285; as to distribution of obsolete guns, 4101, 4285

## DEFENCE—continued.

### AUSTRALIAN CONTINGENTS.

#### *House of Representatives:*

Questions by Mr. Kelly as to payments to, on behalf of Imperial Government, 667

Question by Sir John Forrest as to views of Senator Dawson, 1525

Question by Mr. Crouch as to distribution of South African colours and other honours, 3471

Question by Mr. McWilliams as to war medals, 3573; by Mr. Harper, 5590

Question by Mr. Deakin as to local record of services of troops, 6917

### BANNERS.

#### *House of Representatives:*

Question by Mr. Crouch as to consecration of, 5847, 6208; *obs.*, 6649; *obs.* on *adj.* motion, 6886; on Supply motion, 6889-6911

### BARRACKS:

#### *House of Representatives:*

Question by Mr. Kelly as to selection of site for new barracks, Sydney, 2428, 7521

### CADETS.

#### *House of Representatives:*

Question by Mr. Crouch as to enrolment of cadets under Naval Agreement, 1397

Question by Mr. S. Smith as to proposal in regard to, 2426

Question by Mr. Hutchison as to training of Naval Cadets, 5852

Question by Mr. Knox as to intentions of Government, 7839

#### *Senate:*

Question by Senator Dobson as to consideration of military training of youths at Premiers' Conference, 7773

Order of the day relating to motion by Senator Dobson as to compulsory training of youths postponed, 1296; *obs.* on Appropriation Bill, 8384; read and discharged, 8199

### CASE OF LT.-COL. NEILD.

*See Parliament.*

### COALING.

#### *House of Representatives:*

Question by Mr. Wilkinson as to coaling station, Thursday Island, 1042; by Mr. Bamford, 3574

*Obs.* by Mr. Carpenter, as to coaling *Euryalus* at Fremantle, 6530, 7204; by Mr. Reid, 6531, 7520; by Mr. Hughes, 7520

#### *Senate:*

Question by Senator Pearce as to coaling *Euryalus*, 6033

### DEFENCE: COUNCIL OF.

#### *House of Representatives:*

Question by Mr. G. B. Edwards as to creation of, 3171; by Mr. Reid and Mr. Chapman, 3293

Question by Mr. Watson as to *personnel*, 8307

DEFENCE—continued.

DEFENCE: IMPERIAL.

*House of Representatives:*

Question by Mr. Higgins as to British misapprehensions of Australian view of Imperial defence, 8306

FORTIFICATIONS.

*House of Representatives:*

Questions by Mr. Carpenter as to fortification of Fremantle, 1605, 2019, 5850

Question by Sir Langdon Bonython as to transfer of gun from South Australia to Fremantle, 5850; by Mr. Carpenter, 5937

LANGWARRIN TRAINING GROUND.

*House of Representatives:*

*Obs.* by Mr. Crouch as to State legislation in regard to, 5215

MILITARY FORCES.

*House of Representatives:*

Question by Mr. Crouch as to Mounted Rifle Corps, Geelong, 172; *obs.* as to declaration of religious belief, 1255; question, 1396; as to Colonial Defence Committee and Volunteer Forces, 2800, 3033; *obs.*, 3068; as to number of volunteers, 3397; as to Victorian Artillerymen, 3398

Question by Mr. Wilkinson as to uniforms for, 403, 4140; *obs.* by Mr. McCay, 1951, 2080; by Mr. Watson, 2080

Question by Mr. McWilliams as to Defence Forces, Tasmania, 457, 758, 3293; *obs.* by Mr. Watson, 3393

Question by Mr. Hutchison as to 11th Australian Infantry Regiment, 587; as to South Australian Medical School of Instruction, 587, 760; as to granting of commissions, 1397

Question by Mr. Chapman as to article by Senator Neild, 2425; *obs.* by Mr. S. Smith, 2425-6

Question by Mr. S. Smith as to appointment of Commission, 2426

Question by Mr. Salmon as to promotions, 2653, 2692

Question by Mr. Crouch as to Major-General Hutton's report on, 2693, 2798; by Mr. Johnson, 2897

Question by Mr. Fuller as to volunteer regiments, New South Wales, 3935

Question by Mr. Wilkinson as to allowances to members of the Light Horse, 4140

Question by Mr. J. Cook as to mounted infantry regiments, 7619

Question by Mr. Poynton as to use of forage caps, 7307

*Senate:*

Question by Senator O'Keefe as to inspection, Southern Tasmanian troops, 545

DEFENCE—continued.

Question by Senator Neild as to strength of, 834; as to parade states, 942; as to strength of volunteer rifle regiments, 1181; as to future control and administration of, 5795

Question by Senator Henderson as to article by Senator Neild, 2172

*Obs.* on Major-General Hutton's report on, 3129-3153

Question by Senator Story as to Army Service Corps, 4284, 5706

MILITARY OFFICERS.

*House of Representatives:*

Questions by Mr. Crouch as to Lieut. R. E. Sheldon, 290; as to re-appointment of Brigadier-General Finn, 3172; *obs.* 3470; question as to retirement of Colonel Savage and Colonel Taunton, and payment of retiring allowances, 4632; as to transfer of militia officers to permanent forces, 7840

Question by Mr. Page as to Colonel Price, 586

Question by Mr. Groom as to retrenchment of Major Carroll, 760

Motion by Mr. Maloney for return as to allowances, 1628; question by Mr. H. Cook, 1985; by Mr. Hutchison, 2019; *obs.* by Mr. Watson, 2106

*Obs.* by Mr. Batchelor as to appointment of Brigadier-General Finn to command of Military Forces of Commonwealth, 3470

Question by Mr. R. Edwards as to allowance for uniforms, 2469

Question by Mr. O'Malley as to suggested appointment of Imperial officers, 4403

Question by Mr. H. Cook as to re-appointment of Major-General Hutton, 5592

Question by Mr. Hutchison as to Colonel Rowell, 5738

Question by Mr. G. B. Edwards as to Sergeant G. A. King, 6919

Question by Mr. Frazer as to Lieutenant Scott, 8200

*Senate:*

Question by Senator Smith as to Captain P. N. Buckley, 939

Motion by Senator Neild for copies of minutes written by Senator Dawson as Minister of Defence regarding General Officer Commanding, 4681; amendment by Senator Symon, 4682; motion, as amended, agreed to, 4683

Question by Senator Givens as to warrant and non-commissioned officers, instructional staff, 6650, 6976; motion for return, 6786

MILITARY TITLES.

*House of Representatives:*

Questions by Sir J. Forrest as to use of, 1984, 2019, *expl.*, 2122

*Obs.* on motion for *adj.*, 2106

**DEFENCE—continued.**

**NAVAL FORCES.**

*Senate:*

- Question by Senator Guthrie as to regulations suggested by Naval Conference, 26
- Question by Senator Neild as to strength of, 834
- Question by Senator Matheson as to training of officers, 3528

*House of Representatives:*

- Obs. by Mr. Mauger as to Naval Brigade regulations, 3126; by Mr. Crouch, 3127; by Mr. Watson, 3128

**NORTHERN AUSTRALIA.**

*House of Representatives:*

- Question by Mr. Crouch as to statement by General Officer Commanding, 4139

*Senate:*

- Motion by Senator Neild for returns as to statement by General Officer Commanding relative to intentions of Japan and China, 4328

**RATIONS.**

*House of Representatives:*

- Question by Mr. Crouch as to army and navy rations, 3877

**REGULATIONS.**

*House of Representatives:*

- Questions by Mr. Crouch, as to free use of copies of, 760; as to abolition of regulations relating to saluting officers, 2371, 2469
- Obs. by Mr. Mauger and Mr. Chapman as to position of rankers under, 937; by Mr. Mauger as to Naval Brigade Regulations, 3126; by Mr. Crouch, 3127; by Mr. Watson, 3128
- Question by Senator Guthrie as to regulations suggested by Naval Conference, 26

*Senate:*

- Question by Senator Neild as to motion to disallow, 833; motion that Senate resolve itself into Committee of the Whole, to consider certain regulations, 1585; motion agreed to, and regulations considered in Committee, 1587, 1837; obs., by Senator Playford, 2874

**RIFLE TEAMS AND CLUBS.**

*House of Representatives:*

- Questions by Mr. Johnson as to despatch of Australian rifle team to Bisley, 491, 1184; as to Railway Volunteer Rifle Corps, 6833
- Obs. on Rifle Club railway passes, 7206-17

*Senate:*

- Question by Senator Keating as to team for Bisley, 1255
- Question by Senator Matheson as to travelling expenses of Inter-State rifle teams, 4283

**DEFENCE—continued.**

**RUSSO-JAPANESE WAR.**

*House of Representatives:*

- Question by Mr. Kelly as to despatch of officer to study progress, 989
- Question by Mr. Crouch as to Commonwealth military attaché, 3392; by Mr. Page, 4028

*Senate:*

- Question by Senator Higgs as to observations by Captain Creswell, 5704; obs., 5736; by Senator Symon, 5737

**SELECT COMMITTEE: MAJOR CARROLL.**

*Senate:*

- Motions by Senator Higgs, for Select Committee as to retrenchment of Major Carroll, 1837; to permit the press to attend, and publish reports, 1856; withdrawn, 1859; as to examination of witness by Committee, places of meeting, and presentation of report, 2857, 3636; that report be printed, 4580; that the report be adopted, 6788, 7372, 7673; amendment by Senator Zeal, 7688; motion as amended agreed to, 7695

Obs. on *m.s.o.*, 3153-58

*Expt.* by Senator Higgs, 7773; questions as to letter written by Col. Hoad, 7890, 8362, 8569

Motion by Senator Smith for leave to examine Mr. Chapman, M.P., 3224; *mes.* from House of Representatives granting leave, 3242

Question by Senator Higgs as to memorandum by General Officer Commanding, on report of Committee, 7256; obs. on Appropriation Bill, 8175

*House of Representatives:*

- Question by Mr. McDonald, as to letter written by Col. Hoad, 8474
- Cons. mes.* from Senate requesting leave for Mr. Chapman to attend before Select Committee, 3247

**STORES AND SUPPLIES.**

*House of Representatives:*

- Question by Mr. H. Cook as to use of Australian made badges and ornaments, 4496, 4519
- Question by Mr. Mauger as to subletting contracts for supplies, 4520
- Question by Mr. Hutchison as to minimum wage clause in contracts, 6564, 6889

*Senate:*

- Question by Senator Matheson as to valuation of artillery and warlike stores, 4354

*See Bills.*

**DIVISIONS.**

*Senate:*

- Adjournments, special, 649, 4682, 7806; adjournment, 4354
- Appropriation (Works and Buildings) Bill, suspension of Standing Orders, 7476
- Appropriation Bill, in *com.* (schedule 2), requests to reduce President's salary, 8259; to reduce Clerk's salary, 8260; to leave

DIVISIONS—*continued.*

out allowance to controller of refreshment-rooms, 8264; to leave out increased subsidy to New Guinea, 8296; to reduce vote for Sydney Government House, 8305; to leave out the word "gratuities" in reference to extra work, Treasury, 8366; to reduce vote for Queensland Trade and Customs, 8383; to postpone subdivision 1 of division 50, 8397  
 British New Guinea, *m.*, by Senator Higgs, for *précis* of charges made by Mr. J. R. Craig, 7673  
 Carrol, Major, *m.*, to appoint Select Committee, 1855; *amendment* on *m.* to adopt report, 7695  
 Conciliation and Arbitration Bill, in *com.* (clause 4), amendment to exclude railway servants, 6351; to include agricultural labourers, 6380; to include domestic servants, 6448; to include alteration of conditions in definition of "lock-out," 6470; (clause 27), 6534; (clause 40), preference, 6665; (clause 43), rules, 6673; (clause 55), preference and politics, 6823, 6990, 7017, 7018, 7108; *3r.*, 7282; House of Representatives' message (preference), 8054, 8074, 8082; adoption of report, 8089  
 Defence Bill 1904, in *com.* (clause 7), amendment as to constitution of Council, 7911  
 Federal Iron Works, *m.*, 1296  
 Grant of Supply, *m.*, 947  
 Kalgoorlie to Port Augusta Railway Survey Bill, *2r.* (adjournment of debate), 8458  
 Ministerial statement, *m.*, to adjourn debate, 4335  
 Neild, Senator, case of, privilege, 7365  
 Order of business, 546, 4356, 8231  
 Papua (British New Guinea) Bill in *com.*, (clause 1), amendment to change name to "Australian New Guinea," 7704; (clause 21), amendment for poll on drink traffic, 7941, 8032; State control of, 3405  
 Russian Attack on British Trawlers, *m.*, 6439  
 Seat of Government Bill, *2r.*, *amdt.*, 1782; in *com.* (clause 2), 1891, 1980, 1982; (clause 3), 1965, 1966, 1975, 1983; *m.*, to suspend Standing Orders, 1984  
 Tobacco, National Monopoly, *m.*, 1297  
 Trade Marks Bill, in *com.* (clause 17—forbidden words), 4001; new clause (trade union marks), 4136; *recom.*, 7284

## House of Representatives:

Adjournment, Special, 6299  
 Chairman of Committees, *m.*, 685  
 Chinese in the Transvaal, *m.*, 807  
 Conciliation and Arbitration Bill, in *com.* (clause 4), amendment to include public servants, 1243; (clause 4), to exclude dispute relating to agriculture, &c., 2043; to include domestic servants, 2202; as to inclusion of State railway servants, 1707, 1827; as to Commonwealth or State industries, 1836; (clause 31), to make consent of a majority of members necessary, 2304; to omit provision for consent by a majority of a committee, 2305; (clause 37), to limit common rule, 2356; (clause 48), preference, 2688, 2690, 3030-1; (proposed new clause—commencement),

DIVISIONS—*continued.*

3383; (clause 48), amendment on motion to recommit, 4264; (clause 62), amendment to permit preference to "political" unions, 4531; Senate's amendments (*m.*, that Chairman leave the Chair), 7536; to include agricultural workers, 7756; to include domestic servants, 7760; preference, approval of majority, 7881, 7971; adoption of report as to disagreements, 8015; on adoption of reasons for disagreeing, 8017  
 Kalgoorlie to Port Augusta Railway Survey Bill, *m.*, to appropriate moneys, 4676; *2r.*, 5629; in *com.* (clause 2), amendment for refund of cost, 7571; *3r.*, 7571  
 Manufactures Encouragement Bill, *2r.*, 812  
 Ministry—Want of Confidence, 5577  
 Order of Business, 83  
 Papua (British New Guinea) Bill, in *com.* (clause 28), amendment to provide adult suffrage, 6516; to provide for six non-official members of Council, 6517; new clause (drink traffic), 7545, 7553, 7557; Senate's message, (clause 21) 8612, 8616  
 Preferential Trade, *m.*, by Mr. Deakin (adjournment of debate), 8354, 8552  
 Sea-Carriage of Goods Bill, *3r.*, 7593  
 Seat of Government Bill, *2r.*, amendment, that Constitution be amended to strike out 100-miles limit, 3477; *m.*, as to method of selection, 3501, 3519, 3614; in *com.* (clause 2), amendment to insert "Welfare-gang," 3954  
 Supply, Division 19, amendment to reduce vote of electoral officer by £200, 6420; to reduce vote for Registrar by £20, 6431; on motion for postponement, 6583; on *m.* to resume lapsed sitting, 6593; to reduce vote for Governor-General, 6643; to reduce vote for Secretary, Defence Department, 6911  
 Webster, Mr., that he be further heard, 6753

## EXTERNAL AFFAIRS.

## ABORIGINES.

## House of Representatives:

*Obs.* as to slavery amongst, in Western Australia, by Mr. G. B. Edwards, 937

## ALIENS, COLOURED.

## House of Representatives:

Question as to competition of, by Mr. Wilkinson, 2538

Question as to employment of Chinese upon Queensland sugar plantations, by Mr. Bamford, 4401

Question as to naturalized Chinese and Japanese, by Mr. Bamford, 6210

"ARAMAC," *s.s.*

## House of Representatives:

*Obs.* as to safety of passengers by, by Mr. Deakin, 489, 719

See **Postmaster-General**

EXTERNAL AFFAIRS—continued.

AUSTRALIAN AFFAIRS.

*House of Representatives:*

Question as to criticism of, in *Financial Times*, by Mr. Mahon, 5969

*Senate:*

Question as to misstatements abroad regarding, by Senator Higgs, 7473

AUSTRALIA.

*House of Representatives:*

Question as to publication of map of, by Mr. McDonald, 7619

AUSTRALIAN CONTINGENTS.

See **Defence**.

CONTRABAND OF WAR.

*House of Representatives:*

Question as to violation of laws of neutrality regarding, by Mr. McDonald, 2693

COPELAND, MR. HENRY.

*House of Representatives:*

*Obs.* as to Death of, 2653

FEDERAL AGENCIES, STATE TAXATION OF.

*Senate:*

Question as to judgment of High Court, by Senator O'Keefe, 6532

*House of Representatives:*

Questions as to Government action regarding decision of High Court, by Mr. Fisher, Mr. J. Cook, Mr. Poynton, 6563; Mr. Poynton, Mr. Maloney, 6596

Motion for imposition of Federal Income Tax, by Mr. Hutchison, 6842-48, 7732-40

Question as to amount of loss to States resulting from decision of High Court, by Sir John Forrest, 6881

Question as to suggestions for overcoming difficulty created by High Court decision, by Sir John Forrest, 6918; *obs.*, by Mr. Deakin, 7664

Questions as to judgment of High Court regarding, by Sir J. Quick, 6479, 7111

HIGH COMMISSIONER.

*Senate:*

Question as to rumoured intention to appoint Sir John Forrest, by Senator O'Keefe, 5794

*House of Representatives:*

Question as to representation of States by, by Mr. Watkins, 3292

Question as to, acting upon proposed Council of Advice to Secretary of State for the Colonies, by Mr. Carpenter, 3392

Question as to intentions of Government regarding appointment of, by Mr. Crouch, 4520

HOME RULE FOR IRELAND.

*House of Representatives:*

Motion for presentation of address to the Throne in favour of, by Mr. Ronald, 7730-32; *q.*, by Mr. Ronald, 8092

EXTERNAL AFFAIRS—continued.

IMPERIAL CONFERENCE.

*Senate:*

Question as to representation of Australia at proposed, by Senator Higgs, 8230  
Question by Senator Dobson as to suggestions by Sir F. Pollock, 7892

IMMIGRATION.

*House of Representatives:*

Question as to movement in favour of, to Northern Australia, by Sir J. L. Bonython, 5630

Question as to communications with States Governments regarding encouragement of, by Mr. Groom, 5738

*Senate:*

Question as to, of consumptives, by Senator Story, 6032

IMMIGRATION RESTRICTION ACT.

*Senate:*

Questions as to coloured aliens, by Senator Smith, 835, 1256

Questions as to administration of, by Senator Pearce, 939, 4581; by Senator Pulsford, 3634

Question as to application of, to Norwegian Sailors, by Senator Guthrie, 1737  
Question as to Chinese in Western Australia, by Senator Pearce, 7160

Question as to admission of natives of India, by Senator Pearce, 7574

*Obs.* as to administration of, 8169, 8177

*House of Representatives:*

*Obs.* as to *Petrian* case, by Mr. Deakin, 456

Motion for return of alien immigrants, by Mr. Carpenter, 720

Question as to Italian immigration to W.A., by Mr. Frazer, 1184

Questions as to application of, to Norwegian Sailors, by Mr. Watkins, 1523; by Mr. Hume Cook, 2313

Question as to administration of, at Fremantle, by Sir John Forrest, 1525

Question as to exclusion of Japanese, by Sir J. L. Bonython, 1897

Questions as to evasion of, by Mr. Bamford, 2250, 2312, 2371; by Mr. Carpenter, 4497

Question as to proposed introduction of Italians to Queensland, by Mr. Deakin, 2583; *obs.* on supply motion, 2585-2614; *q.*, by Mr. Bamford, 2692

Questions as to Stelling case, by Mr. B. Smith, 3071, 3172

Question as to amendment of provisions prohibiting introduction of contract labour, by Mr. Higgins, 4519

*Expl.* as to administration of, by Mr. Reid, 4758; *q.*, by Mr. Ronald, 5970; by Mr. Crouch, 6608; by Mr. Carpenter, Mr. Tudor, Mr. Bamford, 6882; by Mr. McDonald, 7619

Questions as to admission of natives of India, by Mr. Higgins, 5592, 6478, 6563, 8092

EXTERNAL AFFAIRS—*continued.*

Questions as to Italian boy immigrants, by Mr. Mauger and Mr. Poynton, 6481  
Question as to returns of coloured aliens admitted to Commonwealth, by Mr. McDonald, 8592

LAND SETTLEMENT.

*House of Representatives:*

*Obs.* on supply motion as to encouragement of, 2585-2614

LEPERS.

*House of Representatives:*

Question as to number of in Queensland, by Mr. Wilkinson, 6919, 7411

*See Postmaster-General.*

NATURALIZATION ACT.

*House of Representatives:*

Question as to fees under, by Mr. Wilkinson, 490

NEW CALEDONIA.

*House of Representatives:*

Question as to transportation to, by Mr. Willis, 760

NEW GUINEA.

*Senate:*

Questions as to Commission to inquire into alleged shooting of natives, by Senator Smith, 1464, 3529, 3635  
Motion for production of papers relating to charges against Executive Council of, by Senator Higgs, 5805-26, 7669-73  
Questions as to protection of aborigines and appointment of Commission to report on peace, order, and good government of, by Senator Higgs, 6532, 6849  
Question as to alienation of land in, by Senator Walker, 7891; motion for return, by Senator Walker, 8169

*House of Representatives:*

Question as to alleged shooting of natives, by Mr. Johnson, 1299  
Question as to Commission of Inquiry, by Mr. Bamford, 1395  
Question as to Bill for administration of, by Mr. Higgins, 7408

*See Justice.*

NEW HEBRIDES.

*Senate:*

Questions as to representation of Commonwealth in Anglo-French Commission, by Senator Smith, 1464, 2173  
Question as to constitution of Commission, by Senator Smith, 2856, 6153  
Motion affirming desirableness of allowing rebate of duty on imports from, by Senator Smith, 3646, 3654, 4083-4100, 7673  
Question as to settlement in, by Senator Higgs, 7890  
Question as to proposed French annexation of, by Senator Smith, 8168  
Question as to alienation of land, by Senator Walker, 7891; motion for return, 8169

EXTERNAL AFFAIRS—*continued.*

*House of Representatives:*

Question as to protection of Commonwealth interests under Anglo-French Treaty, by Mr. Crouch, 1784  
Question as to promoting Australian settlement in, by Mr. Johnson, 3671; by Mr. Hume Cook, 7521; motion affirming desirableness of encouraging Australian settlement in, and arriving at more satisfactory arrangements for control of, by Mr. Johnson, 3681-3688, 5873-74  
Motion for return of British settlement in and trade with Australia, by Mr. Hume Cook, 4029  
Question as to proposed French annexation of, by Mr. Webster, 7947

*See Trade and Customs.*

GERMAN TRADE IN THE PACIFIC.

*See Trade and Customs.*

PACIFIC ISLAND LABOURERS ACT.

*Senate:*

Question as to removal of restrictions upon kanaka traffic, by Senator Givens, 7256  
Question as to administration of, by Senator Higgs, 7573

*House of Representatives:*

Questions as to repatriation of Polynesians, by Mr. Bamford, 79, 1785, 3035; Mr. Wilkinson, 1122, 2538, 3329, 3573

PEARLING INDUSTRY.

*Senate:*

*Obs.* as to employment of Papuans by Senator Smith, 2883; *q.*, 3153, 3529

*House of Representatives:*

Question as to employment of coloured aliens, by Mr. Bamford, 3035; by Sir J. Forrest, 3246, 3451

PREFERENTIAL TRADE.

*See Trade and Customs.*

PREMIERS' CONFERENCE.

*Senate:*

Question as to subjects to be discussed at, by Senator Dobson, 7773; by Senator Walker, 7892; *obs.*, 8169

*House of Representatives:*

Question as to subjects to be discussed at, by Mr. Higgins, 7717

QUARANTINE.

*See Trade and Customs.*

QUEEN VICTORIA MEMORIAL.

*Senate:*

Question as to papers relating to proposed, by Senator Stewart, 8168

RABBIT DESTRUCTION.

*House of Representatives:*

Question as to negotiating with Pasteur's agents regarding, by Sir Wm. Lyne, 4403

**EXTERNAL AFFAIRS—continued.**

**RUSSIAN ATTACK ON BRITISH FISHING FLEET.**

*Senate:*

Motion expressing indignation at attack, and sympathizing with Great Britain's demands on Russia, by Senator Symon, 6257-79; Message from Governor-General, 6325

Motion approving of reference of incident to International Commission, by Senator Higgs, 6433-39

*House of Representatives:*

Questions by Mr. Watson, 5969; by Mr. O'Malley, 7173

Motion expressing indignation at attack, and sympathizing with Great Britain's demands on Russia, by Mr. Reid, 6296; message from the King, 6786

**SOUTH AFRICA.**

*House of Representatives:*

Question as to admission of Australians, by Mr. Crouch, 7523

**TARIFF COMMISSION.**

*See Trade and Customs.*

**TITLES.**

*House of Representatives:*

Question as to recommendations for titles, by Mr. Crouch, 2695, 2800

**TRANSVAAL.**

*Senate:*

Motion protesting against introduction of Chinese, by Senator McGregor, 553-585  
Question as to terms of Anglo-Chinese Convention, by Senator Smith, 1292

*House of Representatives:*

Question as to refusal to admit Mr. W. T. Stead to Transvaal, by Mr. Thomas, 719  
Motion protesting against introduction of Chinese, by Mr. Watson, 696-719, 720-755, 791-807; amendment by Mr. Johnson, 728

**UNIFORM RAILWAY GAUGE.**

*House of Representatives:*

Question as to Conference regarding, by Mr. G. B. Edwards, 2658

**WEATHER BUREAU.**

*House of Representatives:*

Question as to establishment of Federal, by Mr. Groom, 808, 1525, 6917

*Senate:*

Question by Senator Keating, 3634

**WESTERN AUSTRALIAN LEGISLATION.**

*House of Representatives:*

*Obs.* as to action of Sir John Forrest in connexion with, 5216

**WHITE OCEAN POLICY.**

*House of Representatives:*

Question as to attitude of Prime Minister regarding, by Mr. Webster, 7206

**GOVERNMENT.**

**ATTORNEY-GENERAL.**

*House of Representatives:*

Question by Mr. Reid as to non-inclusion of, in labour caucus, 2798

**CONTROL OF.**

*House of Representatives:*

Question by Mr. Tudor as to statement in Hobart *Mercury* alleging, by caucus, 1396

**POLICY OF.**

*Senate:*

Ministerial statement by Senator McGregor as to, 1257

Ministerial statement by Senator Symon as to, 4328; debated, 4356-4401, 4463-95, 4581-4630, 5706-9

*House of Representatives:*

Ministerial statement by Mr. Watson as to, 1267; *obs.* by Mr. Watson, 1287; debated, 1331-50, 1352-93, 1397-1461, 1526-84, 1635-72

Ministerial statement by Mr. Reid as to, 4340; debated, 4404-62, 4499-4518

Question by Mr. Watson as to Ministerial attitude towards Socialism, 4520

Question by Mr. Page as to speech by Government Whip, 6088

**POSITION OF.**

*Senate:*

Question by Senator Pearce as to adjourning the Senate pending the decision of other House on an amendment to Conciliation and Arbitration Bill, 1104

*Obs.* by Senator McGregor as to formation of Ministry by Mr. Watson, 1245

*Obs.* by Senator Symon as to formation of Ministry by Mr. Reid, 4284

*House of Representatives:*

*Obs.* by Mr. Deakin relative to, 1244

*Obs.* by Mr. Watson as to formation of Ministry, 1247; debated, 1247-54

*Obs.* by Mr. Watson as to the effect of an amendment on clause 48 of Conciliation and Arbitration Bill, 2690; question by Mr. Reid, 2696; *obs.* by Mr. Watson and Mr. Reid, 2697

Question by Mr. Willis, whether, after the amendment of clause 62 of Conciliation and Arbitration Bill, Mr. Watson intended to retain office, 3031

*Obs.* by Mr. Watson as to, and the resignation of Ministry, 4265

*Obs.* by Mr. Reid as to formation of Ministry, 4265

Question by Mr. Thomas as to defeat of Watson Administration, 4402

Question by Mr. Frazer as to offer of a portfolio to a representative of Western Australia, 4519



## GOVERNMENT—continued.

## SUPPORTERS OF.

*House of Representatives:*

Question by Mr. Kelly on a paragraph in Melbourne *Argus* as to promises to members to become, 1350, 1397

Question by Mr. Crouch as to plans of cottages promised to electors by, 1897

## TREASURER.

*House of Representatives:*

Question by Mr. Page as to reported resignation of, 6699

## WANT OF CONFIDENCE.

*House of Representatives:*

Motion by Mr. Watson that the Administration does not possess the confidence of the House, 4696; debated, 4707-58, 4760-4822, 4826-82, 4882-4916, 4938-73, 4988, 5045, 5046-5113, 5114-62, 5162-5214, 5220-86, 5288-5345, 5346-83, 5383-5445, 5450-5515, 5515-77; and negatively, 5578

*Senate:*

*Obs.* as to Want of Confidence Motion in House of Representatives, 4683, 4986, 5445

## HOME AFFAIRS.

## ANNUAL REPORTS.

*House of Representatives:*

Question as to, upon working of Department, by Sir J. Forrest, 2538, 2799

## COMMONWEALTH FLAG.

*Senate:*

Motion for production of papers relating to selection of, by Senator Neild, 1584

*House of Representatives:*

Motion as to display of, by Mr. Crouch, 1605-1610, 1913; *q.* by Mr. Crouch, 2695

## ELECTORAL.

*Senate:*

Question as to amendment of Act by Senator Dobson, 940

Question as to remuneration of officers, by Senator Neild, 1106

*House of Representatives:*

Question as to Kalgoorlie Returning Officer, by Mr. Frazer, 172

Questions as to instructions by Electoral Department by Mr. Watson, 455; by Mr. Fuller, 666

Questions as to Melbourne election, by Mr. McCay, 490; *obs.* by Sir J. Forrest, 585

Questions as to Wimmera election, by Mr. Fuller, 490, 586, 761, 809

Questions as to cost of General Elections, by Mr. G. B. Edwards, 586, 807

Question as to election statistics, by Mr. S. Smith, 587

Question as to inquiry into electoral irregularities, by Mr. S. Smith, 665

Question as to marking ballot-papers, by Mr. Hutchison, 758

## HOME AFFAIRS—continued.

Questions as to payments of police, by Mr. Crouch, 761, 3573; by Mr. Tudor, 3573; by Mr. David Thomson, 4403

*Obs.* as to remuneration of officers, by Mr. Mauger, 807; by Mr. Page, 988; by Mr. Johnson, 1123, 6298; by Mr. Robinson, 2427; *q.* by Mr. Brown, 6382, 7947

Question as to payment of candidates' expenses, by Mr. Poynton, 809; *obs.*, 938; *q.* by Mr. Groom, 8091; *obs.*, 8357

*Obs.* as to amendment of Act, by Mr. O'Malley, 1040

*Obs.* as to administration, 1287

Question as to conduct of poll at Penguin, by Mr. O'Malley, 1299

Motion suggesting desirableness of inquiring into electoral methods in other countries, by Mr. G. B. Edwards, 1299-1310

Motion for appointment of Select Committee to inquire into administration of Electoral Department, by Mr. Brown, 1310-1331; motion as to sittings and report of Committee, by Mr. McLean, 1524, 2311; by Mr. Storrer, 3392; by Mr. McLean, 3392; by Mr. Groom, 4266, 4988

Questions as to reports upon Melbourne and Riverina elections, by Sir J. Forrest, 1351, 1897

Questions as to Riverina election ballot-papers, by Mr. Chanter, 2017, 2105, 2885

Question as to additions to rolls, by Mr. Phillips, 2184

Question as to report upon administration at Broken Hill, by Mr. Thomas, 2247

Question as to printing of Federal rolls in New South Wales, by Mr. R. Edwards, 2250

Question as to compilation of accurate roll for Echuca division, by Mr. McColl, 2468

Questions as to collection and revision of rolls by Sir J. Quick, 3246; by Mr. Fuller, 3452; by Mr. Tudor, 3572; by Mr. Maloney, 4266; by Mr. McDonald, Mr. Batchelor, and Mr. Watson, 5849; by Mr. McDonald, 6099; *obs.*, on Supply motion, 6211-20

Question as to personation at elections, by Mr. Wilks, 3294

Question as to redistribution of electoral divisions, by Mr. Brown, 3393

*Obs.* on motion for adjournment as to Pastoralists' Association and policy, 3632

Question as to printing of Western Australian rolls, by Mr. Fowler, 3812

Question as to appointment of Royal Commission to pursue inquiry commenced by Electoral Act Committee, by Mr. Conroy, 3934

Question as to instructions for collecting Queensland rolls, by Mr. Bamford, 6208

Question as to inclusion of aliens in Queensland in count for determining number of representatives, by Mr. McDonald, 6215

Questions as to holding of revision courts and printing of new rolls, and redistribution of seats, by Mr. Tudor, Mr. Higgins, Mr. Spence, Mr. Groom, Sir William

HOME AFFAIRS—continued.

- Lyne, and Mr. Chanter, 7113; by Sir William Lyne and Mr. Higgins, 7173; by Mr. Spence, 7521, 7716  
*Obs.* on adjournment, motion as to administration, 7308—23  
 Question as to postmasters as returning officers, by Mr. Webster, 7948  
 Question as to cost of referendum, by Mr. Maloney, 8200  
 Question as to reorganization of Department, by Mr. Watson, 8592

FEDERAL AND STATE ELECTIONS.

*Senate:*

- Question as to denial of free speech at, by Senator Dobson, 1736

FEDERAL CAPITAL.

*Senate:*

- Question as to surveyors' reports on proposed sites for, by Senator Smith, 543  
 Question as to report by Sir J. Forrest, upon sites for, by Senator Smith, 1291; motion for production of report, by Senator Smith, 1465-1468  
*Obs.* as to reports upon, by Senator Walker, 1604  
 Question as to negotiations with New South Wales regarding site for, by Senator Smith, 6786; *obs.* 8555

*House of Representatives:*

- Obs.* as to visit to sites for, 643, 756  
*Obs.* as to report on sites for, 1255, 1287; question by Sir J. Forrest, 1526, 3451; by Sir W. Lyne, 2369; question by Mr. Chapman, 3572  
 Motion for return of cost of inspecting and reporting upon sites for, by Mr. Robinson, 2383  
*Obs.* as to Bill relating to, 2305  
 Question as to report upon Upper Murray site, by Mr. Skene, 2800  
 Questions as to climate at sites for, by Mr. Robinson and Mr. Bamford, 3032  
 Questions as to inspection of sites for, by Mr. Chapman, and Mr. S. Smith, 3032; by Mr. Hutchison, by Sir W. Lyne, by Mr. Reid, by Mr. Chapman, 3069; by Mr. Robinson, by Mr. S. Smith, Mr. Fuller, and Sir W. Lyne, 3329; *obs.* 3496, 3809  
*Obs.* as to report on Lyndhurst water supply, by Mr. S. Smith, 3726.  
 Personal explanations by Mr. Crouch, and Mr. Hume Cook, 3931  
 Question as to proportion of Crown lands in proposed site for, by Mr. Bruce Smith, 5592, 5630  
 Question as to negotiations with New South Wales Government, relative to site for, by Sir L. Bonython, 5592; by Mr. Fuller, 7307

See **Bills.**

HOME AFFAIRS—continued.

KALGOORLIE TO PORT AUGUSTA RAILWAY.

*Senate:*

- Question as to attitude of South Australia and Western Australia regarding, by Senator Pearce, 1290; by Senator Givens, 6975  
 Question as to report upon, by Senator Pearce, 4462, 5704  
 Question as to cost of proposed survey of, by Senator Dobson, 4681, 6032, 7669  
 Question as to expediting passing of Bill, by Senator Smith, 8168; *obs.* 8169

*House of Representatives:*

- Question as to survey of, by Mr. Carpenter, 988; *obs.*, 1287  
 Question as to attitude of South Australian and Western Australian Governments with respect to, by Mr. Carpenter, 1298  
 Question as to charges of corrupt practices by Government and supporters in connexion with, by Mr. Fowler, 2248  
 Question as to attitude of South Australian Government, by Mr. Fowler, 3171  
 Question as to special offer by Western Australia, by Mr. Hume Cook, 3427  
 Question as to reports upon, by Mr. Carpenter, 3569  
 Question as to intentions of Government regarding Survey Bill, by Mr. Frazer, 8200; *obs.*, 8555

See **Bills.**

PUBLIC OFFICES.

*Senate:*

- Question as to rent of, by Senator Keating, 942

PUBLIC SERVICE.

*Senate:*

- Question as to States Savings Bank officers, by Senator Pearce, 543  
 Question as to superannuation fund for, by Senator Walker, 1464  
 Question as to the principles adopted in classification of, by Senator O'Keefe, 3634  
 Questions as to life assurance policies, by Senator Smith, 2856, 4283, 6650  
 Question as to public servants taking part in politics, by Senator Pearce, 4327  
 Question as to examinations, by Senator Givens, 5794  
 Question as to pensions of transferred officers by Senator Smith, 6976; *obs.* as to classification, 8169

*House of Representatives:*

- Question as to rights of transferred officers, by Mr. Poynton, 79  
*Obs.* as to leave denied to public servants, by Mr. Mahon, 757  
 Questions as to classification of public servants, by Mr. Batchelor, 1042; Mr. Thomas, 2368; Mr. Johnson, Mr. Chanter, 2691; Sir J. Forrest, 2800, 3073, 3173; Mr. Crouch, 3072; Mr. Hume Cook, 3173

HOME AFFAIRS—*continued.*

*Obs.* as to classification scheme, 2651, 2654, 2690; *obs.* on supply motion, 3275; *q.*, by Mr. Lonsdale, 5591; by Mr. Ronald, 7619

Questions as to payment of increments, by Mr. Harper, 1784; by Mr. Hutchison, 2018; by Sir J. L. Bonython, 4402; Mr. Ronald, 4632; *obs.* on supply motion, 2585, 2614; *q.* by Mr. Glynn, 5591; by Mr. Higgins, 5629; by Sir J. L. Bonython, 7173; by Mr. J. Cook, 7205; by Mr. Poynton, 7411, 8093; by Mr. Batchelor, 7716, 7839; by Mr. Hume Cook, 7811; by Mr. Brown and Mr. J. Cook, 8590

Questions as to deductions from salaries, by Mr. Poynton, 2184; *obs.*, 2245

Question as to long service leave, by Sir J. L. Bonython, 2520, 2799

Questions as to payment of salaries fortnightly, by Mr. Ronald, 2539, 4631; by Mr. G. B. Edwards, 7618

Question as to salaries of Victorian transferred officers, by Mr. Robinson, 2696

Question as to administration of, by Sir J. Forrest, 3034; by Mr. Crouch, 7112

Question as to debts of public servants, by Mr. G. B. Edwards, 3753

*Obs.* on supply, as to examinations, 4982

Question as to life assurance policies, by Mr. Hume Cook

## PUBLIC WORKS.

*Senate:*

Motion affirming desirableness of constructing, by day labour, by Senator Pearce, 2857-2873, 3225-3242, 3636-45; *obs.* 8169

*House of Representatives:*

*Obs.* on motion for adjournment regarding tenders for, 3331-53, 3525

Question as to payment of minimum wage to employes upon, by Mr. Mauger, 4630

Question as to day labour upon, by Sir J. Forrest, 6564

## RAILWAY PASSES.

*See Parliament.*

## STATISTICAL DEPARTMENT.

*Senate:*

Question as to appointment of Commonwealth Statistician, by Senator Walker, 6531

*House of Representatives:*

Question as to establishment of Commonwealth, by Mr. Wilkinson, 1605

## TICK FEVER.

*House of Representatives:*

Question as to remedy for, by Mr. Ewing, 3172

HOME AFFAIRS—*continued.*

## WATER CONSERVATION.

*House of Representatives:*

Motion affirming desirableness of joint action by Federal and States Governments in carrying out comprehensive scheme, by Mr. McColl, 821-832, 1897-1913, 2887-2896, 3672-3680

Question as to power of Commonwealth to construct works for, on Murray and tributaries, by Sir Wm. Lyne, 2371

## JUSTICE.

## COMMONWEALTH LAWS.

*House of Representatives:*

Question as to Imperial recognition of, by Mr. Higgins, 7205

## HIGH COURT.

*Senate:*

*Obs.* as to supplying copies of judgments of, by Senator Drake, 1266; question, 1465

*House of Representatives:*

Question as to decision in Tasmanian Stamp case, as affecting exemption of Federal officers' salaries from State taxation, by Mr. Poynton, 1524, 2250

Question as to fees, by Mr. Salmon, 2708

Questions as to work performed by, by Mr. Ewing and Mr. Thomas, 5592; motions for returns, by Mr. Ewing and Mr. Thomas, 5631

*See External Affairs.*

## INSURANCE, COMPANY, AND BANKING LAWS.

*Senate:*

*Obs.* as to uniform Insurance and Company Laws, 8169

*House of Representatives:*

Question as to uniform Insurance and Banking Laws, by Mr. B. Smith, 8592

## MARRIAGE LAWS.

*Senate:*

Question as to making, uniform, by Senator Guthrie, 7668, 7892

## PAPUA.

*House of Representatives:*

*Obs.* as to administration of justice in, 8357

## PROSECUTIONS.

*House of Representatives:*

Question as to arrangements with States authorities for prosecutions for Commonwealth offences, by Mr. Groom, 1897

**PAPERS.**

Agreement between England and France, 2173  
 Asiatics in the Transvaal, 135, 143  
 Audit Act: Transfers, 9, 14, 491, 585, 834, 881, 942, 990, 1105, 1121, 1183, 1257, 1287, 1396, 1468, 1584, 1605, 2520, 2748, 7944, 8230, 8306, 8405  
 Auditor-General, 9, 80  
 Banking Returns, 7522  
 Bass Straits Cable, 3654  
 Bisley Rifle Team, 1254  
 Budget Papers, 5629, 5704  
 Butter Bonus Commission, 6848, 6849  
 Bonuses for Manufactures Bill, 9, 14  
 Cadet Corps, 3528  
 Capital Sites, 1254, 1299, 1468, 1584, 2017, 2081, 2958, 3392, 3129, 3809, 3936, 4327  
 Carroll, Major, 7069  
 Chinese Labour in Transvaal, 2694, 3990  
 Coloured Alien Immigration, 835  
 Commonwealth Electoral Bill, 4499  
 Commonwealth Flag, 2081  
 Contract Post Offices, 585, 4403  
 Council of Finance, 6479  
 Customs Act, 1257, 1287, 2520, 2749  
 Customs Statistics, 2694  
 Decimal Coinage, 7839  
 Defence Act, 14, 2958  
 Defence Forces, 9, 834-5, 1257, 1676, 2749, 2856, 2885, 3129, 3247, 3990, 4327, 4354, 4403, 4580, 4988, 5162, 5450, 5629, 5704, 6325, 6479, 7172, 7308, 7357, 7617, 7668, 8230, 8306  
 Electoral Act, 491, 585, 834, 881  
 Electoral Officers' Conference, 1041  
 English Mail Service, 1290  
 Estimates, 5704  
 Excise Act, 9, 14, 8561  
 Federal Depot, London, 6381  
 Foreign Immigration and Emigration, 881  
 General Election, 9, 14, 172, 587-8  
 High Court Rules, 288, 289, 4354, 4499  
 "Honorable," title of, by members of Parliament, 1257, 1267  
 Immigration Restriction Act, 79, 80, 8020  
 Imports and Exports (Canada, New Zealand, &c.), 881, 4083  
 Imports from United Kingdom, 756  
 Land for Public Purposes, 288, 289, 833, 834  
*Maloney v. McEacharn*, 491, 2584, 2749  
 Money Orders, 4630  
 New Guinea (Papua), 1183, 1244, 4520, 4580, 5629, 5704  
 New Hebrides, 5970  
 Opium Smoking, 2694, 3393, 4340  
 Pacific Islands, 6849, 7256  
 Patents Act, 9, 14, 1257, 1287, 1952, 1914, 6974, 6975, 7308  
 Patents Commissioner, 760  
 Patents Office, 1257, 1287  
*Petrian* Case, 135, 143  
 Postal Associations, 1299, 1584  
 Postal Officials, 1737, 1859  
 Post and Telegraph Act, 834, 881, 4083, 4140  
 Public Buildings, 5629, 5704  
 Public Service, 9, 14, 79, 80, 172, 288, 289, 1676, 2584, 4803, 4140, 4695, 4938, 6381, 8555, 8561  
 Queen Victoria Memorial, 7256, 7308  
 Rents, Departmental, 1257  
 Rifle Clubs, 3327, 3896

**PAPERS—continued.**

Riverina Election, 2584, 2749  
 Rules Publication Act, 288, 289  
 Secretary of State, telegram, 6381  
 Secret Service Code, 1952  
 South Africa, troops supplied by States for, 1287  
 Standing Orders, Senate, 232  
 "Stripper Harvesters," 6596  
 Sugar Bounties, 6596, 6650  
 Telegraph and Telephone Business, Queensland, 7839  
 Transcontinental Railway, 1291, 1299, 1350, 5794, 6153, 6207  
 Treasurers' Conference, 14  
 Treasurer's Statement, 9, 80  
 Withers, P. L., 4265  
 Woolloongabba Post Office, 1605

**PARLIAMENT.**

**CAUSES OF CALLING :**

Governor-General to declare the, 5

**CONVENING OF :**

Proclamation read, 5, 9

**HOUSES OF :**

*Senate :*

Question by Senator O'Keefe, as to entering into an agreement for the rental of, 3635

*House of Representatives :*

Question by Mr. Ewing, as to use of refreshment-room and consumption of spirits, 3811

**LABOUR PARTY :**

*House of Representatives :*

Question by Mr. Knox, as to loyalty of, 3725

Question by Mr. Bamford, as to caucus, 4028

**LIBRARY OF :**

*Senate :*

Question by Senator Smith, as to the purchase of books for, 5705

**MEMBERS OF :**

*House of Representatives :*

*Obs.* as to grant of title of "Honorable" to, 1255

*Senate :*

Question by Senator Matheson as to a picture of, by Mr. T. Roberts, 3989

**PROROGATION OF :**

*House of Representatives :*

*Obs.* by Mr. Reid, as to hour for, 8555; prorogation, 8588

**SESSIONS OF :**

Question by Senator Pearce as to holding, in summer, 1584, 1737

**SPEECH TO :**

By the Commissioner, 5  
 By the Governor-General, 7, 14, 8588

PARLIAMENT—*continued.***Senate.**

## ADDRESS-IN-REPLY :

Governor-General's Speech reported by the President, 9; Address-in-Reply moved by Senator Trenwith, 27; seconded by Senator Mulcahy, 38; debated, 46-79, 135-142, 233-288, 353; amendment proposed by Senator Dawson relative to preferential trade, 360, and withdrawn, 377; Address-in-Reply agreed to, 400; presentation of, 545, 549

## ADJOURNMENT MOTION, FORMAL :

Military Forces, 3129  
Ocean Mail Service, 8562

## ADJOURNMENTS, SPECIAL :

Motions for, by Senator Playford, 9, 643, 987, 1181; by Senator McGregor, 1245, 1298, 1604, 2183, 2882, 3244, 3664, 4139; by Senator Symon, 4284, 4683, 4986, 5445, 6532, 6849, 7172, 7488, 7803, 8199, 8469  
Question by Senator Pearce as to, 1104

## BILLS :

*Obs.* as to the omission of a notification that a Bill originated in the House of Representatives, 7479

## BUSINESS OF :

Motion by Senator Playford to regulate order of, 27; *obs.* as to, 400  
Motion to postpone Government business, by Senator Playford, 545; by Senator Symon, 8231  
Motion by Senator Playford to postpone private business, 1182  
*Obs.* by the President as to preparation of the notice-paper, 1182, 4354  
*Obs.* as to private business, 4339, 5732-7  
Questions as to order of, by Senator Neild, 4354; by Senator Pearce, 5902; by Senator Millen, 6152; by Senator Stewart, 8362  
*Obs.* as to progress of, 5936, 6151  
Motion by Senator Symon to give precedence to Government business, 7892

## CHAIRMAN OF COMMITTEES :

*Obs.* as to time for election of, 400-2; Senators Higgs and Best nominated, and Senator Higgs chosen by ballot as, 552  
Senator Dobson appointed to act temporarily as, 549; President's warrant nominating temporary Chairmen of Committees tabled, 834  
Objection to ruling of, by Senator Symon, 8060

## DISPUTED RETURNS COMMITTEE :

President's warrant nominating members of, tabled, 134

## HANSARD.

Return of proofs, 2856

## HOUSE COMMITTEE :

Motion by Senator Playford to appoint, 27

PARLIAMENT—Senate—*continued.*

## LIBRARY COMMITTEE :

Motion by Senator Playford to appoint, 27;  
Report from, tabled and read, 6432

## OFFICERS OF :

*Obs.* by the President as to absence of two *Hansard* reporters and Usher of Black Rod with a Select Committee, 3153-5

## POWERS OF :

*Obs.* by Senator Playford as to omission of recognition of, in all matters of finance, in Governor-General's Speech, 400  
Motion by Senator Neild as to provision of revenue and grant of supply being joint act of both Houses, 942

## PRESIDENT :

Senate directed to elect and present, 5  
Senators Gould and Baker nominated as, 6.  
Senator Baker elected, 6, and presented to Governor-General, 7

## PRINTING COMMITTEE :

Motion by Senator Playford to appoint, 27  
Questions by Senator Macfarlane as to delay in printing of documents, 1837, 1952, 2081

## PRIVILEGE :

*Obs.* by Senator Neild as to non-circulation of military regulations, 835; statement by the President, 940  
Motion by Senator Neild for a Select Committee as to an interference with his exercise of the right of freedom of speech in the Senate, 1106; committee reconstituted, 1244; time for bringing up report extended, 1298, 1837, 2798, 3636, 5805; quorum reduced, 2173; message as to attendance, of Hon. A. Chapman, 2857, 2873; question by Senator Neild to Senator Best as to statements made, 4283; order of day for reception of report postponed, 4356; report presented, 5902; notices of motion by Senator Neild, 6787, 7357

## SENATORS :

Administration of oath to, 5, 26, 231  
Leave of absence to, 353, 942, 1246, 1837, 1952, 2173, 2856, 3224, 3635, 4083, 7160, 8362

## SITTINGS OF :

Motion by Senator Playford to fix days for, 26  
Motion by Senator Playford relating to suspension of, 353, 545  
*Obs.* as to sitting on Tuesday, 5732-7, 6151; motion by Senator Symon, 6325  
Motion by Senator Symon to alter hour of meeting, 7894

## STANDING ORDERS COMMITTEE :

Motions by Senator Playford, to constitute, 27; to appoint Senator Best a member of, 942  
Paper relating to standing orders laid on the table by the President, and referred to, 233; report tabled, 1182; motion by Senator McGregor to adopt report, 1262  
Report from, on Parliamentary Evidence Bill, presented, 7306

**PARLIAMENT—Senate—continued.**

**STRANGER, DISTINGUISHED :**

*Obs.* by the President as to granting the privilege of a seat on the floor of the Senate to a, 4495, 6032, 6650

**SUSPENSION OF RULES.**

Appropriation Bills (Senator McGregor), 2173, 3553; (Senator Symon), 7474, 8186  
Case of Major Carroll (Senator Smith), 3153  
Conciliation and Arbitration Bill (Senator Symon), 8036  
Defence Bill (Senator Symon), 7601, 7911  
Hour of Meeting (Senator Symon), 7894  
Motion without notice (Senator Smith), 3155  
Papua Bill (Senator Symon), 7601, 8409  
Presentation of Petition (Senator Gould), 7665  
Seat of Government Bill (Senator McGregor), 1983  
Supply Bills (Senator McGregor), 2873, 3553; (Senator Symon), 4310, 6033

**House of Representatives.**

**ADDRESS-IN-REPLY :**

Governor-General's speech reported, 15; Address-in-Reply brought up, 15; read, 16; moved by Mr. Mauger, 16; seconded by Mr. Storrer, 23; debated, 83-133, 142-169, 172-231, 290-353, 403-455, 457-488, 491-542, 588-643, 667-683; Address-in-Reply agreed to, 683; presentation of, 755, 757

**ADJOURNMENT MOTIONS, FORMAL :**

Commonwealth Coinage, 7806  
Consecration of Banners, 6886  
Electoral Act Administration, 7308  
Lyndhurst Water Supply, 3726  
Military Titles, 2106  
Preference to Local Tenderers, 5739  
Rifle Club Railway Passes, 7206  
Statements in *Argus*, 6088  
Sub-letting of Mail Contracts, 2521  
Ventilation of the Chamber, 3665  
Want of Employment, 3331

**ADJOURNMENTS, SPECIAL :**

Motions for, by Mr. Deakin, 26, 755, 832, 1040, 1244; by Mr. Watson, 1247, 1672, 2243, 3891, 4264; by Mr. Hughes, 2897, 3064; by Mr. Batchelor, 3463; by Mr. Reid, 4282, 4686; by Mr. McLean, 6298  
*Obs.*, as to Easter holidays, 643, 756

**BUSINESS OF :**

Motions by Mr. Deakin to regulate order of, 15, 81, 83, 1184; by Mr. Reid, 4916  
*Obs.* as to order of, 542, 696, 807, 3469, 4822, 5578-89, 6032, 6505, 7524, 8229; *q.* by Sir William Lyne, 8090  
*Obs.* by Mr. Mahon, as to position of notices of motion, 665  
*Obs.* as to conduct of, 1461-2, 1735-6, 5937, 6203-7, 7408-10  
Motion to postpone general business, by Mr. Watson, 4155, 4197; by Mr. Reid, 4266, 4403, 4823, 5288  
Question by Mr. Batchelor, as to attempts to count out the House, 4520  
*Obs.* as to progress of, 5162, 6215-20, 5286-8  
*Obs.* as to hour of adjournment, 5895-5902

**PARLIAMENT—House of Representatives—continued.**

*Obs.* as to the meaning of the Sessional Order relating to general business, 7423  
*Obs.* by Mr. Reid as to giving precedence to Government business, 7617; motion by Mr. Reid, 7717, 7812

Motion by Mr. Reid to postpone Government business, 8018  
Motion by Mr. Reid to give precedence to a notice of motion, general business, 8018  
Question by Mr. Maloney as to taking divisions on private business without debate, 8593

**CHAIRMAN OF COMMITTEES :**

Explanation by Mr. B. Smith that he was not a candidate for position of, 402  
Motion by Mr. McLean for an open exhaustive ballot proposed and withdrawn, 684  
Motion by Mr. McLean to appoint Mr. Salmon, and amendment by Mr. McDonald to elect Mr. Batchelor; amendment negatived, and motion agreed to, 685  
Speaker's warrant nominating temporary Chairmen of Committees laid on table, 719  
Motion to dissent from ruling of, by Mr. McDonald, 6748; by Mr. Conroy, 8220  
Motion by Mr. Watson to obtain Mr. Speaker's opinion on a point of order decided by the Chairman, 7990  
*Obs.* by, at close of session, 8617

**DAYS OF MEETING :**

Motion by Mr. Deakin to fix, 80  
Question by Mr. Bamford as to sitting on Saturday and Monday, 7618  
Motion by Mr. Reid to meet on Wednesday and Thursday at ten o'clock, 7812

**DEBATE IN :**

Motion by Mr. McWilliams for the discussions to be confined within more reasonable limits, 7424

**DISSOLUTION OF :**

Questions as to a, by Mr. Higgins and Mr. Watson, 6886; by Mr. Higgins, 7488

**ELECTIONS :**

Returns to writs announced, 9, 231  
Petitions against returns tabled, 14, 1041  
Orders of Court of Disputed Returns announced, 488, 755, 1041, 1254  
Issue of writs, 488, 1041.

**HANSARD :**

*Obs.* by Mr. Reid as to condensing the record of speeches, and by Mr. Mahon as to suspending the report, 6771  
*Obs.* by Mr. McWilliams as to not proceeding with a notice of motion, in order to give the *Hansard* staff an opportunity to rest, 6842  
*Obs.* by Mr. Speaker as to instructions to staff concerning interjections and repetitions, 6885

PARLIAMENT—House of Representatives—*continued.*

HOUSE COMMITTEE :

Motions by Mr. Deakin to appoint, 16; to increase members of, 988.  
*Obs.* as to ventilation of Chamber, 2245, 3665-71; question by Mr. Liddell, 4520; statements by Mr. Speaker, 2246, 3671, 4520

LIBRARY COMMITTEE :

Motion by Mr. Deakin to appoint, 16; to increase members of, 988  
Report from, tabled, 6479

MEMBERS :

Administration of oath to, 5, 10, 79, 288, 587, 664, 880, 1680  
Christian names of, *obs.* by Mr. Speaker as to printing in *Hansard*, 3069  
Leave of absence to, 1121, 2247, 2311, 2898, 4630  
Passages to England for, *q.*, by Mr. Thomas, 8200  
Visit to the *Euryalus* by, *obs.* as to, 2368

NEWSPAPER ATTACKS :

Motion for adjournment, by Mr. Isaacs, as to unwarrantable statements in *Argus* regarding himself, 6088; negatived, 6098

PRINTING COMMITTEE :

Motion by Mr. Deakin to constitute, 16  
Question by Mr. G. B. Edwards as to a paper by Mr. Knox being printed and tabled, 7112  
Reports presented, read, and agreed to, 402, 665, 988, 2368, 3244, 4823, 7111

PRIVILEGES COMMITTEE :

Motion by Mr. Mahon, for standing order to provide for sessional appointment of, 832

QUESTIONS :

*Obs.* by Mr. Reid as to giving notice of, 7489

RAILWAY PASSES :

*Obs.*, as to retention of, as mementoes, by late members, 169-171

RECESS :

Question as to duration of, by Mr. Higgins, 8092

REFRESHMENT ROOM :

Question by Mr. McDonald as to whether the Commonwealth paid for meals consumed by members, 6883

REFERENDUM ON BILLS :

Question by Mr. Maloney as to cost of taking a referendum on Bills in dispute between the Houses, 8200

REPRESENTATION IN :

Question as to giving Queensland additional, by Mr. Bamford, 2017; by Mr. McDonald, 7112

PARLIAMENT—House of Representatives—*continued.*

SPEAKER, MR. :

House directed to elect and present, 5  
Sir F. W. Holder elected, 13; and presented, 13  
Motion by Mr. Mahon, that Sir F. W. Holder has vacated his seat, proposed, 686; withdrawn, 696  
Motion to dissent from ruling of, by Mr. Crouch, 6889

STANDING ORDERS COMMITTEE :

Motions by Mr. Deakin, to appoint, 16; to increase members of, 989  
Question by Mr. Mahon as to adoption of standing orders, 403; motion by Mr. Reid for standing orders as to lapsed Bills, 8475, 8593

STRANGER, DISTINGUISHED :

Motion by Mr. Deakin to accord a seat to Sir Jenkin Coles, 83

SUSPENSION OF RULES :

Appropriation Bills (Mr. Watson), 2171, 3576; (Mr. Reid), 7465  
Conciliation and Arbitration Bill (Mr. Reid), 4543  
Defence Bill (Mr. McCay), 7509  
Government and Opposition (Mr. Webster), 4140  
Resumption of Committee (Sir G. Turner), 6477  
Resolutions (Mr. Reid), 7465  
Seat of Government (Mr. Batchelor), 3478  
Seat of Government Bill (Mr. Batchelor), 4029  
Supply Bill (Mr. Watson), 2887, 3576; (Mr. Reid), 4269; (Sir George Turner), 4937, 5971  
Third Readings of Bills (Mr. Reid), 8093, 8201

VOTE OF CONDOLENCE :

Motion by Mr. Deakin for, on death of Sir E. Braddon, 14; reply from Lady Braddon, 489

PETITIONS.

Senate :

Conciliation and Arbitration Bill, against, 5902; in favour of Royal Commission, 7944  
British New Guinea, against intoxicating liquors, 3528, 7665, 7890  
Navigation Bill, to refer to Select Committee, 1104; to refer to Royal Commission, 1181  
Trade Marks Bill, against certain amendments, 4580; in favour of certain provisions, 7572, 7617; against certain clauses, 8306  
Wire Netting Manufacture, in favour of bonus, 231

**PETITIONS—continued.**

*House of Representatives :*

British New Guinea, against intoxicating liquors, 3876, 4028, 7520  
Manufactures Encouragement Bill, in favour of, 142  
*Cameron v. Fysh*, 1041, 1254  
*Chanter v. Blackwood*, 1041  
Conciliation and Arbitration Bill, against, 489, 880, 988  
Iron Bonus Bill, in favour of, 5629  
King Island, telegraphic and telephonic communication, in favour of, 4139  
Robertson, John, M.A., of Moonee Ponds, 3170, 3223  
Sea-Carriage of Goods Bill, against, 8090

**POSTMASTER-GENERAL.**

**CORRESPONDENCE, DEPARTMENTAL.**

*House of Representatives :*

Question by Mr. Johnson, as to replies, 7174

**EASTERN EXTENSION TELEGRAPH COMPANY.**

*Senate :*

Question by Senator Keating as to purchase of Tasmanian cable, 353; *m.*, for return as to receipts, 3153

**IMPERIAL PENNY POSTAGE.**

*House of Representatives :*

Question by Sir J. L. Bonython as to present position, 1299, 1351

**INTER-STATE MONEY ORDERS.**

*House of Representatives :*

Questions by Sir J. Forrest as to transactions, 1901-3, 2539, 3397

**MAIL CONTRACTS.**

*Senate :*

Question by Senator Dobson as to tenders for English mails, 3223  
Question by Senator Guthrie as to tenders for Northern Territory mails, 3223

*House of Representatives :*

*Obs.*, on adjournment, as to negotiations for British tenders, 133-4  
Question by Mr. J. Cook as to Orient Company's contract, 142; by Mr. Carpenter, 6297  
Questions by Mr. R. Edwards as to intentions in regard to English mails, 808, 880, 2885  
Questions by Mr. Poynton as to sub-letting, 988, 2312, 2584, 2885, 5851, on adjournment (formal), 2521  
Question by Mr. Knox as to oversea contracts, 1288  
Question by Sir J. Quick as to provision for perishable produce, 1524  
Question by Mr. Dugald Thomson as to offers in connexion with British service, 2017  
Question by Sir J. Forrest as to subsidies, 2538; as to ports of call, 7217, 7307, 7412

**POSTMASTER-GENERAL—continued.**

Question by Mr. Watkins as to omission of tenders for certain services, 3672  
Questions by Mr. Kelly as to subsidy for Fremantle and Geraldton services, 3672, 3934  
Question by Mr. McDonald as to minimum wage under contracts, 5851  
Question by Mr. Watson as to result of mail tenders, 6480  
Question by Mr. Joseph Cook as to coloured labour on mail steamers, 6481  
Question by Mr. Higgins as to English mail, 6595, 6918; by Sir John Quick, 7113  
*Obs.* on Supply (formal), 7139-60  
Question by Mr. Kelly as to effect of suggested changes on butter industry, 7205  
Question by Mr. Webster as to "White Ocean" policy, 7206  
Question by Mr. Carpenter as to insuring weekly service with Great Britain, 7412  
Question by Mr. Culpin as to New Hebrides, 7412  
Question by Mr. Bamford as to New Guinea, 7412  
Question by Mr. Knox as to poundage arrangements, 7523; for full information, 8591  
*Obs.* on adjournment as to English contracts, 8555

**MAIL SERVICES.**

*Senate :*

Questions by Senator Keating as to despatch of New Zealand mail from Launceston, 940; as to Tasmanian Service, 1256  
Question by Senator O'Keefe as to service to King Island, 3223  
*Obs.* on adjournment as to late-fee letter-boxes, 3327  
Question by Senator Pulsford as to oversea mail matter, 3634  
Question by Mr. Knox, as to cessation of late clearances, 5938; by Mr. Maloney, 6098; by Mr. Mahon, 6297, 6481  
Question by Senator Gray as to Pacific Islands, 6152  
Questions by Senator Higgs as to New Hebrides, 7160, 7257; as to New Hebrides and New Guinea, 7473; as to islands service, 7891, 8168

*House of Representatives :*

Question by Sir J. L. Bonython as to island service, Victoria River, 171  
Questions by Mr. Phillips as to discontinuance of trains, Victoria, 1604, 2106  
Motion by Mr. O'Malley as to service to King Island, 1622, 3754; *q.*, as to Burnie service, 1785  
Questions by Mr. Chapman as to deliveries in Sydney and Melbourne, 2695, 2799  
*Obs.* on adjournment as to late fee letter boxes, 3327  
Questions by Sir W. Lyne, as to Vancouver service and position of Queensland, 3753, 3812  
Question by Mr. Frazer as to Boulder service, 3877



POSTMASTER-GENERAL—*continued.*

- Obs.* on Supply (formal), as to letter-box clearances, 6211  
 Questions as to New Hebrides, by Mr. Crouch, 7021; by Mr. H. Cook, 7521  
 Question by Mr. Bamford as to South Pacific, 7111  
*Obs.* on Supply (formal), 7139-60  
 Question by Mr. Knox as to suburban clearances, Melbourne, 7175  
 Question by Mr. Culpin as to Pacific Islands, 7307  
 Question by Sir J. L. Bonython as to Orient Company's vessels calling at Adelaide, 7618; by Mr. Glynn, 8589  
 Question by Mr. Thomas as to free passage to enable members to carry English mail matter as luggage, 8200

## NEWSPAPERS.

*Senate:*

- Questions by Senator Findley as to distribution of other matter than, 1291, 1465

*House of Representatives:*

- Question by Mr. Kelly, as to rates of postage, 989

## PACIFIC CABLE.

*Senate:*

- Questions by Senator Smith, as to date of Conference, &c., 543; as to Lord Jersey's instructions, 3635, 4973, 5705  
 Question by Senator Higgs as to news service, 1105  
*Obs.* on Supply Bill, 4973

*House of Representatives:*

- Question by Mr. Spence as to employment of Chinese on *Iris*, 760  
 Question by Mr. Knox as to conference and agreement, 1184  
 Question by Sir J. Forrest as to financial effect of sending all cablegrams, not specially marked, by Pacific route, 2312  
 Question by Mr. R. Edwards as to marked cables, 2585  
 Question by Sir J. Quick as to representation on board, 2692  
 Questions by Sir J. L. Bonython as to revenue from cablegrams, 2694, 2885, 3171

## PENNY POSTAGE.

*House of Representatives:*

- Question by Mr. Bamford as to effects in Victoria, 2696

## POST AND TELEGRAPH ASSOCIATIONS, VICTORIA.

*House of Representatives:*

- Questions by Mr. Tudor as to recognition, 810, 880; as to production of correspondence, 1288  
 Questions by Mr. Johnson, as to Lt.-Col. Outtrim's position, 1395; by Sir J. Quick, 1605

POSTMASTER-GENERAL—*continued.*

## POST AND TELEGRAPH OFFICERS.

*Senate:*

- Questions by Senator Pearce as to retirement of W.A. Deputy Postmaster-General, 1255, 1292  
*Obs.* on Supply Bill, 4973

*House of Representatives:*

- Question by Mr. Page as to promotions, 403  
 Question by Mr. O'Malley as to retirement of Somerset postmistress, 1042  
 Question by Mr. Hughes as to salaries, &c., of letter carriers and sorters, Sydney office, 762  
 Questions by Mr. Chapman as to payment for overtime in Queensland and New South Wales, 1897, 2018  
 Question by Mr. Crouch as to salaries at Geelong, 3398; as to classification, 3072  
 Questions by Sir J. Forrest as to reports from Deputy Postmasters-General, 2539, 2696; as to duties and salaries, 3451; as to Deputy Postmaster-General, W.A., 6918  
 Question by Mr. Lee as to increases of salaries, New South Wales, 2585  
 Questions by Mr. Bamford, as to cash discrepancies, 2694  
*Obs.* on Supply (formal), 2585  
 Questions by Sir J. L. Bonython, as to payment for Savings Bank services, &c., 2898, 3664; as to regulations, 3034, 3170  
 Question by Mr. Thomas as to inspectors, 2959  
 Question by Mr. J. Cook as to Sunday work, 3331  
 Questions by Mr. Kelly as to payment for acting as registrars of births and deaths, 810, 880; by Mr. Watkins, 3072, 3395, 3451  
 Questions by Mr. Fuller as to station-masters acting as postmasters, 3171, 3247  
 Questions by Mr. Hume Cook, as to classification of women, 3173; as to overtime, 4083; by Mr. Johnson, 3247  
 Question by Mr. Poynton as to retirement of South Australian officials, 3247  
 Question by Mr. J. Cook as to telegraph construction overseers, 1299, 3451  
 Questions by Mr. Mauger, as to salaries, Victoria, 3812, 3876; as to overtime, 4139  
 Question by Mr. Chapman as to telegraph messengers, 4402  
 Question by Mr. Groom as to temporary operators, 4498  
 Question by Mr. G. B. Edwards as to telegraphists, Jervis Bay, 4521  
 Question by Mr. Page as to stoppage of English mail allowance, 5851  
 Question by Mr. Joseph Cook, as to annual leave for telephone attendants, 5852  
 Question by Mr. McDonald, as to wages of female telephone attendants, 5970  
 Question by Mr. Page as to leave in Queensland, 6609  
 Question by Mr. Lee as to Acting Deputy Postmaster-General, N.S.W., 7173

**POSTMASTER-GENERAL—continued.**

- Question by Mr. Mahon as to expenses of linemen, 7115
- Obs.* on Supply (formal), classification, 7139-60
- Question by Mr. J. Cook as to increments, 7205
- Question by Mr. Ewing as to telegraph messengers, 7410
- Question by Mr. Webster as to postmasters acting as returning officers, 7948

**POST AND TELEGRAPH OFFICES.**

*Senate:*

- Question by Senator Pearce as to minimum wage in contract offices, 134; *m.*, 135
- Questions by Senator Findley as to subletting, 1290, 1737
- Question by Senator Givens as to accommodation at Cairns, 4083
- Obs.* on Appropriation Bill as to Perth office, 8169

*House of Representatives:*

- Questions, as to accommodation at Boulder, by Mr. Frazer, 289; at Port Pirie, by Mr. Poynton, 403, 3471; at Brisbane, by Mr. Culpin, 1042, 1123; at Darlington, by Mr. G. B. Edwards, 4521
- Questions, as to Post Office at Fremantle, by Mr. Carpenter, 1605; at Werribee, by Mr. Crouch, 2250; at Woolloongabba, by Mr. G. B. Edwards, 2314
- Question by Mr. Chapman as to pneumatic tube, Sydney, 2800
- Question by Mr. Frazer as to public clock at Boulder, 3754
- Question by Mr. Maloney as to contract post-offices, 4402
- Motion by Mr. Wilkinson for return as to mail matter, Queensland Post-offices, 7412
- Question by Sir J. L. Bonython as to additions at Mount Gambier, 7522

**POST-CARDS, PICTORIAL.**

*House of Representatives:*

- Question by Mr. Maloney as to writing on front, 7618

**POST TOWNS:**

*House of Representatives:*

- Question by Sir John Forrest as to distinct names, 5847

**PRINTED POSTAL MATTER:**

*House of Representatives:*

- Question by Sir J. L. Bonython, as to charges, 6201

**REVENUE AND EXPENDITURE.**

*House of Representatives:*

- Questions by Mr. Wilkinson as to Queensland, 6298, 6382, 7112, 7717

**STAMPS.**

*Senate:*

- Question by Senator Keating as to issue of uniform postage stamp, 940
- Question by Senator Best as to sale of duty stamps, 3635

**POSTMASTER-GENERAL—continued.**

*House of Representatives:*

- Questions by Mr. Hume Cook as to sale of duty stamps, 587; by Mr. McColl, 2018; by Mr. Harper, 2886; by Mr. Mauger, 3570; by Mr. McDonald, 3664
- Obs.* on Supply (formal), 7139-60

**STORES.**

*House of Representatives:*

- Obs.*, on adjournment, as to exclusion of coloured labour in the carriage of stores by camels, 1040
- Question by Sir J. L. Bonython as to supply of medical chests, 810, 3877, 3933
- Question by Mr. J. Cook, as to preference to local tenderers, 4497
- Obs.* on *adjt.*, as to preference to local tenderers, 5738; question by Mr. Wilks, 5852; *obs.* on Supply (formal) 6211

**TELEGRAPH AND TELEPHONE SERVICES.**

*House of Representatives:*

- Obs.*, on adjournment, as to delay of press telegrams to Western Australia, 1040
- Question by Mr. Hughes as to refusal to allow shipwrecked passengers by *Aramac* to use telephone, 719; *obs.* by Sir Philip Fysh, 758
- Question by Mr. Wilkinson as to simultaneous telegraphing and telephoning, 810
- Question by Mr. Knox as to disinfection of telephone transmitters, 1184
- Question by Mr. Johnson, as to telephone extension, Sydney suburbs, 1299
- Question by Sir J. L. Bonython, as to Tarcoola telegraph line, 1351; by Sir J. Forrest, 2018
- Question by Mr. Johnson, as to extension of Sydney suburban telephone service, 2312
- Question by Mr. McCay, as to Melbourne-Bendigo telephone service, 2369
- Question by Mr. Hume Cook as to tender for insulators, 3172
- Motion by Mr. Johnson, as to remodeling regulations, 5861
- Question by Mr. Fowler as to telegraphic errors, 6920
- Obs.* on Supply (formal), 7139-60
- Question by Mr. Chanter as to Warmatta telephone, 7489
- Obs.* on *adjt.* as to Fire Brigade telephones, 7837

**TELEGRAPH POSTS AND LINES.**

- Obs.* on agreement as to Fire Brigade for hanging lamps, 3327; as to destruction of trees, 7837

**RULINGS—**

*Senate:*

**President, The.**

*Address-in-Reply.*—Debate on has precedence of all business, except that of a formal character, 288

*Adjournment of Debate.*—By grant of leave to a senator to continue his speech on another day, the debate is adjourned, and a date for its resumption must be fixed, 1523, 6088, 7390, 8199

RULINGS—President, The—*continued.*

- A motion to adjourn a debate cannot be discussed, 5732
- On a motion to make the resumption of a debate an order of the day for the next sitting day, a senator may move an amendment to add words fixing an hour, 8458-60
- Amendments.*—Amendment not seconded cannot be put, 361, 580
- An amendment cannot be moved unless any prior amendment is withdrawn, 2864
- A senator who has spoken to the original question and an amendment cannot afterwards move an amendment, 2872
- An amendment which is not a direct negative, can be put, 7072
- Amendment to an amendment must be disposed of before another amendment can be moved, 8463
- Anticipating Discussion.*—A senator ought not to anticipate the discussion on a motion, 401, 3145, 8170, 8177-8, or on a Bill, 4355, 8251, or on an order of the day, 1603, 7942-4
- Even on the first reading of the Appropriation Bill, a senator is debarred from discussing any matters on the notice-paper, 8178
- Bills.*—An amendment to the motion for second reading must be strictly relevant to the subject-matter of the Bill, 1517-22, 1738-9
- An amendment to a clause must be relevant to subject matter of Bill, 3243
- A Committee can consider only the matters delegated to it, 3531
- If the recommittal of an additional clause be opposed it can only be moved as an amendment to the motion, 7282
- A Bill, or part thereof, may be recommitted as often as the Senate thinks fit, 7596
- In a Bill which which has originated in the House of Representatives, it is competent, under standing order 227, for a senator to move a new amendment as an alternative to an amendment to which the other House has disagreed, and on which the Senate is asked not to insist, provided that it is not objectionable in point of substance, 8062
- Chairman of Committees* must be appointed by ballot in the case of two or more nominations, 552
- Debate.*—The remarks of a senator should be relevant to the question 6261, 6802-3, 7081, 8459, 8462-8
- The rule of relevancy applies to a motion that the Senate, at its rising, adjourn to an unusual day, but the debate must be confined to the matter of public importance introduced by the mover, 401; to a motion for a second reading of a Bill, 1777, 8458, 8586; to a motion for making an order of the day, 6802-3
- It is not the duty of the Chair to call a senator to order on the ground that his remarks are not in good taste, 555
- A senator can, in reply, introduce any relevant matter which has not been referred to in the debate, 1854
- On first reading of Bill which Senate may not amend, the rule of relevancy does not apply; but at the next stage the debate must be confined to its subject-matter, 2873, 4286, 8186, 8249

RULINGS—President, The—*continued.*

- Strictly speaking the debate on a motion to close a sitting should be relevant to the question of adjournment; but pursuant to a resolution of the previous session a senator may discuss a matter irrelevant to the motion, 2882
- The subject-matter of an order of the day cannot be discussed on the motion to adjourn the Senate, 7942-4
- In debating a "policy" speech, a senator is entitled to show that the Prime Minister is not a proper person to be at the head of the Government, 4388
- When an amendment is moved to a question after a senator has spoken, he may speak again, but his remarks must be confined to the amendment, 6273; as far as possible, 6274
- When the debate on a question has been adjourned the reasons for the adjournment cannot be discussed, 6802; nor the general question, 6803
- The same question cannot be discussed twice in a session, 7358-60
- Any clause of a Bill, or part thereof which has not been agreed to by both Houses, is open for discussion, 8062
- Where a senator has been permitted to withdraw an amendment to move it in the form in which he was inadvertently prevented by the Chair from doing, he ought not to exercise the right of speech, 8461
- The mover of an amendment has the right to speak to any amendment which may be moved thereto, 8465-6
- It is out of order to debate the question of pairs, 8457, 8468-9, 8472
- A senator should not indulge in tedious repetition, 8467
- Divisions.*—After tellers have been appointed, senators should retain their seats until the result of the division has been declared, 7806
- A call for a division cannot be withdrawn if any senator objects, 8458
- Formal Motions.*—The standing orders preclude any discussion on a motion which has been declared to be formal; but the Senate may vote thereon, 26
- It is not in accordance with the Standing Orders for the mover of a formal motion to ask leave of the Senate to make a speech thereon, though he may indicate the nature of a correction which he wishes to be made in a return, 4328
- Interruptions* are disorderly, 74, 77, 4363, 4483-7, 4591, 4608, 5916, 5935, 7383, 7481, 7672, 8434, 8459
- If senators will not obey the standing order against interjecting while a ruling is being given, they will be named, 8459
- Language, Parliamentary.*—It is permissible to say that the statement of a senator is incorrect, or that a senator is stone-walling, 2088, or that the Prime Minister slanders people, 4379, or that it would be an ungracious act if the Senate refused to do a certain thing, 7666
- A senator cannot be stopped from making accusations against commercial men, so long as his remarks are in order, 6161

RULINGS—President, The—*continued.*

*Language, Unparliamentary.*—It is not in order to impute to any senator dishonesty, 358; untruth, 2088, 4363, 4483, 8471  
to characterize a Bill framed by the Senate as a wretched little or absurd Bill, 644  
to impute to the Senate dishonesty, 2083  
to reflect on the Senate, 8170; or, except when moving for its rescision, on a decision of the Senate, 8170  
to say a senator deserves discredit for what he has done, 8471; or that Ministers say what is not true, 4683  
to state that a debate has degraded the Chamber, 4307  
to reflect upon a person in a personal explanation, 5449  
to accuse Members of Parliament of indulging in any political engineering, 8419  
to say there has been touting for votes against a Bill, 8458  
to accuse a senator of introducing a Bill which he must know is merely waste-paper, 8571

*Ministerial Statement.*—A Ministerial statement cannot be made in a debate on a motion for the appointment of two senators to a Select Committee, 1245

A debate on the policy of a Government is as a rule taken before other business is called on, 4354

Unless there is some motion before the Senate, a Ministerial statement may not be made except by leave, 6151

*Motions.*—A motion ought not to be moved without notice unless the standing orders are suspended, and then only after routine business has been dealt with, 1462-4; but it may be moved by unanimous leave of the Senate, 1465, 6257

A motion relating to the business of the Senate may be moved by a Minister without notice, 1244

When an unexpected adjournment of the Senate is about to take place, a motion for leave of absence to a senator may be moved, by leave, without notice, 1246

The President will, at the request of any senator, order every proposition in a complicated motion to be put and voted on separately, 1522; but the request should be made before the question is put, 6439

By leave a senator may amend the terms of his motion before the question is proposed, 1585, or when he is replying, 6433, or after he has replied, 8468

It is entirely for the Senate to say whether a complicated motion shall be considered in Committee, 1585

*Motion for Adjournment.*—When a senator wishes to move the adjournment of the Senate under standing order 60, he ought, prior to its meeting, to furnish the President with a written statement of the matter of urgency, 3129

The passing of the Appropriation Bill does not prevent a senator from moving that the Senate, at its rising, adjourn till an unusual hour, to discuss a question which he could have discussed on the measure, 8562

RULINGS—President, The—*continued.*

*Notices of Motion.*—After the Senate has proceeded to the business of the day notice of a motion may only be given by leave, 987

Notice of motion may be received concerning the procedure of Select Committees, 4581

A notice of motion cannot embrace two matters which have no relation to each other, or a proposition which has in the same session been resolved in the affirmative or negative, 6787, 7365

When two notices of motion cover the same ground, only one of them can be proceeded with, 6787, 7365

A notice of motion which attempts to anticipate the discussion of two orders of the day is not in order, and ought not to appear on the notice-paper, 7357

A senator may give notice of a motion identical in terms with a notice of motion on the notice-paper, provided that he abandon the latter; but he ought not to give notice of a motion to discuss the same question, though he can give a general notice of motion under standing order 104, provided that twenty-four hours before it comes on he hands into the Clerk the particular motion which he wishes to move, and such notice of motion does not conflict with the Standing Orders, 7358-60

It is possible to call attention to the report of a Select Committee, and to move thereon any number of motions different in substance, 7361

When a senator wishes to change the day for a motion, he can give notice to that effect under standing order 102; if he should not do so, he can afterwards move, under standing order 70, that the motion be postponed to that day, 7365, 7470-2

A notice of motion is not in order which affirms the same principle as has already been affirmed in same session by the Senate by Bill, 7365

A notice of motion is out of order if it anticipates an order of the day dealing with identically the same subject, 7365

A senator ought to comply with the requirements of standing order 98 when he gives notice of a motion, 7572

A notice of motion cannot be brought forward on the notice-paper: it may be put down for a later date, 7573

*Orders of the Day.*—An order of the day for the further consideration of a matter in Committee cannot be dealt with by the Senate; it is for the Committee to act, 2874

*Papers* ordered to be printed by either House ought to be circulated at once, 836

If to be printed, the Senate should give the necessary order when they are tabled, 836

Any senator can move at once that a paper be printed, otherwise he must give notice of a motion, 941, 5704

A senator cannot move for the printing of a paper after other business has intervened, 5450

The production of an original paper ought not to be insisted on when the Government are in possession of only a copy of it, 1468

If a senator quotes from a paper he must lay it upon the table if ordered by the Senate, 1854, and such order may be made, without

RULINGS—President, The—*continued.*

notice, immediately after the speech is concluded, 7671

*Personal Explanation.*—A senator may make a personal explanation in regard to some matter arising out of an answer which he has received, 4284

By the indulgence of the Senate a senator may make a personal explanation as to any matter in which his actions or words therein have been misrepresented; but he cannot attack persons or refer to attacks made upon himself in the press, 5449

*Petitions.*—A petition may set forth reasons why a Bill should not be passed, and may quote the debates of a previous session in the other House, 5902

A petition should be signed by a person in his own name, 7665

*Points of Order.*—The misrepresentation of a senator does not involve a question of order: it is a matter for personal explanation, 3234

The Chair is not called upon to interpret the Constitution, 4127, 8571, or to answer abstract questions, 7573

*Privilege.*—A question of privilege cannot be raised until after notices of motion, if any, have been given, 833

A refusal to supply senators with documents laid upon the table does not involve a question of privilege, 835

A senator ought to read the motion of privilege with which he intends to conclude before he proceeds with his speech, 1106

*Questions upon notice.*—A notice of a question cannot be read, but must be handed to the Clerk, 231

A question arising out of a reply to a question upon notice, should be relevant thereto, 5705, and not prefaced with an argument, 5706

Questions ought to be such as ask for information, and not such as give information and ask for opinions, or attack the character of an individual, 7363

Questions relative to tittle-tattle in the newspapers, and opinions of outside authorities, are not out of order, but the practice of asking them is to be deprecated, 7364

A question may be objectionable, and not out of order, 7364

*Questions without notice.*—A question arising out of a notice of another question cannot be put until the latter is asked, 231

A senator cannot ask a question without notice, and at the same time move a motion, 833

No argument may be offered in asking a question, 834, 1291, 2173, 4283, 7256, 8562; or in answering a question, 4283

A Minister cannot be made to answer a question, 1736

A senator can ask, without notice, any question, whether it arises out of a question asked by another senator or not, 1736

Questions may only be asked of Ministers concerning public matters generally, and of a private senator concerning any matter of which he has charge, such as a Bill, or other business before the Senate, 4283

*Quotations and References.*—It is not in order to refer to a debate of the same session in the other House, 5724, or in the Senate, 7079, 7294, 8469

RULINGS—President, The—*continued.*

*Rulings.*—If a ruling is thought by a senator to be wrong, it should be challenged in the proper way, 5450

*Select Committees.*—If a select committee do not report on the date fixed by the Senate, they must ask leave to report on another date, 1121

Under standing order 70, a senator cannot move for an extension of time to a Select Committee; but on the order of the day for the reception of its report being called on he may ask for further time, 4355

Where two senators have to be appointed by ballot to a Select Committee, only two names should be struck out of the ballot-paper, 1244

Where the Senate has agreed to the appointment of a Select Committee, consisting of six senators and the mover of the motion, the six senators must be chosen by ballot; and a senator can strike seven names out of his ballot-paper if he includes that of the mover, otherwise he must strike out six names, 1297-8

The mover of a motion for the appointment of a Select Committee may ask leave to substitute a name before the question is proposed, 1843

It is not a privilege, but a duty, for a senator to serve on a Select Committee; and unless excused by the Senate or a standing order, any senator appointed must serve, 1245, 1843

The granting of leave to a Select Committee to sit in another part of the Commonwealth during the sittings of the Senate will initiate a most objectionable practice, 3153-4

The Senate has a right to reflect upon the proceedings of a Select Committee, at all events, after it has reported, and to accept or ignore the report of a Select Committee, 4580

*Standing Orders.*—A motion to suspend standing orders, when moved without notice, cannot be carried except by an absolute majority of all the members of the Senate, 1984, 3153

*Strangers.*—By leave, the President may invite a distinguished stranger to take a seat within the Chamber, 4495, 6032, 6650

See BAKER, Senator Sir Richard.

**President, The Acting—**

*Right of Speech.*—The time which is allowed to a senator by standing order 62 cannot be extended, 3137

See DRAKE, Senator.

**Chairman of Committees :**

*Bills.*—On an amendment to fill the blank in a clause amendments may be moved, 1850, 1863; but a senator should refrain from moving a second amendment until the Committee has come to a decision on the first, 1981

An objection that a Bill is unconstitutional cannot be taken in Committee, 1863

An amendment to a clause cannot be moved while a prior amendment is before the Committee, 1872, 1957

A clerical error in a clause can be corrected without an amendment being moved, 1891

**RULINGS—Chairman of Committees—continued.**

- An amendment to an amendment must be put first to the Committee, 1960  
 An amendment to an amendment cannot be amended by the mover when objection is taken, 1964  
 An amendment to a part of a clause that has been agreed to can only be moved at a later stage, 1978  
 An amendment must be in writing, and signed by the proposer, 2778  
 Every amendment should be relevant to the subject-matter of the Bill, 2797  
 The insertion of a new clause may be moved at any time, 3534, 7109  
 An amendment to insert a new definition in a "definition" clause is in order, 3656  
 Proposed clauses to Trade Marks Bill in order, 4126  
 Amendment not the same in substance as a rejected amendment in order, 6653  
 An amendment substantially the same as one negatived cannot be moved until reconsideration or recommittal of Bill, 7020  
 A proviso not a contradiction, but a modification of clause, is in order, 7108  
 On a motion not to insist on a Senate's amendment, omitting a proviso, a senator may move an amendment for the insertion of words in the proviso, 8060, and also for the omission of words therefrom, 8065  
 The machinery clauses of a Money Bill should be postponed until the schedule has been dealt with, 8253  
*Debate.*—When a senator makes a statement which in the opinion of another senator is not correct, no question of order is involved, 1963  
 A senator is entitled to reply to a statement concerning himself, 4134  
 The disclaimer of a senator ought to be accepted, 6556  
 A motion not to insist on an amendment admits of considerable scope for discussion, 8077  
 On Defence Estimates a senator is entitled to discuss question of the compulsory training of youths, 8392, or the conduct of any officer for whom a salary is provided, 8395  
 The standing order against anticipating discussion does not extend to a question on the notice paper, 8395-7  
*Interruptions.*—Interjections, 6543, 7096  
*Language, Unparliamentary.*—It is out of order to attribute to a senator obstruction, 1973, or dishonesty, 6983  
 to reflect on a senator, 6552, 7097, 8382, 8395  
 to say that a senator's statement is false, 6555  
 to accuse the Government of trying to delude the public, 7908  
*Motions not Debatable.*—A motion to report is similar to a motion to adjourn a debate, and cannot be discussed, 1599  
*Points of Order.*—It is not the duty of the Chair to decide a point of law, 4126  
*Quotations and References.*—It is irregular to allude to any debate of the current session in the other House, 8071  
 A senator may read an extract from the *Hansard* report of the debates of the Senate during the same session, 8391

F.13481.—C.

**RULINGS—Chairman of Committees—continued.**

- Regulations.*—When regulations referred to a Committee, only a motion to disallow a regulation or part thereof may be moved, 1598  
*Rulings.*—Objection must be in writing, 4138

See HIGGS, Senator.

*House of Representatives:*

**Speaker, Mr.**

- Amendments.*—Until an amendment to a question has been disposed of, another amendment to the question cannot be moved, 7423.  
 An amendment cannot be moved by a member who has already spoken, 755, 3491  
 If a member during his speech makes an intimation to that effect he may afterwards formally move an amendment, but cannot discuss it, 3519  
 At the request and in the absence of the mover an amendment may, by leave, be withdrawn, 1323  
 An amendment to an earlier portion of a motion cannot be moved unless the amendment to a later portion is temporarily withdrawn, 1328  
 An amendment not varying a decision of the House on a motion is in order, 3598-9  
 When any words have been added to a motion, no amendment prior thereto may be moved except by way of addition thereafter, 3603.  
*Anticipating Discussion.*—On a motion for adjournment of the House, it is not out of order to discuss when a Bill should be brought on, or additional questions in connexion with it, but it would be out of order to discuss the Bill itself, 2309  
 It is in order to discuss whether certain clauses proposed to be inserted in a Bill then in Committee shall be referred to an existing Royal Commission for consideration and report, 3263-5  
 A discussion on the policy of a Bill before the House, or matters affected by it, cannot be allowed at question time, 2468  
 No discussion can be allowed in the House on any matters connected with a Bill which is in Committee, 3262-73  
 It is out of order to anticipate the discussion on a Bill, 3449, 4276, 5899, 7729, 8111, or a notice of motion, 3889, 4141, 4147, 4153, 4686, 5131, 6210, 7724, or a question, 4690, or a message from the Senate, 5860, or the Estimates of a Department, 6887-8; or a motion that is not before the Chair, 7439-40  
 On a motion for special adjournment the discussion on an order of the day cannot be anticipated, 3465-7, 3727-8, 3733, 3736; nor on a motion to suspend the Standing Orders to discuss a matter of urgent necessity, 4141  
 On a motion of no-confidence, only incidental references may be made to the subject-matter of a notice of motion on the business-paper, 4995-6, 5131, 5379, 5382-3  
*Appropriation Bills.*—Where the Estimates in Chief and Estimates for Works and Railways have been separately transmitted to the House by the Governor-General, the Committee of Supply may report its two sets of resolutions separately or simultaneously, as

**RULINGS—Speaker, Mr.—continued.**

it thinks fit, and the House may be asked in one motion to agree to them. After the resolutions of the Committee of Ways and Means have been come to, reported, and agreed to, the House, in accordance with the Constitution, will order a Bill to be prepared and brought in to carry out each set of resolutions, 7438-40

**Bills.**—After the question for third reading of a Bill has been put, it is too late for a member to move for the recommittal of any of its provisions, 1043

If there is no objection to the recommittal of a clause, and the question is simply as to what shall be done upon its recommittal, that matter can be most appropriately dealt with in Committee. But if there is any difference of opinion as to whether it should be recommitted that matter should be debated in the House, 4522

The reasons for disagreeing to the Senate's amendments in a Bill may be put separately, 8016

New clauses ought not to be debated until the Committee stage of a Bill is reached, 8159, 8316

The proposal of Mr Watson to amend the Senate's additional proviso to clause 55 of the Conciliation and Arbitration Bill is not out of order, because, although by defining the words "political purposes" in that proviso it might also be held to define the meaning thereof in the previous proviso, the two matters sought to be amended are inseparably related, 7992

**Chairman of Committees.**—A proposal to elect a Chairman "for the current session" conflicts with rule 215, and cannot be moved, 685

**Debate.**—A member not holding office under the Crown cannot speak from the ministerial bench, 1289, 1662

The use of the second person by a speaker is unparliamentary: his remarks should be addressed to the Chair, 1368, 1582, 1657-8, 1661-2, 4080, 4155, 6566

A member must refer to another only by the name of the constituency he represents, 1582-3, 2112, 3333, 5252, 6566

A member should not turn his back upon the Chair and address the galleries, 4832, or other parts of the Chamber, 5547

Repeated disobedience of the calls to order by the Chair merits and must receive only one form of treatment, 1662

In a debate on the policy of the Government a member may make only incidental references to past events for the purpose of defending himself against imputations which may have been cast upon him: the scope of the debate should be confined as far as possible to the proposals of the Government, 1540-2. If a member deems an expression used on a certain occasion by the Prime Minister to be an approval of some socialistic programme, he is entitled to indicate what the nature of that programme is, 1662

A member addressing the House cannot ask a question of another member, 3510

**RULINGS—Speaker, Mr.—continued.**

The discussion must be relevant to the question, 220, 3262-73, 3499, 3508-9, 3521-3, 3604, 4063, 4071, 4076, 4079, 4082, 4145-7, 4157-9, 8518, 8596-8

The rule of relevancy in debate applies to—

A "formal" motion for adjournment, 2110, 3339, 3347, 3351, 3670, 3727, 5742, 6095, 6097, 6098

A motion to recommit a clause of a Bill, 4157-9, 4162, 4165, 4175-9, 4180-2, 4220, 4224, 4231, 4239, 4246-8, 4255, 4262

A motion for special adjournment, 34657, 4686-7

A motion for second reading of a Bill, 5593, 5604, 5938, 5943, 5945, 5958

A motion to postpone the consideration of the Orders of the Day, 6581-3

A motion to restore an Order of the Day, 6586, 6587, 6590

A motion to agree to resolutions, 7438

A motion to give precedence to Government business, 7721-4, 7729

A motion to agree to a report, 8013-4

A motion to adjourn a debate, 8710, 8550

An irrelevant interjection in no wise justifies an irrelevant speech, 87, 4076, 7724

On a motion for adjournment to discuss the distress existing through the want of employment, a member may refer to the effect of the Tariff in that regard, 3333

The standing orders preclude the discussion of any matter other than that which is immediately before the House; an irrelevant interjection cannot be held to justify an irrelevant speech thereupon, 87.

It is irregular to debate an irrelevant interjection, or even an irrelevant remark made by a speaker, more especially when it was discontinued by direction from the Chair, 3512

When two distinct issues are involved in a complicated motion, they may be discussed separately, by unanimous consent, but not otherwise, 3484-5

Every member is entitled to place his views before the House, even though they may be views from which every other member dissents, 3726

On the question that a clause of a Bill be recommitted in order that its proviso may be replaced by another, the two alternatives may be debated, 4065

The question of the dissolution of Parliament or otherwise is within the prerogative of the Governor-General, and must not be debated, 4141

On a motion to suspend the Standing Orders to discuss a matter of urgent necessity, a member has the right to use any reasonable arguments on the point, 4142-3; and his remarks should be relevant to the question, 4145-9, 4151. He cannot discuss the subject which he wishes to debate if the motion be carried, but he may give, as fully as he pleases, the reasons why he thinks the Standing Orders should be suspended, 4147, 4150-1

A member who has not spoken, may reply to anything relevant said by any other member, 4154

On a motion to suspend the Standing Orders to pass a Supply Bill, a member may argue that the Government have not the confidence

RULINGS—Speaker, Mr.—*continued.*

of the House; but it would be more convenient if he dealt with the matter on the Bill itself, 4269

The Standing Orders do not require an assurance that a statement is incorrect to be accepted, but amongst gentlemen it is always done, 4345, 5247

On a motion of no-confidence in the Government, the remarks of a member should be connected with the question under discussion, 4774, 4828, 4880, 4955, 5034-9, 5194-5, 5332, 5399, 5401, 5553, 5557; he is entitled to reply to any allegations made by previous speakers, 4996, 5539, 5553-5, but not to discuss the acts of a private member in a State Parliament, 5401, except when that member has referred to them, 5402

On a motion for adjournment of the House, it is not competent for a member to discuss matter relating to an adjourned debate, unless what he desires to say relates to some urgent matter, and he obtains leave to make a statement, 5216

Members should make a stronger effort to uphold the dignity of debate, 5289

On a no-confidence motion the conduct of Ministers may fairly be discussed. But the conduct of Ministerial supporters may only be discussed in so far as they have spoken during the debate, and expressed views one way or the other, 5539

A remark in reference to the fairness of a Select Committee, interjected by a member, and requested to be withdrawn by the member speaking, cannot be withdrawn at that stage, 5858

On a motion for the second reading of a Bill, to provide for a bonus, a discussion on the relative merits of protection and free-trade cannot be allowed; but a member may incidentally refer to the possibility of a protective duty being required later on to assist the industry, 5943-4; and he may instance any analogous case, 5958-9

Unless a speaker complies with the direction of the Chair to connect his remarks with the question before the House, he must resume his seat, 5958, 8154

On a motion to restore an Order of the Day, anything relating to the necessity for the motion is in order, 6565; the policy of the Government cannot be discussed, 6586

The Standing Orders do not prevent a discussion on a question, even though it may be under consideration in some other form by a Select Committee of the House, 7115

On a motion to agree to resolutions of the Committee of Supply, a member is entitled to discuss a matter which could have been dealt with on the Estimates for a Department, 7441

On a motion to give precedence to Government business, a member may discuss the order in which a notice of motion and an order of the day, under the head of general business for that day, should be discussed, 7720

On a motion to adopt the Committee's report on the Senate's amendments to a Bill, a member may discuss the amendments, but not the general aspect of the measure, 8013-4

RULINGS—Speaker, Mr.—*continued.*

The debate on a question is closed when the mover has spoken in reply, 8110

In dealing with the second or third reading of an Appropriation Bill, a member cannot discuss a question of policy concerning anything which is not strictly provided for by the Bill, 8111-2, 8143-7. On a motion to adjourn the debate a member may advocate the adjournment, on the ground that it will enable the House first to receive information as to the scope of a Royal Commission, so long as he does not go into matters of detail, 8148-54

On a motion relative to preferential trade, a member cannot discuss the question of protection or free-trade, 8347-8; or the question of wages as affected by a fiscal policy, 8502

*Debate, Adjournment of.*—A member cannot conclude his speech with a motion to adjourn the debate, 1610, 3274, 6210; but he may ask leave to continue his speech on a later day, 5861.

When the mover of a motion objects to the adjournment of the debate on the ground that he wishes to exercise his right of reply, his proper course is to vote against it, 1914

*Divisions.*—A division cannot be taken unless it is called for, at once, by at least two members, 807

*Interjections and Interruptions.*—Interruptions are disorderly, 86-7, 121, 143-4, 145, 463, 480, 482, 529, 600, 934, 1387, 1414, 1566, 1573, 3333, 3347, 4032, 4154, 4220, 4423, 4818, 4951, 4961, 4972, 5044, 5055-6, 5069, 5205-6, 5210, 5239, 5240, 5263, 5314, 5492, 5514, 5580, 5740, 5939, 6207, 6214, 6298, 7728

A member should not interject when the Speaker is addressing the House, 529, 4154, 4822

A member should not provoke another member to interject, 600

The Prime Minister should be given a patient hearing when he is setting before the House the policy of his Government, 1283

It is improper for members to interject continually, 1341, 1381, 1406, 1652, 1659, 3348, 5006, 5050, 5109, 5210, 5314, 5555, and particularly to interject by remarks to each other across the Chamber, 1341

It is very disorderly for a Minister to interject across the table, 1348, 4154-5, 4968, 5747

A member is not in order in interrupting a speech in order to contradict a statement therein made; he can make an explanation, if he desires, when the speech is concluded, 1382, 4964

Members should make only such interjections as appear to them to be absolutely called for, and should not interrupt the speaker, 1383, 5432-3

A speech should not take the form of a dialogue, 1652, 5439

Members should not converse in loud tones, but should give their attention to the speaker, 1300, 2372, 4691

Members should either refrain from conversing with each other, or converse in such a tone that the speaker will not be interrupted, 3036



**RULINGS—Speaker, Mr.—continued.**

Interjections are disorderly, but conversations across the Chamber are grossly disorderly, 3879, 4195, 4423, 4445, 4771, 4951, 4972, 5045, 5063, 5312, 5514, 5938

A member ought to remove his hat before he interjects, 3447

Members should listen to the speaker, without striving by interjection to force him to express their views instead of his own, 3726, 5107

It is not permissible for a member to read an extract during the speech of another member, 4461

In his speech a member should not make remarks which almost demand an answer by another member, 5050, 5439

Members who distinctly and repeatedly disobey the Chair will have to be named, 4197, 4809, 4951, 7727

If members do not make a more dignified use of the liberties they enjoy, the extreme course of naming them within the meaning of the Standing Orders will be adopted, and the procedure will be followed by suspension for such term as the House may direct, 5063

After the conclusion of a debate in which of necessity special liberty was allowed to members, proper decorum should be observed, and the rules of the House against interruptions complied with, 5580

Interjections which are short and of rare occurrence are not objected to, but those which are so frequently made and so long as to interrupt a speaker cannot be allowed, 5780

Not only is it disorderly to interrupt by interjection, but it is equally disorderly to interrupt by loud laughter, 6569

Exchanges across the Chamber which deal purely with personal matters, and not with the question before the Chair, are entirely out of order, 7726

*Language, Parliamentary.*—It is not out of order to say that the issue in New South Wales, at the general elections, was a "dirty issue," 86; or that the remarks of a member have sometimes been "very rude," 3464; or that a statement made to a member is untrue, 3510, 5062; or that a statement in a newspaper is untrue, 4416; or that a member is monetarily interested in the Denton Hat Mills, 5378; that the intention of members generally is to waste time, 6591; or that the interjections of a member are a source of annoyance, 7727

Unless the remarks of a member are unparliamentary, they cannot be ruled out of order, on the ground that they are contrary to good taste, 6592

*Language, Unparliamentary.*—It is not in order to describe the conduct of a member as cowardly, 86; or buffoonery, 3347; or to speak of "his wiles, his turns, his tricks, his subterfuges, and his appeals for votes," 4223

to say a member's statement is untrue, 93, 517, 599, 668, 1343, 1661, 1664, 3430, 3510, 3738, 4186, 4221, 4224, 4231, 4255, 4409, 4733, 4820, 4961, 5062, 5116, 5210, 5285, 5436, 5573, 5583, 5850, 5946; or blackguardly, 3612; or false, 5103, 5574; or mad, 6585

**RULINGS—Speaker, Mr.—continued.**

to refer to a member as a slanderer, 669; as "my republican brother," 2112; as a mountebank, 4229, or as a sand-bagger, 4262; as a political hypocrite, 4823; as half a lunatic, 5400; as "a ridiculous political ass," 5945; as a nuisance, 7431

to designate the answer to a question as an official falsehood, 1500; or an amendment as a despicable trick, 4030; or language of a member as "Fenian," 4823

to allege that a member has been trying to square twenty members, 3611; or would be open to accept a bribe, 3612; or was not sober, 5050; or is a gentleman the reverse of the highest type, 5741; or attempted to mislead the House, 5748; or that his action is an indecent shuffle, 6213

to charge the House, or any section thereof, with resorting to despicable methods, 4151

to characterize one-half of the charges of any members as being malevolent and the other half as false, 4232

to impute to a member a desire to bribe any members, 4255; or unworthy motives, 5289, 5793

to say that on the previous evening a member was "pulled down," 4261

to accuse a member of bribery, 5045; or of lying, 5575; or of wasting time, 6591

to apply to any members the term "assassination," 5247; or "asses," 5392

to say that any member of the Parliament has stolen anything, 5546

to reflect upon a member, 5741; or upon the action of the Chair, 7727

to hint at a suspicion of corruption on the part of a member, 5792-3

to cast a slur on the House, 5792

to speak of a section of the House as a servile or slavish majority, 6591

to repeat a statement, 6885

to describe a member's speech as drivel, 7428

to allege that the Government resort to contemptible and miserable tactics, 7724, or to contemptible tricks, 7725

to request a member to shut his mouth, 7726

to assert that any ruling is unfair, 8110

to charge the Prime Minister with laughing at the case of starving men, 8153

A remark must be withdrawn which is regarded as offensive, 3335, 3464; or as objectionable, 4147, 4158, 4164, 4231, 4248; 5205; or as displeasing, 4851, 5252

A remark ruled out of order must be clearly withdrawn, 93

An unparliamentary remark should be withdrawn without qualification, 1343, 5050; or argument, 3510; or remark, 5573

If a phrase used by another member is objected to by the speaker, it must be withdrawn, 1662

A remark to which the Chair cannot take exception, but which is considered by a member to reflect upon himself, should be withdrawn, 2309

An unparliamentary statement cannot be reasserted, 3510; or practically repeated in another form, 3612

Personal remarks about a member's stature are not in order, 4508

**RULINGS—Speaker, Mr.—continued.**

If a member desires a statement to be withdrawn he is entitled to have his request complied with, 4509

If a member is offended by any remark from a speaker, he has a perfect right to ask for its withdrawal, 7727

**Ministerial Statement.**—A Ministerial statement relative to a matter in Committee on a Bill cannot be made in the House without leave, 2696

No Minister has the right to make a statement to the House without leave, 6884

It is always open to the Prime Minister to lay a paper on the table, and to make any remarks he may desire in connexion with the motion that it be printed, except that in that regard he has no privileges which any other member does not possess, 6884-5

A Ministerial statement relative to the Tariff Commission should be made after the questions upon notice have been disposed of, 7522

**Motions.**—A motion requires to be seconded, otherwise it cannot be debated, 336-7, 6889

A member may intimate his desire to have a notice of motion standing in his name set down for another day, 2185

After the mover of a motion has concluded his speech, the motion cannot be altered except by way of amendment, 1313, 2383

A motion to refer to a Royal Commission certain clauses proposed to be inserted in a Bill before a Committee is in order, 3463

A motion cannot be withdrawn, except by leave, 7722

A motion cannot be moved without notice, except by leave, 8476

**Motions for Adjournment.**—A member is required to hand to the Chair a statement of the purpose for which he desires to move the adjournment of the House, 2521

The debate on a formal motion for adjournment cannot exceed the allotted time unless the orders of the day be postponed, 3348, 3740

A member must obtain leave before he can move the adjournment of the House to discuss a particular subject, 3726

After the adjournment of the House is moved (at conclusion of sitting), it is not competent to move another motion, 5286

Even though the Estimates are under consideration in Committee, a member may move the adjournment of the House to discuss a matter personal to himself, and affecting him in his representative capacity, 6089; but a convenient rule is for an attack on a member or on the House to be dealt with on a question of privilege, or in a personal explanation, 6098

A motion to adjourn the House to an unusual day may be moved without notice by a Minister, 6298

A member having moved the adjournment of the House cannot amend his motion, 6888

The adjournment of the House cannot be moved by a member to debate a question which he will be at liberty to discuss the same day on the first item of the Estimates for a Department, 6887-8

**RULINGS—Speaker, Mr.—continued.**

The fact that five members support a motion for adjournment is conclusive evidence of its urgency; but it is out of order when it is moved if it anticipates the discussion of a question on the notice-paper, 6888-9

A motion for adjournment should relate to one definite question, 7206, 7212

**Orders of the Day.**—When two hours have elapsed since the meeting of the House, the orders of the day must be called on, unless otherwise determined, 6580

In the case of a count-out in Committee of Supply, it is in order in the one motion to move first that the consideration of the business be resumed, and secondly, that a date be fixed for its resumption, 6569

**Papers.**—With general concurrence original papers may be returned, when applied for, in any case where it appears improbable that they will be further required, 2018

Original papers which it is considered inadvisable to copy, can be placed by the Minister upon the table in the Library, 2018; but the Librarian cannot guarantee the safety of any document in a file, 2184

There is no authority or practice warranting the distribution, as a paper of the House, of a paper prepared by a member, unless it has been laid on the table, and the Printing Committee has authorized the printing of it, 7112

**Personal Explanation.**—A member cannot make an explanation during the speech of another member, 116, 4964, 5342, 5574, 5583, even with his permission, 116, unless the unanimous consent of the House is given, 1387

An explanation is allowed to be made at the conclusion of a member's speech, 3599, 4458, 5342; but not after the mover of the motion has replied, 5589

A personal explanation by a member is not open for debate, 1393, 4685, 4812, 4824, 4960, 5560, 5938, and should be free from argument, 1657, 4518, 4684, 4825, 4834, 5047; and from new matter, 5048, 5052

A member making a personal explanation cannot continue from that explanation into a speech, 4231-2

If it is the pleasure of the House a member may make a second personal explanation, 1668

In making a personal explanation, a member ought not to traverse, except incidentally and most briefly, any matters which another member in his speech was prevented by the Chair from continuing to discuss, 1672-3

A member may make an explanation concerning any statement of his own; but he cannot challenge the statements of any other member, or ask that certain questions shall be answered at a later stage, 3245

The prohibition of debate on a personal explanation precludes explanation after explanation being made, first by way of attack, and then by way of reply, 4834

A member is only entitled to explain any remarks in respect of which he has been misunderstood or misrepresented, 4824, 4960, 5045, 5052, 5113, 5160-1, 5560

A personal explanation may be made by a member in regard to a speech delivered outside the House by another member, who is

**RULINGS—Speaker, Mr.—continued.**

at liberty to make a rejoinder, provided that it is in the nature of a personal explanation, 4917

A personal explanation by a member cannot be allowed as a reply to what another member has said, 5045, 5559, 5560, or to an interjection, 5052; but the House may be asked for leave to make a statement, 5052, 5161, 5216

A member is at perfect liberty in the House to explain the circumstances under which a certain course was taken in Committee; but he cannot reflect upon the Chairman, 6884

*Petitions.*—The questions for receiving and for reading a petition are put separately, if so desired, 489

It is for the Printing Committee to recommend whether a petition or any part of it shall be printed; a member may not move that a petition be printed unless he declares his intention to take action upon it, 489

A petition praying the House not to pass the Conciliation and Arbitration Bill (although stating views at great length) is in order, 490

A petition containing no prayer is informal and cannot be received, 3223

The omission of the words "in Parliament assembled" does not invalidate a petition, 8306

*Points of Order.*—The motive of a member in the course he has taken is not a point of order, 3737

No question of order is involved in a refusal to accept the denial of a member, 5247; or in a statement that a member is monetarily interested in the Denton Hat Mills, 5378; or in a question of good taste, 6592

Every member has the right to raise a point of order whenever he may please; but members should abstain, as far as practicable, from taking points of order again and again and rely upon the watchfulness of the Chair, 4178

A general discussion on a point of order is irregular, 7991

*Private Business.*—There is no standing order that when orders of the day are taken first, notices of motion shall be called on at the expiry of two hours; but, in accordance with the desire of members, the time on Thursday afternoons will be equally divided between orders of the day and notices of motion, 7423

It is not out of order for the Prime Minister to move a motion, on notice, to give precedence to Government business, 7718

*Privilege.*—The failure of a member to elicit the opinion of the Government on any subject does not involve a question of privilege, 3034

The misrepresentation of one member by another outside the House does not involve a question of privilege, 4917

A member may state in such manner as he may desire, but at not too great length what the question of privilege is, or he may conclude with a motion, 4917

*Questions on notice.*—A member may hand in a notice of a question to the Clerk at any time during a sitting, 143

**RULINGS.—Speaker, Mr.—continued.**

Where the question of a member has not elicited the desired information, it cannot be allowed to remain on the notice-paper unless a request to that effect be made, 2520; nor can the matter be regarded as a question of privilege, 3034

A Minister should not discuss a question to which he is replying, 6099

*Questions without notice.*—A member in asking a question is not permitted to express an opinion or discuss the matter, 456, 2426, 2428, 2468, 2654, 2656, 3033, 7489

A question without notice cannot be asked after the questions upon notice have been answered, 2696

A question arising out of another question should not be asked until the latter has been answered, 3070

A question addressed to a Minister may be answered, first, by the Prime Minister, and then by the Minister addressed. The Prime Minister, by virtue of his office, may reply to any question of policy, 6882

Questions addressed to one Minister may be answered by another, but one private member cannot reply for another, 6882

Questions may only be addressed to private members in respect of any business of which they have charge, 6885, 7410, 8093

*Quotations and References.*—It is not in order to refer to anything that has taken place or is pending in the Senate, 91, 2606, 3610; or to its business-paper, 8200

to allude to the religious belief of parliamentary candidates, 221

to refer to debates in another place, 2112

to allude to a previous debate of the session, 3270, 3730, 4170, 4687, or to a debate that is pending, 4141, 4143, 4153, 5890, except by leave, 5216

to quote from a letter an expression to the effect that a member's statement to the House was false, 3633

A member is allowed, on the motion for adjournment, to refer to a previous debate for the purpose of making a personal explanation; but he is not permitted to exceed the limits of a personal explanation, 1393, 1672

A member is not allowed on the motion for adjournment, to refer to a debate pending, 5045

A member cannot be prevented from quoting from a State parliamentary paper an extract reflecting upon another member, 5045

When an allusion has been made by one member to a previous debate of the session subsequent speakers may refer to his statement, though remarks in reference to past debates, and casting reflections on the previous actions of members, are very undesirable, 6584

The course of referring in the House to the proceedings in Committee is not a desirable one; but, as a matter of privilege or personal explanation, a member may refer to an occurrence in Committee, 6883-4

*Right of Speech.*—A member cannot discuss a motion to adjourn a debate until it is seconded, 336-7, 5894

By leave a member may continue his speech on a subsequent day, 353, 832, 1287, 1393, 2896, 3275, 6210, 7732

**RULINGS.—Speaker, Mr.—continued.**

- When the time allowed for the consideration of notices of motion has expired, the speaker may either ask leave to continue his speech on another occasion, or move the postponement of the orders of the day, until after its conclusion, 773a; or he may ask leave to continue his speech on the present occasion, 8108
- To ask a question on the motion for adjournment is to exercise the right of speech, 1289
- An inquiry by a member on a motion forms part of the debate, 8110
- A member is only entitled to speak to a formal motion of adjournment for the prescribed time, 3349, 5752
- Where a member was understood by the Chair to rise only for the purpose of making a personal explanation he cannot proceed to discuss the question, but must await his turn to be heard, 4231-2
- After the mover of a motion has commenced his reply a member who has not spoken to the question cannot speak except by leave, 4690-1
- When the mover of a motion has replied, no further speeches are allowable, 5589
- Where one member moved the recommittal of certain clauses of a Bill, and another member concluded his speech on the motion by moving an amendment, and the debate being confined to the amendment until it was disposed of, the only members who cannot speak to the motion when the debate is resumed are those two, 4522
- When a member asks for an adjournment of the debate, and proceeds to say that he will offer only a few remarks, he is held to have begun his speech on the question, 5859
- A member cannot speak to a motion which has been withdrawn by leave, 6478
- No member, whether the Prime Minister, or any other, has any right to make a statement, without the leave of the House. There must be some matter before the Chair to enable any member to speak, 6884
- The mover of a motion is not enabled to answer a question by any speaker until he exercises his right of reply, 8016
- The rights of the mover and seconder of a motion to adjourn a debate are not interfered with when the motion is negatived, 8551
- Rulings.*—A member ought either to observe the ruling of the Chair, or to move that it be disagreed with, 4247-8, 6888
- Select Committees.*—After a motion for appointing a Select Committee has been moved no substitution of a name may be made, except by way of amendment, 1313
- Unless a Select Committee has obtained leave to report the minutes of evidence from time to time, its proceedings cannot be reported in the press, 1524
- Standing Orders.*—Any motion that would violate the terms of a standing order could not be accepted by the House, 685
- On a motion to suspend the Standing Orders to discuss a matter of urgent necessity, the mover may proceed until the Chair should find it necessary to interpose, 4141, 4145-7
- It is quite competent for the House to suspend the Standing Orders for one purpose or for more than one, 4149

**RULINGS.—Speaker, Mr.—continued.**

- The debate on a motion to suspend the Standing Orders is restricted by standing order 119, 4155
- A motion to suspend the Standing Orders may, by leave, be moved without notice, 4542, 7510
- The suspension of the Standing Orders should not be moved until the necessity has arisen, 7438
- Strangers.*—By leave, a distinguished stranger may be invited to take a seat within the Chamber, 6088
- See HOLDER, Sir F. W.
- Speaker, Mr. Deputy.**
- Section 36 of the Constitution does not prevent the Chairman of Committees from relieving the Speaker in the chair during a sitting of the House, 686
- Anticipating Discussion.*—On a motion for the House to adjourn to an unusual date a member may refer to the work which might otherwise be done, but he cannot discuss the business on the notice-paper, 3893
- Subpœna to Clerk.*—By leave of the House the Clerk or an officer of his staff may obey a subpœna from a Court to attend and produce a writ, 2466
- See SALMON, Hon. C. C.
- Chairman of Committees.**
- Anticipating Discussion.*—A member cannot anticipate the discussion of a notice of motion, 6008-9, 6025, 6303, 6314-5, though an incidental reference to the subject may be made, 6016, 6143
- By leave, a Minister may make a statement before the Estimates of his Department are reached, 6383
- It is out of order to anticipate the discussion on a clause, 2625; or an item in the Estimates, 6429; or an amendment, 7562, 7961
- Bills.*—An amendment cannot be moved in a portion of the clause preceding that with which the Committee is dealing; it may be moved at a later stage, 2197
- An amendment cannot be withdrawn except by leave, 2289; or if one member objects, 7350
- An amendment cannot be altered by the mover if one member objects, 7540
- If it is the pleasure of the Committee, a clause may be put paragraph by paragraph, 2384
- If an amendment to an amendment is relevant it is in order, 2850, 2990
- An amendment to omit words precludes the moving of an amendment to amend these words, 3940
- The Committee on a Bill is not bound by the result of a ballot in the House as to the filling of a blank in a clause, 3947
- The insertion of a new clause cannot be moved until the clauses in the Bill have been disposed of, 4677
- An amendment to a proposed new clause must be disposed of before another amendment can be moved, 7350
- An amendment involving the same question as a previous amendment cannot be moved in the same Committee, 7539

RULINGS—Chairman of Committees—*continued.*

Only that part of a clause which has not been agreed to is open to amendment, 7546  
 Once an amendment to the later part of a question is moved, the earlier part cannot be amended, 7557; except by concurrence, 8356  
 A proposition to limit the operation of a clause should be moved as a proviso to that clause, and not as a new clause, 7558  
 It is not competent for the Committee to give definitions to those parts of a Bill to which the Senate has agreed, 7985  
 Where an amendment of the Senate takes the form of a proviso to a clause, only the proviso is open to amendment. A proposal to add to a proviso words which travel beyond its scope, is out of order, 7989, but it may be brought in order by a decision of the Committee against the ruling of the Chair, 7989  
 Misprints in Bills need not be altered by motion, 8218  
 It is competent for a member to move any amendment to the short title of a Bill which is not contrary to the principle, 8219  
 It is not in order to move to amend "manufactures" by inserting the letter "r" before the letter "s"; the substitution of "manufacturers" for "manufactures" should be moved, 8219  
 It is not in order to alter the destination of proposed bonuses, 8220  
*Debate.*—On an amendment to an amendment the remarks of a member should be confined to the question, 2908, 2912, 7537; except where the words proposed to be inserted in the amendment convey no meaning by themselves, 3012  
 When it is understood by the Chair that a member intends to conclude with an amendment which will necessitate the withdrawal of the amendment before the Committee the rule of relevancy is not enforced, 3971  
 A member may read a newspaper while another member is addressing the Committee, 1992  
 When an amendment is pending, so much of the clause as has not yet been agreed to is open for discussion, 2048  
 A motion as to the expediency of making an appropriation for the purposes of a Bill may be debated, 2239  
 On a motion to report progress a member may discuss the Bill before the Committee, 2648  
 The denial of a member should be accepted, without comment, 2745, 7951  
 The conduct of the Chief Justice of New South Wales ought not to be discussed, 2645, 2808  
 A member is entitled to discuss a matter which is likely to come within the scope of an amendment to an amendment, 2902  
 A member who has been called by the Chair may give way to another member, 2991  
 Ordinarily only the clause before the Chair may be discussed; but with consent a general discussion may take place on the first clause of a new part proposed to be introduced into the Bill, 3094  
 When the discussion on the merits of the sites proposed for the Seat of Government is concluded progress with the Bill must be reported, and a ballot then taken, 3618

RULINGS—Chairman of Committees—*continued.*

A member should not be referred to by his name, 3859, but by the name of his constituency, 7447  
 The front bench on the right hand of the Chair is reserved for Ministers, 3949. A member may occupy any convenient seat on any other bench, 7967  
 A member should not adopt the interrogative form of speech, 3969, 7188  
 A speaker has no right to ask categorical questions of members, 6014  
 A member may reply to any statements made in debate so long as he keeps within legitimate limits, 6016  
 The rule as to relevancy applies to an item in the Estimates, 6303, 6318-9, 6598, 6644, 6752, or to a division, 6745, 6748, 7029, 7327  
 On the vote for the Public Service Commissioner a member may not discuss the salaries paid to officers, save in regard to the increases for which the classification scheme provides, 6430, 6610  
 When the Estimates for a Department are being taken in sub-divisions, the rule of relevancy applies; but with concurrence the sub-divisions may be put as one, and a general discussion may take place, 6625  
 A matter cannot be discussed on a division of the Estimates which does not provide for any expenditure therefor, 6631  
 Although the Chair has acquiesced in an irregular discussion on the first item in the Estimates for a Department, it cannot allow irrelevant questions to be discussed, 6710, 6725, 6737, 6742, 6744, 6748.  
 Irrelevant discussion is not permitted on a motion to dissent from a ruling, 6749  
 The Chair cannot accept a motion that a member be no further heard, 6750  
 Continued irrelevance or tedious repetition by a member may be reported by the Chair to the Committee, 6751  
 Mr. Webster is guilty of tedious repetition, 6752, and on the ground of continued irrelevance and tedious repetition is directed to discontinue his speech, 6753. He may appeal to the Committee against the direction of the Chair, but the question that he be further heard cannot be debated, 6753. The responsibility for taking this action rests with the Chair, 6759  
 The Chair cannot intervene until an offence has been committed, 6770  
 Members should conclude their inquiries before the Minister replies, 7028  
 The principle of a Bill should not be discussed on an amendment to a clause, 7565  
 A vote on an amendment to alter the wording of an amendment to a clause does not decide the whole question, 7563  
 A discussion as to the Senate's amendments in a Bill ought not to take place in the absence of a motion, 7621, 7632. The discussion may be of a general character, 7643, but confined to the amendments, 7657, 7748, 7752. Afterwards, a member must confine his remarks to the particular amendment before the Committee, 7835, 7846, 7852-3, 7854, 7855, 7887, 7889, 7950, 7966-8, 7972, 7974, 7995-6.

**RULINGS—Chairman of Committees—continued.**

There can be no discussion without a question being submitted to the Committee, 8600

A member in his speech is allowed incidentally to ask questions of Ministers, but not to ask categorical questions in regard to an irrelevant matter, 8612

*Divisions.*—A member calling for a division must vote with those who, in the opinion of the Chair, were in the minority, 2202

*Interruptions.*—Conversations, 1135, 2551, 2711, 4528, 6244, 6700, 8613; interjections, 2042, 2435

A request from the Chair for order should be complied with by every member, 2562, 2682, 2711, 2742

It is out of order for a member to anticipate his speech on the question by interrupting the speaker, 3841, 7187-8

A member cannot interrupt the speaker in order to correct a statement, 4268

Questions ought not to be put to the Treasurer during the delivery of the Budget speech, 5675

*Language, Parliamentary.*—It is not out of order to say "it is a disgrace to allow a man who is distrusted in that way to appoint a Commission like this," 7447; or to ask who prepared a member's brief, 7747; or to use the term "brutal majority," when stating a supposititious case, 7866

*Language, Unparliamentary.*—It is out of order to say that the statement of another member is untrue, 1204, 2804, 7240, 7453, 7463, 7755; or a malicious libel, 1950

to remark that a member has made a statement which he knows to be incorrect, 2453, 7755

to assert that a member did not believe one word that he said, 1814; had organized a big strike, 1950; is a sham, 2079; or a paid agitator, 2566; or is acting unjustly, 3818; or played a contemptible part, 7462 to characterize the action of a member as dirty and contemptible, 2243; or foul and contemptible, 2567

to reflect on the Chair, 2009; or any member, 2079, 8603; or a vote of the House, 3988; or a decision of the Committee, 8615

to say that any members are throwing dust in the eyes of the workers, 2908; or wasting time in discussing an item, 6431; or are not in a fit state to discuss the Estimates, 6768; or are called upon to rob the public, 8221

to apply to a member the word "untruthfully," 3629

to convey a threat of obstruction, 6751

to instruct the Chairman as to his duty, or to contradict him, 6752

to describe any members as howling dingoes, 6749; or as a pack of dingoes, 6769; or as a brutal majority, 7866

to speak of a member as "that man," 7447

to reflect on members who supported a point of order, 8006

to say that a Bill has been carried up to its present stage only by trickery and misrepresentation, 8220

to describe a Bill as a political job, or to say that it has all the appearance of a political job, 8221

**RULINGS—Chairman of Committees—continued.**

to refer to expressions which have been withdrawn, 8224

to ascribe to another member intentions by which he says he is not governed, 8225

A member should withdraw a remark which, to another member, is distasteful, 1950, 2240; or objectionable, 2009, 7453; or offensive, 2240, 7755; or is regarded as a personal reflection, 7855

An unparliamentary remark must be withdrawn, 2009, 2079; and its withdrawal must be unconditional, 2009, 3630, 8221; and without implication, 6769; or qualification, 7453

*Points of Order.*—A second point of order cannot be taken until the first is decided, 2566

Where a matter has been referred by the House to a Committee for consideration it is not competent for the Chair to entertain an objection that it anticipates the discussion on an order of the day, 7421

*Questions to the Chair.*—Any member has the right to seek information from the Chair by means of a question, 2202

*Quotations and References.*—A member cannot refer to a question which has been dealt with by the Committee, 2908; or to the position of a Bill in the Senate, 6764

Unless an extract is pertinent to the question before the Committee it cannot be read, 3371, 7752

Only incidental references may be made to a matter not relevant to the question before the Chair, 6012; but an incidental reference by one member cannot be discussed by another, 6318

A member can only quote those portions of an Act which affect an officer whose salary is being discussed, 6751

It is out of order to read an extract referring to a debate in the House during the same session, 6763

*Right of Speech.*—A member cannot be heard after the question has been put to the Committee, 1731; but if the leader of the House has no objection the question may be put again from the Chair, and any member who rises may be heard, 1732

The practice of the Chair has been to keep a list of intending speakers, and call on a member from each side alternately, 2583; but in future no lists will be kept, and the parliamentary rule will be observed, 2650

*Rulings.*—The substance of a ruling should be embodied in a motion of dissent, 6748

A direction to a member to discontinue his speech is not a ruling or decision, and, therefore, a motion of dissent cannot be moved, 6753, 6757

The withdrawal of a point of order as to the relevancy of an amendment does not absolve the Chair from giving a ruling, 7988

An objection to a ruling is required by the standing order to be decided by the Committee; but if it is so desired Mr. Speaker's opinion on the point of order may be obtained, 7989

*Supply.*—Where it is the desire of the Committee an amendment to reduce the proposed vote for a subdivision will not preclude the moving of an amendment to an item therein, 5982

**RULINGS—Chairman of Committees—continued.**

The consideration of a question which has been stated from the Chair cannot be postponed, 6312

By concurrence votes may be taken on divisions, 6743, or the subdivisions of a division may be put separately, 6746, 7219

*Ways and Means.*—Where two motions have been proposed at the same time they will be put separately if desired by any member; but if put together it would not prevent the introduction of separate Bills, 7443

See SALMON, Hon. C. C.

**TRADE AND CUSTOMS.****ADMINISTRATION.***House of Representatives:*

*Obs.* by Mr. Crouch, 832

Questions by Mr. Dugald Thomson as to delay in passing entries, Sydney, 1351; as to tonnage of foreign shipping, 1351

Question by Sir J. Forrest as to preparation of annual reports on, 2539

Question by Mr. Carpenter as to complaints by Chamber of Commerce, Fremantle, 3329; *obs.* by Mr. Watson, 3471

Question by Mr. Lonsdale as to revenue in New South Wales and Victoria, and salaries of officers in those States, 3395

Question by Mr. Hutchison as to bottling of imported spirits, 4140, 8590

Question by Mr. Bamford as to Sunday work at Flat Top, 4630

Question by Mr. Lonsdale as to exemption of temporary officers, 5591

*Senate:*

Question by Senator Pearce as to seizure of Japanese goods, 7364, 7574

**AGRICULTURE.***House of Representatives:*

Motion by Sir J. Quick as to Federal Department of, 3035; debated, 3045, 5862, 6491; motion agreed to, 6505

Question by Mr. Higgins as to legislation in interests of producers, 4630

Question by Mr. Phillips as to patent rights for nitrogen fertilizer, 6833

Question by Mr. Webster as to remedy for rust in wheat, 6699

**APPLES.***House of Representatives:*

Question by Sir J. Quick as to losses on London sales, 3450

**BILLS OF LADING.***House of Representatives:*

Question by Mr. McWilliams, as to legislation dealing with bills of lading for perishable produce, 5851; by Sir J. Quick, 6382

See **Bills.**

**BUTTER.***House of Representatives:*

Question by Mr. Isaacs as to constituting Victorian Royal Commission a commission under Federal law, 2314

**TRADE AND CUSTOMS—continued.**

Question by Mr. Kennedy as to statement by Victorian Director of Agriculture regarding export of, 2368

**COASTWISE TRAFFIC.***House of Representatives:*

Question by Mr. Kelly as to subsidized service between Fremantle and Geraldton, 2251, 3672, 3934

Questions by Sir J. Forrest, as to coastwise cargo and passengers, 2799, 2959

Questions by Sir J. Forrest withdrawn, 3172

**COINAGE AND THE DECIMAL SYSTEM.***House of Representatives:*

Question by Mr. G. B. Edwards as to Commonwealth decimal system of currency, 172; *obs.* as to correspondence relating to, 1736; by Mr. Watson, 2184; question by Mr. G. B. Edwards, 6918

Motion for legislative action, 1610, 2371; amendment, 2381; motion as amended agreed to, 2382

Question by Mr. Bamford as to seignorage on silver coined in England, 7489, 7523; by Mr. Watson, 7716

*Obs.*, 7806-11

*Senate:*

Question by Senator Smith as to intentions of Government in regard to silver coinage and decimal system, 6279, 6325

**CONCILIATION AND ARBITRATION.***House of Representatives:*

*Obs.* by Mr. McDonald as to supply of copies of Bill relating to, 26

*Obs.* by Mr. Dugald Thomson as to Bill relating to, 756; by Mr. Watson, 757, 1735, 2311; by Mr. Deakin, 757; by Mr. Mauger, 2307; by Mr. Knox, 3068; by Mr. Reid, 3070

*Expl.* by Mr. Willis, 2521

Question by Mr. Crouch as to statement of Minister for Trade and Customs, 1042

Question by Mr. Hutchison as to resolution by Adelaide Chamber of Commerce, 2247

Question by Mr. Carpenter as to *Argus* report of observations by Sir J. Forrest, 2428; *obs.* by Sir J. Forrest, 2428

*Senate:*

*Obs.* by Senator O'Keefe as to pairing Senator Keating on amendment of Bill, 6881

See **Bills.**

**CONTRACTORS.***House of Representatives:*

Question as to policy of Government in regard to preference to local contractors, by Mr. Crouch, 4403, 5590; *expl.* by Mr. Crouch, 4695; question by Mr. B. Smith, 5590, 5852; *expl.* by Mr. B. Smith, 5753; *obs.* by Mr. Reid, 5610; *obs.* on *adjt.*, 5738-57

Question by Mr. Fisher as to advantage to foreign tenderers, 6699, 7522, 8591

TRADE AND CUSTOMS—continued.

COTTON INDUSTRY.

*House of Representatives:*

Question by Sir J. L. Bonython, 5630

*Senate:*

Question by Senator Higgs as to statement by Minister, 6975

CUSTOMS OFFICERS.

*House of Representatives:*

Question by Mr. Frazer as to Customs officers, Broome, 587

Question by Sir J. L. Bonython as to salaries of landing waiters, 809

Question by Mr. Willis as to papers relating to dismissal of Messrs. Hendrick and Hemming, 2183; by Mr. Kennedy, 2251

Question by Mr. Lonsdale as to salaries, 3395

Question by Mr. Lonsdale as to temporary officers, 5591; by Mr. Poynton, 7411

*Senate:*

Question by Senator Smith as to prosecution of for fraudulent Customs entries, 2856

Question by Senator Pearce as to Customs officials, Broome, 5704

CUSTOMS COLLECTIONS.

*Senate:*

Questions by Senator Macfarlane as to refunds to Tasmania, 232, 543

CUSTOMS PROSECUTIONS.

*House of Representatives:*

Question by Mr. Crouch as to placing copies of evidence relating to, on table of House, 759

Question by Mr. Hughes as to costs debited to Victoria, 7175, 7218

Question by Mr. Tudor as to prosecution of fish importers, 7523

DRAWBACKS.

*House of Representatives:*

Question by Mr. Wilkinson, 2959

DUTIES:

*House of Representatives:*

Questions by Sir W. Lyne as to claim for refund by Mr. Sandford, 5590, 7115, 7489

Question by Mr. Maloney as to electrical rheostats, 6919

Question by Mr. Chanter as to refund of duty on portable engine, 7113

Question by Mr. Liddell as to admitting non-inflammable flannelette at reduced duty, 7948

Questions by Sir L. Bonython as to duty on advertising matter, 7173; by Mr. Mauger, 8092

*Senate:*

Question by Senator Fraser as to duty on parts of reapers and binders, 1464

Questions by Senator Turley as to duty on China oil, 6279, 6432, 6650, 7256, 7573, 7890; *obs.*, 8367, 8376

TRADE AND CUSTOMS—continued.

FREIGHTS.

*House of Representatives:*

Question by Mr. Crouch as to cheaper freights for compressed fodder, &c., 5852

GERMAN TRADE IN THE PACIFIC.

*Senate:*

Question by Senator Higgs as to reprisals on Germany for refusing to allow British vessels to trade with Marshall Islands, 7255

*Obs.* by Senator Smith, 7941; by Senator Higgs, 7943

Motion affirming that the Government should take steps to counteract efforts of the German Government to establish a monopoly for German traders in their Pacific Islands, by Senator Smith, 7365-72

*House of Representatives:*

Question by Mr. Watson as to refusal of German authorities to allow British ships to trade with Marshall Islands, 6595

IMPORTS AND EXPORTS.

*House of Representatives:*

Questions by Mr. Dugald Thomson as to British imports, 666, 759; motion for return as to, 719

Motion by Mr. G. B. Edwards for return as to imports from and exports to Canada, South Africa, New Zealand, Fiji, and New Hebrides, 881

Question by Mr. Mauger as to imports of infants' shoes, 2897

Question by Mr. Crouch as to exportation of hides, sheepskins, and rugs, 2370

Question by Mr. Chanter as to importation of chilled pork, 3072

Question by Sir J. Quick as to report recommending Federal depôt for exported produce in London, 3573

Motion by Mr. Maloney for return as to imports of strippers and harvesters, 6211

*Senate:*

Questions by Senator Pearce, as to importation of cigars, Victoria, 353; as to exports of leather, 2748

Question by Senator Smith as to imports of butter substitutes, 543

Motions by Senator Pearce, for return as to value of certain imports, 3224; that return be printed, 4328

Question by Senator Millen as to invoice price of imported harvesters, 6786

Question by Senator Higgs as to export tax on greasy wool, 6976

INDUSTRIALISM AND EDUCATION:

*Senate:*

Question by Senator Dobson as to report of Moseley Commission, 1736

INDUSTRIAL LAWS.

*House of Representatives:*

Motion by Mr. Mauger as to uniform industrial laws, 3452



TRADE AND CUSTOMS—*continued.*

## INTER-STATE CERTIFICATES :

*Senate :*

Question by Senator Keating as to simplification of, 1105

## INTER-STATE TRADE :

*House of Representatives :*

Question by Sir W. Lyne as to spirits, 329a

## IRON BONUS AND IRON WORKS.

*House of Representatives :*

Question by Mr. Thomas as to circulation of report of Iron Bonus Commission, 171.

Question by Mr. J. Cook as to Bill relating to, 288; by Sir W. Lyne, 3328; *obs.*, 3526; by Mr. Watson, 3527; by Mr. Webster, 5589; *obs.*, on motion for *adj.*, 5895-5902

Questions by Sir W. Lyne as to action by States, 2017, 2371, 3072; as to further consideration of Bill relating to, 6698, 7716, 7945, 8090-1, by Mr. Reid, 8230

*Obs.* on further consideration of Bill relating to, 7718-30; by Mr. Reid, 8018, 8230; by Mr. Watkins, 8019

*Expl.* by Mr. Salmon, 8225

*Senate :*

Motion by Senator de Largie as to establishment of iron works by the Commonwealth, 947, 1293; motion agreed to, 1296

## MEAT.

*House of Representatives :*

Question by Mr. Kelly as to frozen or tinned meat for Japan, 3754

## LOCOMOTIVE TENDERS.

*House of Representatives :*

Questions by Sir William Lyne and Mr. Glynn as to tenders and wages paid, 7944

## NAVIGATION AND SHIPPING.

*Senate :*

Question by Senator Pulsford as to newspaper forecast of provisions of Bill, 542  
Question by Senator Pearce as to survey of Western Australia, 8181

*House of Representatives :*

*Obs.* as to extending scope of commission on Bill relating to, 2245, 2246

Questions by Mr. Johnson as to appointment of additional members of Commission, 2466; by Sir J. Forrest, 2467; by Mr. Thomas, 2659; *obs.* by Mr. Dugald Thomson, 2659

Questions by Mr. Knox as to purposes of Commission, 2467; by Mr. Glynn, 2468; *obs.* on Supply motion, by Mr. Watson, 2602; by Mr. Wilks, 2606

Motion by Mr. McWilliams that navigation clauses proposed to be added to Conciliation Bill be remitted to Navigation Bill Commission, 3254, 3460; Order of the Day discharged, 6505

TRADE AND CUSTOMS—*continued.*

Question by Mr. G. B. Edwards as to appointment of shipping patrol officers, 3811

Questions by Mr. Mauger, Mr. Hutchison, Sir John Forrest, and Mr. McDonald, as to Sunday work in connexion with shipping, 7945-47

## NEW HEBRIDES.

*Senate :*

Motion by Senator Smith that Bill be introduced providing for rebate of duties, 3646; debated, 4083

*House of Representatives :*

Question by Mr. Willis as to trade with, 171

Question by Mr. Johnson as to rebate of duties, 3672

## OPIUM.

*House of Representatives :*

Question by Mr. Johnson as to importation of opium, 761, 1299; as to communications from States' Premiers relative to traffic in, 2370

## PATENT OFFICE.

*House of Representatives :*

Question by Mr. Wilkinson as to administration, 290

Question as to appointments by Mr. Kennedy, 491; motion by Mr. Robinson, 719

Questions by Mr. Johnson as to applications for patents, and proclamation of Act, 1122; as to removal of New South Wales' register, 3397

Question by Sir J. L. Bonython as to position of holders of State patents, 2886

Question by Mr. Deakin as to provisional patent regulations, 5591; as to publications to be issued, 7522

Question by Mr. Harper as to delay in dealing with applications for provisional patents, 7411; by Mr. Thomas, as to time occupied in examining provisional applications and publication of information, 7717; by Mr. Glynn, as to expediting final acceptance of applications, 8093

*Senate :*

Question by Senator Pearce as to appointment of officers, 1292

## PILOTAGE.

*House of Representatives :*

Questions by Sir J. L. Bonython as to Victorian pilotage, 171, 288

## PREFERENTIAL RATES.

*House of Representatives :*

Question as to abolition of preferential railway rates, by Mr. Glynn, 666, 2105, 3246; Mr. Dugald Thomson, 988

Question as to report of States Commissioners on preferential railway rates, by Mr. Hume Cook, 1673

Question by Sir W. Lyne as to Victorian railway rates for coal, 2658, 5846; by Mr. Watkins, 5846, 5970

Question by Mr. McWilliams as to uniform wharfage rates, 3934

TRADE AND CUSTOMS—continued.

*Senate:*

- Question by Senator Macfarlane as to legislation relating to preferential wharfage rates, 543
- Question by Senator Dobson, as to preferential railway rates, and action of Western Australia, 856a

PREFERENTIAL TRADE.

*House of Representatives:*

- Obs.* on Address-in-Reply, 17-675
- Obs.* as to, with South Africa, by Mr. G. B. Edwards, 133; question by Mr. McWilliams, 1184
- Questions as to Imperial Conference to consider, by Mr. Deakin and Mr. Watson, 393a; by Mr. Hume Cook, 5630
- Obs.* on ministerial statement, 4347-4460, 6204-6; on motion of no-confidence, 4777-5507
- Questions as to consideration of motion relating to, by Mr. McDonald, 6564; by Mr. Hutchison, 6698; by Sir William Lyne, 7409, 7716, 8090
- Obs.* by Sir William Lyne, as to amendment on formal supply motion, 7138
- Obs.* as to consideration of motion relating to, by Mr. Deakin, 6255; by Mr. Reid, 6256, 8018, 8230; by Mr. Webster, Mr. Watkins, Mr. Maloney, and Mr. McDonald, 8019
- Obs.* on motion that Government business take precedence of general business, 7718-28
- Motion by Mr. Deakin, in regard to, 8094; debated, 8333, 8476; motion that debate be adjourned, moved and debated, 8549; agreed to, 8552
- Obs.* on motion that debate be adjourned, 8110-1, 8350-4
- Question by Mr. Bruce Smith, as to further consideration of motion by Mr. Deakin, 8306

*Senate:*

- Obs.* on Address-in-Reply, 24-396; amendment by Senator Dawson, 359-377; on ministerial statement, 4332-83
- Notice of motion by Senator Pulsford, 7357
- Obs.* on first reading of Appropriation Bill, 8169-86
- Obs.* by Senator Stewart, 8231
- Motion by Senator Pulsford, 8231

QUARANTINE.

*Senate:*

- Question as to creating Department of, by Senator Walker, 353

*House of Representatives:*

- Question by Mr. J. Cook as to report of conference, 3393
- Question by Mr. McColl as to taking Federal control by proclamation, 3574

SHIPS: RE-MEASUREMENT.

*Senate:*

- Question by Senator Pulsford as to Spanish and French ships, 3529

TRADE AND CUSTOMS—continued.

SHIPS' STORES.

*House of Representatives:*

- Questions by Mr. Watkins as to taxation of, 403; as to distinction between over-sea and coastal vessels, 2520; by Mr. Conroy, as to revenue derived from, 2370; as to abolition of, 2469
- Question by Mr. Johnson, as to *Queen Helena*, 7407

SPOTTED FEVER.

*House of Representatives:*

- Question by Sir J. L. Bonython as to outbreak of, 1896

STATISTICS.

*House of Representatives:*

- Question by Sir J. Forrest as to statistical reports, 2696

SUGAR INDUSTRY.

*House of Representatives:*

- Question by Mr. Bamford as to statement of Minister of Trade and Customs regarding employment of Chinese, 4401; as to cane-field inspectors, 6382
- Question by Mr. Fisher as to continuance of Sugar Bounty Act, 5589; as to statement by Mr. A. Gibson, 7112
- Obs.* as to communication from Premier of Queensland, 6595
- Question by Mr. B. Smith as to verification of returns as to production of sugar by white and black labour, 6202; *obs.* by Sir G. Turner, 6381
- Motion by Mr. McWilliams for return as to Queensland Sugar Mills, 7021
- Question by Mr. Glynn as to continuation of bounties and excise, 7113, 7173; as to reduction of import duty, 7948

*Senate:*

- Motion by Senator Givens as to desirableness of amending laws affecting the sugar industry, 6153; debated, 6171, 7069; *q.* as to statements at North Queensland Sugar Conference, 7256
- Question by Senator Higgs as to revenue received and bounties paid, 6975
- Expl.* by Senator Walker, 7356; question as to appointment of Commission, 8168

TARIFF—ROYAL COMMISSION.

*Senate:*

- Obs.* on first reading Appropriation Bill by Senator Dobson as to casting vote of Chairman of Commission, 8185

*House of Representatives:*

- Motion by Mr. H. Cook as to re-adjustment, 3877; debated, 6210
- Obs.* on motion of no-confidence, 4785-5531
- Obs.* by Sir G. Turner in Budget Statement, 5673
- Obs.* on amendment by Mr Isaacs, on supply motion, 5972-6111
- Obs.* on *int.* Appropriation Bill, 7441-65; on motion to adjourn debate on third reading of Appropriation Bill, 8147-55

TRADE AND CUSTOMS—*continued.*

- Obs.* by Mr. Reid as to announcement in regard to the scope and *personnel* of Commission, 7524  
 Question by Mr. Isaacs, postponed, 7522; question by Sir W. Lyne, 7409  
 Question by Mr. Hutchison as to reported consideration of *personnel* of Commission by the Labour Party, 8093  
*Obs.* by Mr. Isaacs as to terms of Commission, 8617; by Mr. Deakin, 8618  
 Questions by Mr. Isaacs as to appointment of Royal Commission, 5630, 7217, 7619  
 Question by Sir J. L. Bonython, as to representation of States on Commission, 6595; by Mr. Thomas, as to reasons for delay in appointing Commission, 7206; by Mr. O'Malley as to reported *personnel* of Commission, 7716

## TOBACCO INDUSTRY.

*Senate:*

- Motions by Senator Pearce as to national monopoly in tobacco and appointment of Select Committee, 649, 1296; to extend time for Select Committee's report on, 2797, 3170, 4028, 4354, 5805, 7069; to admit press, 2857  
 Question by Senator Dobson as to inquiries of Committee in view of High Court decision, 8362, 8561

*House of Representatives:*

- Question by Sir William Lyne as to converting Committee into Royal Commission, 6564  
 Message from Senate requesting concurrence in resolution, 1331  
 Motion by Mr. Frazer that Committee concur in Senate's resolution moved, 6833; debated, 7412, 7740  
*Obs.* by Mr. Frazer as to further consideration of Senate's message, 7727, 8229; by Mr. Kelly, 8229  
 Motion by Mr. Batchelor for appointment of Royal Commission in regard to tobacco industry, 5853; debated, 5859, 6209  
 Question by Mr. Knox as to use of refuse tobacco by orchardists, 2371

## TRADE MARKS.

*House of Representatives:*

- Question by Mr. Poynton as to *Age* article on Bill relating to, 1896  
 Question by Mr. Watson as to consideration of Bill, 6697; *obs.*, 8229; by Mr. Isaacs, 8229; by Mr. Reid, 8230

*Senate:*

- Question by Senator Pearce as to Bill relating to, 5902, 6649

## WEIGHTS AND MEASURES.

*Senate:*

- Question by Senator Smith as to legislation in regard to metric system of, 6325

## TREASURER.

## AUDITOR-GENERAL.

*House of Representatives:*

- Receipt of annual report announced, 8552

TRADE AND CUSTOMS—*continued.*

## BANKING RETURNS.

*House of Representatives:*

- Question by Sir J. Forrest as to printing and distribution of, 2537

## BUDGET.

- Budget Statement delivered by Sir G. Turner, 5631; debated, 5972, 6099, 6221

## COMMONWEALTH STOCK.

*House of Representatives:*

- Question by Mr. Dugald Thomson as to placing of, on list of British trust investments, 585

## COUNCIL OF FINANCE.

*House of Representatives:*

- Obs.* as to printing of paper by Mr. Knox on Council of Finance, 6479; *expl.* by Mr. Knox, 7175  
 Motion by Mr. Knox for establishment of, 6481

## ESTIMATES OF REVENUE AND EXPENDITURE.

*House of Representatives:*

- Obs.* by Mr. Watson as to Supplementary Estimates, 1903-4, 2016  
 Message from Governor-General transmitting Supplementary Estimates, 1903-4, and Supplementary Estimates for Works and Buildings, 1903-4, 2123  
 Message from Governor-General transmitting Estimates of Revenue and Expenditure for additions new works, and buildings, for year ending 30th June, 1905, and recommending appropriations accordingly, 5629

## FEDERAL EXPENDITURE.

*House of Representatives:*

- Question by Mr. Hutchison as to remarks by Mr. Foster, South Australia, 3394  
 Question by Mr. Mahon as to law officer's opinion on decision to charge "Other" Expenditure on a population basis, 6207

## GOVERNMENT BUILDINGS.

*House of Representatives:*

- Motion by Mr. Hume Cook as to fire insurance premiums paid, losses sustained, 2697

## GOVERNMENT PRINTING.

*House of Representatives:*

- Question by Mr. Page as to overtime in Government Printing Office, 2369

*Senate:*

- Question by Senator Higgs as to linotype operators, 7892

## LIFE ASSURANCE.

*House of Representatives:*

- Motion by Mr. Hume Cook as to establishment of Commonwealth Life and Accident Assurance Department, 990, 3248; question as to proposals of French Government, 1395  
 Question by Mr. Batchelor as to consideration of Bill relating to, 8200

**TREASURER—continued.**

*Senate:*

Question by Senator Pearce as to Bill relating to, 8362

**OLD-AGE PENSIONS.**

*House of Representatives:*

Question by Mr. Chapman as to Government policy in regard to, 4496; *obs.* as to motion for appointment of Select Committee, 4681; motion for appointment of Select Committee, 5861; for leave to report minutes of evidence from time to time, 6297

Motion by Mr. O'Malley as to formulation of national scheme, 7115; debated, 7121

Question by Mr. O'Malley as to further consideration of motion relating to, 8229

*Senate:*

Question by Senator Neild as to Government action in regard to, 940

Motion by Senator Pearce, 649, 1296

Motion by Senator Neild reaffirming previous resolution as to Commonwealth system of old-age pensions, 6432

**PAYMENT OF SALARIES.**

*House of Representatives:*

Question by Mr. Ronald as to fortnightly payments, 4631

**PUBLIC ACCOUNTS COMMITTEE.**

*House of Representatives:*

Question by Mr. G. B. Edwards as to appointment of, 3393

**PUBLIC DEBT.**

*House of Representatives:*

Question by Mr. Hume Cook as to consolidation of, 3246

**REVENUE.**

*House of Representatives:*

Question by Senator Macfarlane as to statement by Mr. Philp in regard to Customs revenue of Queensland, 5795

**SERVICES TO STATES.**

*House of Representatives:*

Question by Mr. Robinson as to claim upon Victorian Government and reasons for, 3933

**TREASURER—continued.**

**SUPPLY.**

*House of Representatives:*

Attorney-General, 2168, 6396

Defence, 2170, 6889, 6920, 7021, 7235

External Affairs, 2168, 6251, 6300, 6383, 7323

Home Affairs, 2168, 6397, 6593, 6596

Trade and Customs, 2168, 6700, 7234

Parliament, 2123, 6242

Post Office, 7035, 7139, 7176, 7218, 7236, 7240

Treasury, 2168, 6783

Motions relating to the services of the year 1903-4 adopted, 2171

Motion by Sir W. Lyne to set up committee of, 683

Motion (formal) to set up committee of, negatived, 1914

*Obs.* by Mr. Watson as to Bill relating to, 2695

Motion by Sir G. Turner that Standing Orders be suspended, to allow a motion for resumption of Committee of Supply without notice, 6477; motion withdrawn, 6478

Motion to postpone Orders of the Day so as to allow of resumption of proceedings in Committee of Supply, moved and debated, 6565; agreed to, 6583; motion to resume proceedings in Committee of Supply, 6583, and agreed to, 6593

Resolutions reported, 7329; adoption of resolutions moved, 7438; and agreed to, 7441

**TREASURER'S ADVANCE ACCOUNT.**

*House of Representatives:*

Question by Mr. Mahon as to cost of entertaining Duc D'Abruzzi, 6595

**TREASURER'S CONFERENCE.**

*House of Representatives:*

Question by Mr. Mahon as to opinions of Mr. Gardiner, Treasurer, Western Australia, 289

**WAYS AND MEANS.**

*House of Representatives:*

Motion by Sir W. Lyne to set up committee of, 684

Motions relating to the year 1903-4 adopted, 2171

Motions relating to the year 1904-5, 7441















